



Curry Insurance Agency

WORKERS' COMP

Fear of Firing Hampers Employees' Return to Work

NEW STUDIES have found that anxiety over being fired, and other newly discovered factors, can lead to longer times away from work after employees suffer industrial injuries.

The group of studies, "Predictors of Worker Outcomes", found trust in the workplace to be one of the more important predictors of how long an injured worker takes to return to the job. The findings by the Workers' Compensation Research Institute are significant and shed light on what could be a major factor in people returning to work after an injury.

The key for employers is to maintain good communication with the injured worker and make sure they understand that their job is not at risk as a result of sustaining an on-the-job injury. And obviously, firing a worker for experiencing a workplace injury is against the law.

The news may allow insurers and employers to better implement return-to-work "interventions" and get workers who are disaffected back into their regular routine, so that they don't linger too long collecting temporary disability benefits.

In conducting the studies, the WCRI asked the injured workers if they were concerned about being fired as a result of the injury. The institute found:

- Workers who were strongly concerned about being fired after the injury experienced poorer return-to-work outcomes than workers without those concerns.

- One in five workers who were concerned about being fired reported that they were not working at the time of the interview. This was double the rate observed for workers without such concerns. Among workers who were not concerned about being fired, one in 10 was not working at the time of the interview.

- Concerns about being fired were associated with a four-week increase in the average duration of disability.

In fact, other studies have found that injured employees who are afraid of losing their jobs won't report the injury and try to use their health insurance for doctor's visits to treat work injuries. And, for days off to recover from

an injury they will take sick leave, vacation days or short-term disability leave.

That said, most doctor's offices will ask someone who comes in with an injury if they sustained it at work to ensure the claim goes to the employer's workers' comp provider. But scared employees may lie.

The studies also identified that the recovery from injury or illness of workers with specific "co-morbidity" medical conditions – either pre-existing conditions or those that manifested after the injury or illness – can be complicated by such conditions. Co-morbidity conditions may include hypertension, diabetes and heart problems.

The researchers found that:

- Workers with hypertension (when compared with workers without hypertension) had a three-percentage-point higher rate of not working at the time of the interview predominantly due to injury.

- Workers with heart problems

See 'Encourage' on page 4



CONTACT US



Curry Insurance Agency

If you have any questions regarding any of these articles or have a coverage question, please call us at:

ISU Curry Insurance Agency

489 E. Colorado
Pasadena, CA 91101
Phone: 626-449-3870
Fax: 626 449-5268

License No. : 0588757

GIVING BACK

My Time Volunteering on a Blackfeet Reservation

THIS IS a story of my journey with my 10-year-old son, Trevor, to connect with Native Americans and help give back.

Everything started with a simple Google search for volunteer vacations. This led me to a non-profit/non-religious group called Global Volunteers. Global's motto is to promote peace and stability by volunteering around the world and assisting locals.

After eliminating overseas projects due to flight costs, vaccines and age restrictions, we signed up for the seven-day Blackfeet Indian program in Browning, Mont.

We arrived in Great Falls, Mont., and did some exploring before the volunteering began on July 12. Glacier National Park and rafting the local river were among the attractions.

After the exploring was done it was time to meet up with 16 other volunteers — six men and 10 women — who ranged in age from Trevor's 10 to a woman named Jackie who was 73.

By the way, Jackie hitchhiked her way around the area before meeting up with us. She had more energy than I did during the trip. I didn't discover her secrets to longevity and vitality, but maybe it's because she has been volunteering since the 1990s.

We were lucky enough to have arrived during the Blackfeet Indian Days Festival, which included a rodeo and Powwow. The Powwow was an amazing array of native dancing and brilliant attire. The rhythmic drumming and singing was soul stirring.

After spending a day going over orientation and touring a small portion of the more than 1 million acres of the reservation, we

started our volunteer projects.

