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ISU

Curry Insurance Agency

WORKPLACE SAFETY

# Using Near Misses, Other Indicators to Cut Injuries

THE LATEST trend in workplace safety best practices is tracking "leading indicators" – or events that take the lessons learned from past events – to reduce the chances of future injuries.

Safety professionals are increasingly keeping track of near misses, hours spent on training and facility housekeeping and measuring the impact on the organization's overall safety record. And they are finding that this approach is having a significant impact in preventing injuries.

The trend is a new one. For years, workplace safety managers and industrial safety engineers used lagging indicators to track and manage workplace injuries and illness. They would evaluate:

- Injury rates
- Injury counts, and
- Days injury-free

In the last few years, safety-minded companies have been shifting their focus to using leading indicators to drive continuous improvement. Lagging indicators measure failure, but leading indicators measure performance.

## TOP LEADING INDICATORS

- Near misses
- Employee audits/observations
- Participation in safety training
- Inspections and their results
- Participation in safety meetings
- Facility housekeeping
- Participation in safety committees
- Overall employee engagement in safety
- Safety action plans execution
- Equipment/machinery maintenance

*Source: EHS Today survey of 1,000 health and safety pros.*

As you can see, a leading indicator is a measure preceding or indicating a future event that you can use to drive activities or the use of safety devices to prevent and control injuries.

Leading indicators are focused on future safety performance and continuous improvement.

These measures are proactive in nature and report what employees are doing on a regular basis to prevent injuries.

## Creating a leading indicator plan

To reduce strain injuries, for example, you can start by identifying the factors that lead to these injuries, like pace of work, loads, repetitions and workstation design.

Track the data to see which areas are likely to cause future injuries. Once you do, you have a model for how injuries occur. Then, you can consider what interventions you may want to implement to prevent future strain injuries. ❖

## LEADING INDICATOR BENEFITS

- Show small performance improvements
- Measure the positive: what people are doing versus failing to do
- Enable frequent feedback to all staff
- Are credible to performers
- Are predictive
- Increase constructive problem-solving around safety
- Make it clear what needs to be done to get better
- Track impact versus intention

## CONTACT US

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## DISTRACTED DRIVING AWARENESS MONTH

# Educate Staff about Safe Driving as Crashes Increase

AS ACCIDENTS skyrocket in part due to people using their smartphones while behind the wheel, April has been designated Distracted Driving Awareness Month – a great time for you as an employer to further promote safe driving among your staff.

Hammering home the importance of safe driving can keep your employees from causing serious damage or worse to a third party, and also help keep your insurance costs in check.

While you are likely to see an increase in your insurance rates even if you've had no accidents, you'll want to make sure that you continue focusing on safety to reduce the chances of future accidents.

Liberty Mutual Insurance Company recommends that employers who have driving employees implement a company-wide fleet safety program.

This should include:

- A questionnaire to weed out employees and job applicants with poor driving records,
- Requiring road tests for new driving employees,
- Training them in post-crash procedures and reporting,
- Carrying out continuing driver training and education,
- A policy on mobile devices by drivers,
- Having a list of sample safe-driving performance expectations, and
- Conducting regular vehicle maintenance and inspections.

## Elements of a Fleet Safety Program

**Enforce company policy for use of vehicles:** Use standard operating procedures like limiting personal use of company vehicles and monitoring who can use them.

**Hire qualified drivers:** Create a form for each applicant to document their driving history, employer references, medical certificates, and more.

**Use a company fleet:** There are extra risks involved when drivers use personal vehicles on the job.

**Train your drivers:** Some topics you can cover in your safety training include breakdowns, distracted driving, driving under the influence (DUI), the importance of resting when tired, negotiating heavy traffic conditions, and the dangers of speeding.

**Regularly check driving records:** Set a schedule for checking an employee's driving records to ferret out any deterioration in their experience, particularly if they've been cited for a DUI.

**Review every accident:** Your insurer will often be able to supply you with a vehicle accident form for your employees to fill out and follow in case of an accident, including witness names, circumstances, and the other driver's information, including insurance.

You should have contact information for the person in your office that they should contact in case of an accident.

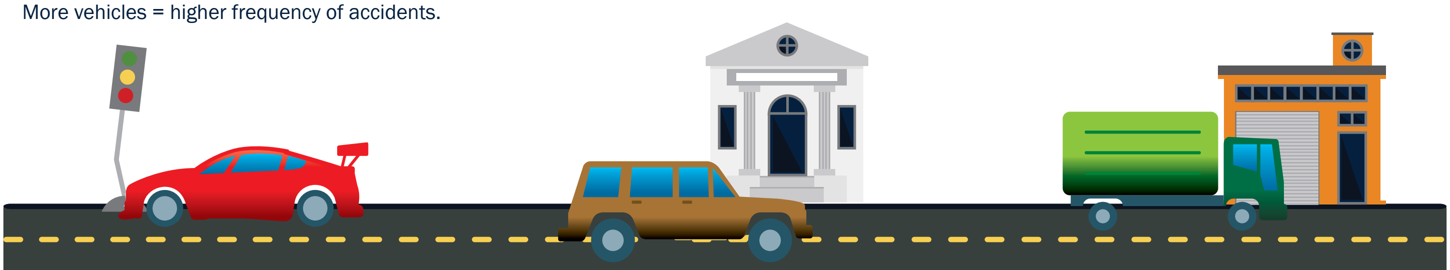
*Source: Liberty Mutual Insurance Company*

## CALIFORNIA COMMERCIAL AUTO WHAT'S DRIVING LOSSES?


**More traffic**
Total miles driven increased 50% faster in California than in the rest of the country since the start of 2015.
More vehicles = higher frequency of accidents.

