

Risk Monitor



Techniques to Investigate Workplace Injuries

Every employer should be prepared to conduct their own on the spot workplace injury investigation. In cases of serious injury, or injuries of a questionable nature, early intervention by the employer is essential. By being proactive, an employer can more readily reduce their liability to exposure by preventing a situation from spiraling out of control rather than engaging in a costly court action.

The main reasons to investigate are:

- This is your only opportunity to conduct your own discovery into the cause or legitimacy of the injury while the incident is fresh.
- Allows you to obtain the witness versions of the incident before details are forgotten, in some instances to prevent possible deception or collusion.
- Provides the best opportunity to understand the underlying cause of the incident and to make an informed management decision.

Understanding How to Conduct an Investigation

Every investigation is really nothing more than a step-by-step logical process. You are best served to have specific individuals designated to perform the investigation.

Your purpose as an investigator will be to determine whether the alleged workplace injury had a casual connection with the worker's employment. You want to know whether the worker was exposed to a particular danger or possibly some other risk peculiar to the worker's actions at the time of the alleged injury.

Your designated investigator must have a thorough understanding of applicable state and federal laws. Personnel information and the results of the investigation need to be confidential and relayed to only those people who need to know.

By the time this newsletter reaches your desk, many of you will already be supplementing summer work forces with help from "high school" aged workers. You might want to take a moment and visit the following internet site to be certain your "under age 18" workers are in permitted classifications.

The USDOL web site includes a link to all 50 states and their labor office contact information. Each state website has a section devoted to "child labor" guidance. Simply stated, jobs that workers under age 18 may perform.

http://www.dol.gov/esa/contacts/state_of.htm

Please feel free to contact your Tobias Insurance Agent or Amanda if you have difficulty accessing the listing by state call us at 317-844-7759.

All investigations must be conducted objectively and without making assumptions or jumping to conclusions. Training immediate supervisors to provide as much detail as possible is also critical to a successful investigation.

Investigations Basics

These are some of the essential steps in the investigative process:

1. Preserve the Injury Site

Try to preserve the injury site as long as it is viable or to satisfy legislative requirements. At the very least do whatever is possible to present a detailed and thorough representation of the injury site. If necessary, gather any physical evidence and store separately in a locked area. Use plastic bags to preserve and seal the integrity and prevent contamination of the physical evidence as necessary.

2. Document the Injury Site

Before removing any physical evidence, document the site by taking videos of the accident, or take detailed pictures. Draw a diagram and show the distances and physical locality of each piece of evidence. Take note of serial numbers or any other manufacturing information that relates to the process or physical equipment involved. Service records and maintenance reports should also be secured as they relate to the equipment involved.

3. Perform Statement Taking

Where possible and depending on the severity of the injury your task would be try to get a statement from the worker first and foremost, but not at the expense of medical treatment of course.

Secondly, it is especially vital to take the names of all available witnesses and interview them as soon as practical. Sequester

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Limiting Your Liability for Summer Employees

According to the U.S. Department of Labor, 2.3 million workers between the ages of 16-24 years of age were hired for summer employment. On average, one of these summer employees will be injured on the job every five seconds. Most of these work related injuries are both needless and costly to the employer.

The three main causes for the majority of these injuries are due to inexperience, lack of training and inadequate supervision. There are a number of proactive steps that employers can take to limit their exposure and reduce their liability.

Steps to Take Beforehand

Business owners would be wise to develop safe working practices for summer help. Here are some simple but practical steps you can employ to reduce your costs from job related injuries this summer:

- Ask yourself what hazards the summer worker will be exposed to, including any pertinent risks outside the immediate working area.
- Consider carefully the personnel who are to be involved in the training process and ensure they are well versed in the training procedures.
- Always try to assign an experienced worker as a supervisor and ensure they keep a watchful eye on the summer worker over the first several days.
- Make sure that any equipment to be used is examined and operational beforehand. Ensure that all legally required equipment safety guards are in place.

Take the Time to Give an Adequate Safety Orientation

Even before on the job training begins, give all your new staff a safety orientation. Here are some of the most important points to cover:

- Appoint someone to act as a safety coordinator to explain the applicable federal and state safety laws.

- The safety representative should stress and encourage new employees to ask questions about any aspect of the job they don't understand.
- Ensure that your summer workers do not hesitate to report unsafe conditions or hazards and to whom.
- Stress that newly hired workers should not engage in any job activity where they haven't been properly trained. Emphasize that they must always think safety first.
- Inform new workers not to leave their work area unless they've been told to do so. Describe and show the locations of first aid kits, emergency alarms and exits, fire extinguishers, emergency alarms, eyewash stations, and how and where to obtain medical help.
- Instruct all workers using hazardous equipment or processes to always use required protective gear such as gloves, hearing protectors, safety visors, and hard hat or safety shoes.

Provide Thorough Training

By taking the time to train your summer workers with good training techniques, you can dramatically reduce the risk of injuries. Here are few points to keep in mind:

- Assign an experienced worker to give the worker their full attention until fully trained.
- Provide detailed instructions on how to perform all aspects of the job and encourage them to ask questions.
- Demonstrate how each task should be performed and repeat it until understood. Observe how the worker performs the task and correct any mistakes.
- Teach the worker how to properly lift heavy items, use ladders safely and how to avoid injury from activities involving repetitive actions.
- Monitor the worker's progress in the first few days as this is the time when most injuries occur.