The projects ranged from serving meals at Eagle Shield Retirement Center to assisting youth groups and foster care programs and general maintenance around the public college we were staying.

During my trip there was a useful lesson learned that has assisted me at work and it involves patience. Living in Los Angeles one tends to get caught up in the fast pace.

While on the reservation I observed that time slows down. I first saw this as a negative but quickly grew to respect the slower pace. When time slows down you gain the ability to forge more solid connections with people. You can also take more time to ensure a job well down. We tend to lose sight of this in a fast paced World.

Giving back to our native people from whom so much has been taken away was the best feeling of all. Trevor now has a much better understanding of reservation life and culture, which could never be obtained from a book or TV show.

The favorite for Trevor and me was foraging for sapling willow trees and using them to build a sweat lodge alongside the local medicine man, Tom.

I will never forget this great bonding experience we had and look forward to volunteering with the Montana Crow Indians next year. I might even bring my daughter Coco along this time. ❖

Written by Scott Curry. Scott can be reached at scott@isucurry.com or by calling 626-685-7216.



Produced by Risk Media Solutions on behalf of ISU Curry Insurance Agency. This newsletter is not intended to provide legal advice, but rather perspective on recent regulatory issues, trends and standards affecting insurance, workplace safety, risk management and employee benefits. Please consult your broker or legal counsel for further information on the topics covered herein. Copyright 2014 all rights reserved.

WORKPLACE SAFETY

Proper Lifting Yields Fewer Back Injury Claims

BACK INJURIES are among the most common workplace injuries and they can be both expensive to treat and lead to life-altering physical problems that require job reassignment.

Back injuries account for 27% of all nonfatal injuries and illnesses involving days away from work. That's because the back is one of the most complex parts of our bodies, consisting of a number of muscles, bones, nerves and supporting tissue. The spine is a canal of nerves that control virtually every function of our bodies.

The back is vital to almost all of our movements so when something's amiss, it can cause pain just through movements that are routine and we would generally take for granted.

An injured back affects your ability to move your limbs, your hips, your neck and your head.

If it's not working right, you'll suffer. Injuries to the back can be very debilitating, causing a lot of pain, time away from work, and often requiring physical therapy or even surgery. Everyone whose job involves stressful lifting or awkward postures is at risk for a back injury.

To avoid or reduce the likelihood of back injuries among your employees, you should share this advice with them:

While lifting and setting objects down:

- Don't bend over an object you are lifting. Bend your knees, squatting in front of the object to reach it.
- Lift the object slowly and carefully, using your leg and arm muscles to lift, not pulling with your back.
- Keep your head up and look straight ahead while making the lift.
- While lifting, keep the object as close to your body as possible.
- Tighten your abdominal muscles during the lift.
- If the object is too big or too heavy to lift using these techniques, consider mechanical assistance or find someone to help you.

When reaching for objects:

- Do not reach for anything unless you know that you can lift it.
- Use a stepladder to reach objects above the height of your shoulders.
- Try to avoid making awkward stretches when reaching for an object. It can stress your

back and make you lose your balance.

- Don't stand on structures other than ladders and scaffolds to support you. If you are standing on shelving or a storage rack, for example, it could easily give way if you pull or tug on it.

Back belts

There's a lot of controversy about using back belts to control low back injuries in workers who don't have an existing injury.

According to a recent report published by the National Safety Council, available scientific data neither completely support nor dismiss the use of back belts to reduce the risk of injuries.

That said, in your workplace you should not use back belts as a substitute for a comprehensive back injury prevention program.

But, if you do want staff to use back belts, you should have a policy for how to use them. That's because many people who use back belts have a false sense of security, thinking they will protect them against lifting injuries.

They may be tempted to lift loads they wouldn't otherwise lift.

The belt should be used as support only.