**Distracted drivers**
One-quarter of crashes involve drivers talking on phones or texting.

**Escalating medical costs**
Medical care costs are climbing more than 1.5 times faster than other costs.



**More fatalities and other severe accidents**
Accident rates per person and per mile of driving are rising in California.

**Inexperienced or undesirable drivers**
A shortage of skilled commercial drivers with good driving records = greater odds for accidents.

**Rising auto repair costs**
Record U.S. auto sales mean garages are often servicing newer cars with more expensive parts. Even minor repairs can cost big bucks.

OVERSEAS ENDEAVORS

# Liability Policy May Not Cover Your Firm Abroad

THERE MAY be the occasion when you have to send executives or a team overseas for work. And depending on the destination, the risks will vary – more in some countries and less in others.

Other factors that come into play include the number and age of your staff working overseas and what type of activities they will engage in when they are on their work assignment.

First off, your current liability insurance may cover the basics if your staff are there on a short-term assignment. For example, if one of them injures someone while driving a car in the country, your liability policy would likely cover the damages.

But if you are selling your service or products abroad of if you have a representative office there, you may need the enhanced coverage of a foreign liability insurance policy.

According to International Risk Management Institute, foreign liability insurance is:

"A specialty policy for an insured's liability for foreign operations arising out of a permanent branch office, manufacturing facility, or other operation located in another country. The commercial general liability (CGL) policy provides coverage for incidental exposures – for example, when an executive (or group of employees)... occasionally travels overseas for business trips. For permanent operations in foreign countries, a separate foreign liability policy is required."

### Why purchase foreign general liability coverage?

Your existing corporate liability plan may not cover you for legal expenses and lawsuits brought in overseas courts. Travel to foreign countries brings with it a number of challenges, including corrupt officials, crime, and unfamiliar laws, languages and customs.

Organizations from the U.S. have no protection if they are taken to an international court, so protect yours with a good foreign liability plan.

### Who needs the coverage?

You may want to consider foreign liability insurance if you:

- Have employees or volunteers who travel outside the U.S.
- Own or lease vehicles outside the U.S./Canada.
- Export goods or services.
- Have or transport property outside the U.S. or Canada, including at foreign trade shows.
- Outsource work to subcontractors who are domiciled outside the U.S. and Canada.
- Own or operate locations, such as sales offices or call centers, outside the U.S. and Canada.
- Station American workers at foreign offices and/or employ third-country or local nationals. ❖

## What a Foreign Liability Policy Covers

- Legal costs for lawsuits brought against your firm in overseas courts.
- Criminal charges brought against your staff by foreign officials.
- General liability brought against your company for injuries or damages resulting from the use of your product or service.
- Emergency assistance services.
- Automobile liability.
- Directors & officers liability.
- Accident and health.
- Fiduciary liability.
- Excess liability.
- Professional errors and omissions liability.
- Environmental impairment liability.
- Aircraft/watercraft liability.
- Patent infringement.

REGULATORY ENVIRONMENT

# New OSHA Rules Delayed, Diluted under Trump

ACTING ON new marching orders from the Trump Administration, federal OSHA seems to be scaling back some regulations to benefit employers.

Significantly, it seems that large employers will not be required to start submitting their injury and illness reports electronically as required by Obama-era regulations that were to take effect in February.

The idea was that these electronic filings would become public information easily accessed online, as part of Obama's push to publicly shame companies with poor workplace safety records.

Under current regulations, establishments with 250 or more employees in industries covered by the record-keeping regulation must submit information from their 2016 Form 300A electronically by July 1, 2017.

As recently as early January, OSHA said on its website that it expected the site to be live in February. But in recent weeks, the agency changed the wording and it now states that: "OSHA is not accepting electronic submissions at this time."

It's unlikely that the electronic reporting will go forward under Trump, and that will also likely mean that companies won't have their records posted online.

Another Obama rule, issued in December, is also likely to never see the light of day. That regulation gives OSHA the authority to cite companies failing to properly record workplace injuries up to five-and-a-half years after an alleged violation.

For years, OSHA had taken the position that it had up to five-and-a-half years after an alleged violation to issue a citation for record-keeping infractions.

But a court in 2012 found that OSHA's interpretation was inconsistent with what the court called the "clear" wording of the law, which gave the agency only six months to bring charges.

In response to that ruling, the Obama administration promulgated new regulations circumventing the court decision and restoring the five-and-a-half-year period.

Legislation overturning Obama's rule has already been passed by both houses of Congress and Trump is expected to sign it. When he does, the six-month rule would stand.

## Downside for honest firms

The problem for honest employers in this is that six months does not give OSHA enough time to detect record-keeping violations and bring subsequent charges. Also, if an inspector finds during an inspection that a company has been flouting the law and not filing its records for years, OSHA would be unable to cite the business.

Unfortunately, this could create an unlevel playing field, as responsible companies comply with record-keeping rules, while companies that take shortcuts won't.

In a further step, OSHA announced in February that it would delay the implementation of a new rule aimed at reducing workplace exposure to beryllium, a widely used mineral linked to a deadly lung disease.

The rule was slated to take effect in March, but OSHA has delayed that until May at the earliest.

Employers can also expect a slowdown in new rule-making thanks to Trump's executive order in January that agencies must cancel two regulations for every new one they make.

The new policy is expected to slow ongoing OSHA rule-making, such as an industry-backed effort to write regulations specifically for tree-trimming work and discourage the agency from pursing wide-ranging rules, such as revising limits for chemical exposures. ❖