By being proactive in orienting your summer workers, you can greatly reduce your liability exposure to work related injuries. Training takes a little time but it's time well spent.

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each witness separately if possible to avoid comparing of stories or possible collusion to commit or abet potential fraudulent claims. Stress to each witness that they are not to discuss the incident with other witnesses or even other co-workers.

Written statements should be taken in the witnesses' own words. Avoid leaving blank spaces and have each witness sign and date the witness statement.

Be Proactive

By taking responsibility at the outset to determine the cause of a workplace injury, you can quickly determine the validity of a workers' compensation or disability claim. If something questionable arises, you will have detailed documentation to address contentious and possibly litigious issues before they go the distance.

Identifying Environmental Exposures Is Critical to Managing Risk



Environmental claims are often unpredictable and despite the fact that associated liabilities can easily cripple a business, most contractors underestimate their potential magnitude. Without sufficient insurance protection, the consequences of such claims can range from costly business interruption to bodily injury and/or property damage lawsuits. The best way to account for this unpredictability is to manage the risks that can lead to environmental claims.

The only way to develop an effective risk management strategy is by conducting a thorough site pollution assessment to determine the various levels of exposure.

Time is a critical factor in this type of assessment. Exposures can exist from both past and future pollution release events. Of the two, past exposures can be more easily qualified and managed. Commonly referred to as “legacy exposures,” these previous events are the known/unknown issues associated with the history of a site. Some typical legacy exposures include:

- Accumulations of small discharges
- Inappropriate storage and handling practices
- Poor structural integrity
- Use of pesticides and herbicides

Legacy exposures may be currently dormant, but can re-emerge during site development, or operation expansion. They can even remain inactive on the property being developed while surfacing in neighboring properties. Such exposures could also be former release events that posed minimal risk initially, and required little remediation. However, now they require additional cleanup. Or the added remediation of these events could also be the result of a change in regulatory standards.

The second level of exposure results from the possible future occurrence of a pollution release event. Known as “operational

exposures,” these risks can trigger a major cleanup effort, as well as bodily injury and property damage loss. These events can be sudden and easily identified, or they can be the outcome of a gradual process that has gone unnoticed.

The preferred way to manage these exposures is by transferring risk via an environmental insurance policy. Environmental insurance should be part of the risk management strategy of real



estate owners, facility operators, and any other party with a financial interest in a site. An environmental policy can be written to cover only legacy concerns for transactions where there is a risk transfer from seller to buyer. It can also be written to cover only operational risks for a leased location, or if the insured feels that the site history does not warrant coverage for legacy events. Additionally, policies can also be crafted to provide full coverage for a single site or multiple locations.

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Outline steps employees should take: Your policy should also include a method for employees who feel they are being harassed or discriminated against to report the behavior. A formal investigation process is also important. Some companies ask employees to report their concerns to their immediate supervisor first or to the next person in the chain of command to begin an investigation. Others direct employees to bring their concerns directly to the office manager or HR department. The important thing is to make sure the method is clear, easily accessible and highly confidential.

Make sure employees know you and your management team take your policy seriously: One of the best ways you can gain employee buy-in for your policy is to make sure you and your managers demonstrate that you believe it is important. Whether during a meeting or in informal settings, it's a good

idea to stress the amount of harm harassment and discrimination can cause and to make sure employees know they can come to you if they're not treated fairly.

Taking care of business

In today's competitive business environment, it can seem like there is too much information to process and too many tasks to perform. It can be tempting to put issues like harassment and discrimination prevention on the back burner, particular for a company that started out small but is growing rapidly. However, taking the time to establish and communicate a proactive policy is a wise move — one that can help you protect your company and build a stronger workplace in the long run.

How to Create a Harassment and Discrimination-Free Workplace

Harassment and discrimination can spell big trouble for a business. It can cause disruption in the workplace and lower employee morale. It can also result in lawsuits that have the potential to cost employers hundreds of thousands of dollars — or even more.

The US Supreme Court has held that employers can be found liable for harassment and discrimination claims, even if the employer wasn't directly aware that harassment and discrimination were occurring in the workplace. Employers are expected to take a proactive stance, and an employer who has not addressed the issue at work is vulnerable in the event of a lawsuit.

What are harassment and discrimination?

Harassment and discrimination are defined by federal, state and local laws. Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, gender, creed, religion and national origin. Other laws prohibit discrimination on the basis of age, disability and pregnancy.

Harassment can include any verbal, written or physical act that makes employees uncomfortable at work or interferes with their ability to perform their jobs. It can include jokes, emails,

cartoons, drawings or other material that is suggestive or reflects negatively on a protected class. It can include slurs or offensive language.

What can you do about it?

As an employer, you can be held accountable for all forms of unlawful discrimination and harassment, so it pays to have a proactive policy to protect your business and your employees. Here are some ways you can begin to address the issue:

Create a harassment and discrimination prevention policy: Make sure employees know that you will not tolerate harassment or discrimination. A formal written policy outlining your commitment to a harassment and discrimination-free workplace is a good way to start. Many employers include such a statement in employee handbooks that are distributed to all employees and collect a signed statement of understanding from each employee. Others combine a written statement with a mandatory employee training session.



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