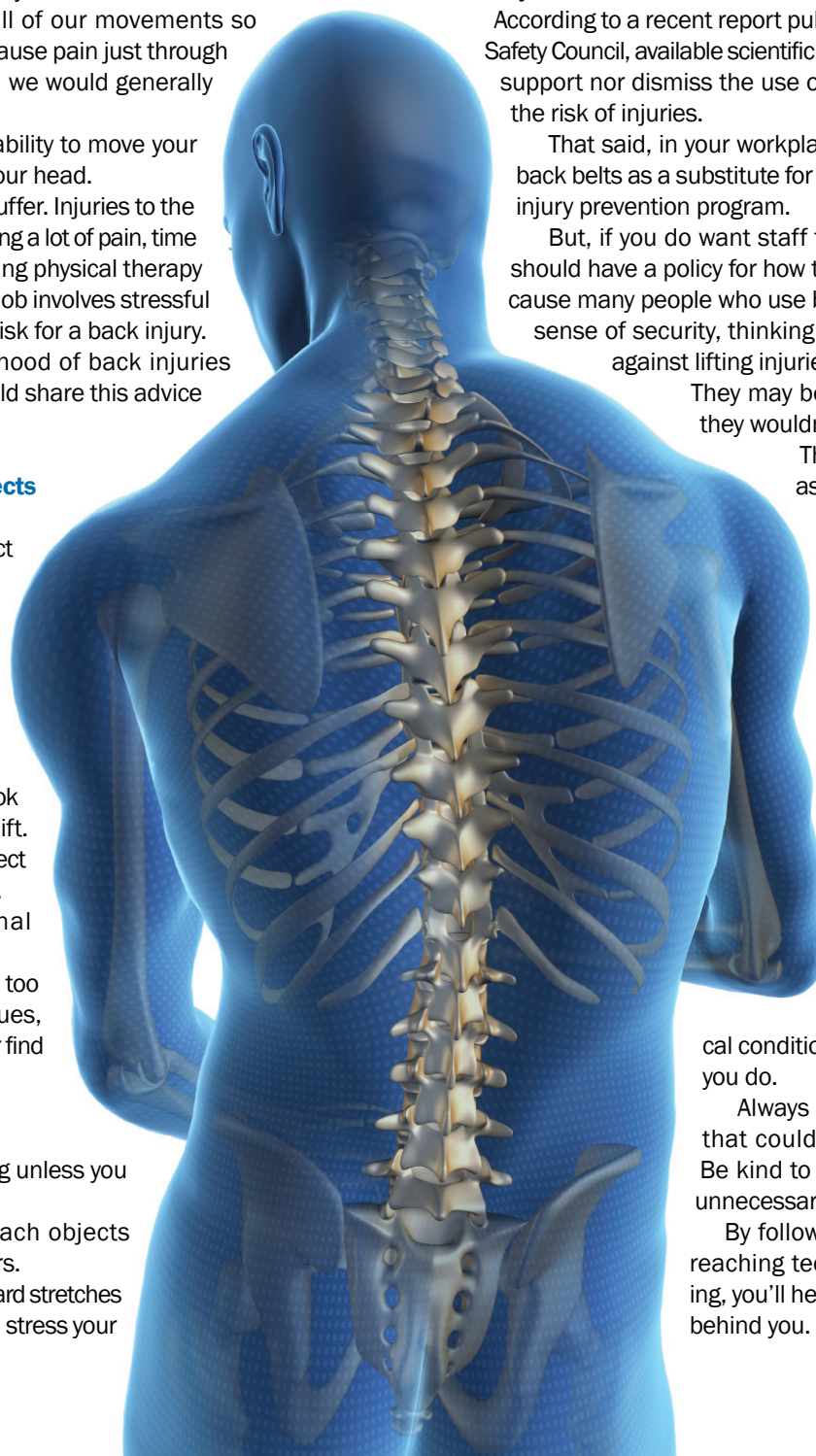
The role of fitness

Exercise also plays an important role in keeping your back strong, healthy and flexible. A properly exercised back is less likely to be injured.

Your physician, company medical personnel or other health care provider can recommend the best exercises for you, taking into account your physical condition and the type of work you do.

Always be alert for situations that could cause a back injury. Be kind to your back. Don't take unnecessary chances.

By following proper lifting and reaching techniques and exercising, you'll help keep back problems behind you. ❖



OSHA WHISTLEBLOWING

New Program May Spur More Retaliation Claims

FEDERAL OSHA has struck up an alliance with the National Labor Relations Board (NLRB) to allow workplace safety whistleblowers to file retaliation complaints beyond the 30-day statute of limitations under occupational health and safety law.

The surprise move came after David Michaels, assistant secretary of labor, recommended to a U.S. Senate subcommittee that the statute of limitations in the Occupational Safety and Health Act for filing a whistleblower retaliation complaint be expanded to 180 days and that the act include a private right of action.

Apparently not waiting for congressional action, OSHA has started a new program with the NLRB that would let whistleblowers pursue claims that would otherwise be time-barred.

OSHA estimates that up to 600 whistleblower claims are dismissed as untimely each year for failing to meet the statute of limitations.

Under the new program, OSHA would advise complainants who file whistleblower claims after the OSHA statute of limitations has tolled to instead contact the NLRB about filing an unfair labor practice charge. The National Labor Relations Act (NLRA) has a longer, six-month statute of limitations.

Employment law attorneys are predicting an uptick in retaliation claims for reporting workplace safety issues.

NLRB agents have been instructed to track the number of contacts received and number of charges docketed as a result of the OSHA referrals.

This agreement between the NLRB and OSHA expands on a 1975 memorandum of understanding between the two agencies on a cooperative process for handling retaliation complaints that could be filed with either agency. Under the agreement, if a complaint is filed with both agencies, enforcement actions should primarily be taken under the OSH Act, rather than under the NLRA.

There has already been a surge in retaliation complaints at OSHA. But, nearly 75% of all whistleblower complaints are either dismissed or withdrawn. Some 21% were settled and only 2% resulted in OSHA action.

In the most recent statistics available, OSHA in fiscal 2012 received 2,787 whistleblower retaliation complaints. OSHA inves-

tigates whistleblower claims filed under the Occupational Safety and Health Act and 21 other federal laws.

Employees accused their employers of retaliation after reporting OSHA workplace safety violations in 1,706 of the cases. The rest of the complaints were for retaliation for reporting a myriad of other violations, including financial wrongdoings under the Sarbanes-Oxley Act, environmental violations, and more.

The number of whistleblower retaliation cases has increased 30% from 2,158 in 2009.

The worst thing for employers is that even if the cases are eventually dismissed or withdrawn, they are a drain on resources – both time and money – as the employer must investigate the claim, deal with regulators and hire counsel to work on and defend the case.

And while even meritless cases cost money, those that result in penalties by OSHA cost even more. They can result in large monetary awards as well as judgments requiring reinstatement of the whistleblower, which can cause some disruption in the workplace. ❖



Continued from page 1

Encourage Injured Employees to Return to Work

reported an eight-percentage-point higher rate of not working at the time of interview predominantly due to injury, and had disability duration that was four weeks longer.

- Workers with diabetes had a four-percentage-point higher rate of not working at the time of the interview predominantly due to injury than workers without diabetes.

The takeaway

Other studies have found that workers who are kept in the loop and whose employers show them they care about their recovery and eventual return to work tend to get back on the job more quickly than those who aren't. And the danger is that the

longer they are out on temporary disability, the more chance that they will become disaffected from the workforce.

The WCRI studies show that those who are afraid to lose their jobs are even more likely to become disaffected and, if you see signs of this, it's imperative that you reach out to those staff to let them know you and their co-workers are eager to see them back on the job as soon as they are able to work again.

You can do this by asking them if they have questions or concerns about their claims, and if you can help them resolve their issues.

Staying engaged will go a long way towards allaying their fears of retribution. ❖