



# Curry Insurance Agency

## REDUCING INJURIES

# Getting Buy-in from Managers on Safety Programs

**O**NE OF THE keys to instituting a good safety program is to get management buy-in.

You need their support and belief in the system if you are to convince your employees to embrace your safety regimen.

If your managers don't believe in the safety plans you have put together, it will show through when they try to sell them to your staff.

If you don't have buy-in from your managers, the chances are slim to none that your employees will embrace the changes you are proposing.

If you are serious about preventing injuries and want to keep your workers' comp X-Mod low, the role of your management team is crucial.

You will often encounter a few different personality types among your managers

and they need to be convinced of the importance of workplace safety in different ways.

You'll need a different approach with each personality type to get them to embrace the concept.

Once they do, they can effectively convey the urgency and importance of workplace safety to the rank and file.

*Constructor Magazine* has these recommendations for getting management buy-in:

### Select the right leaders

Choose managers who are firm, yet fair with a passion for the safety of the workforce. They should have a track record of success so that they can be an inspiration to their teams. Also, they should not be afraid to get their hands dirty to make a point or demonstrate how something is done.

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## Safety personality types



**The excuse-makers:** They are the ones that blame external factors that are out of their control for safety lapses, and they may pooh-pooh the harm that a high X-Mod causes. They may talk the talk on safety, but they don't walk the walk.



**Half-hearted bosses:** These managers may actually buy into the safety program, but they are unable to show their commitment in ways that make an impression on the rank and file.



**Committed:** These managers are fully committed and enthusiastically embrace your safety plans and discuss them with staff with exuberance.

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

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## COMPLIANCE

# OSHA Pulls the Plug on Electronic Reporting Rules

**F**EDERAL OSHA has suspended its much anticipated and dreaded electronic filing rules for workplace injury and illness records.

The rules, put in place during the Obama administration, would have required organizations with 250 or more employees to submit electronically information from OSHA Forms 300 (Log of Work-Related Injuries and Illnesses), 300A (Summary of Work-Related Injuries and Illnesses), and 301 (Injury and Illness Incident Report).

The same rules would also apply to employers with between 20 and 249 employees in certain industries, including agriculture, construction, manufacturing, retail and transportation.

A major thrust of the rules was to name and shame employers with poor workplace safety histories, and the latest move will essentially keep these records from being published.

The requirement was to be phased in over two years. This year, all covered establishments had until July 1 to turn in their 2016 forms electronically, but OSHA never launched the website for companies to submit the information.

The employer community, particularly the construction industry, had heavily lobbied the Trump administration to jettison the new rules, saying that if injury records were publicized they could unfairly hurt the reputation of employers.

The new rules were supposed to be an extension of an OSHA requirement between 1995 and 2012 that required some 180,000 establishments in high-hazard industries to submit their 300A forms by mail. The program lapsed in anticipation of the now extinguished new rules.

Then in May, OSHA wrote on its website that it “is not accepting electronic submissions of injury and illness logs at this time, and intends to propose extending the July 1, 2017 date by which certain employers are required to submit the information.”

As a result, the existing rules for the forms remain in place – and particularly that employers post Form 300A in a conspicuous place in the workplace every year starting Feb. 1 for three months.

While employers are not required to send their completed forms to OSHA, they must retain the forms at their establishments for five years after the reference year of the records. ❖



## Complying with Existing Regs

Even if you are not focused on qualifying for either of these exemptions, there are still other important things to remember about posting your 300A:

- If you are required to post a 300A, you need to do so whether or not you had any injuries in the past year. It is completely appropriate – and *required* for covered businesses – to post a 300A saying that you had no injuries or illnesses.
- Sign the 300A when you post it. That is required, and something businesses often forget to do.
- Post the 300A in an accessible location where employees can easily see it, and keep it posted until April 30.
- Be sure to post the 300A, and *not the 300*. Not only is this problematic because it is the incorrect form, but the 300 contains employee names, so making it public can result in privacy violations.
- You do *not* need to post the official 300A form from OSHA’s website; it is acceptable to post your own, homemade form containing equivalent information if you would prefer to do so.

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## Address Every Aspect of Your Operation with Management

### Take a holistic approach

Every facet of your operation needs to be addressed if you want a comprehensive risk management culture to exist.

Extend discussions about risk management beyond the worksite to help managers see the bigger picture of why safety matters.

Assessing risks associated with every task, purchase order, estimate or piece of equipment used will reinforce the notion that risk management is a company-wide function.

### Make periodic site visits

Leadership should visit departments to watch workflows and reinforce the importance of safety to the workers. Make the visits with the manager who has been put in charge of safety for that department.

Leadership’s role should be to start conversations with workers about safety challenges and asking for ideas for improving safety.

Use these visits to celebrate successes and challenge the team to always look for issues that could lead to injuries. ❖

## TESTING POSITIVE

# Drug Use Skyrockets among American Workers

**D**RUG USE is rapidly increasing among American workers, as more states liberalize marijuana laws, cocaine makes a resurgence and more people abuse amphetamines and heroin.

A new study by Quest Diagnostics Inc., a workplace drug-testing lab, found that the number of workers testing positive for illicit drugs is higher than at any time in the last 12 years.

That puts employers in a tricky predicament, particularly if employees are using at work, which could reduce productivity and also make them more susceptible to workplace injuries since they may not be as focused as they should be on their work.

While there were marked increases in positive tests for most illicit drugs, the surprising exception was prescription opioids like hydrocodone and oxycodone, thanks to stricter enforcement in many jurisdictions around the country.

Marijuana is the most commonly used drug among U.S. workers and was identified in 2.5% of all urine tests for the general workforce in 2016, up from 2.4% a year earlier.

The highest increases for marijuana usage among workers seemed to be in states that have legalized the recreational use of marijuana.

The number of workers testing positive in Colorado rose 11%, while in Washington there was a 9% increase. The rates of increase were more than double the increase nationwide in 2016.

### Implications for businesses

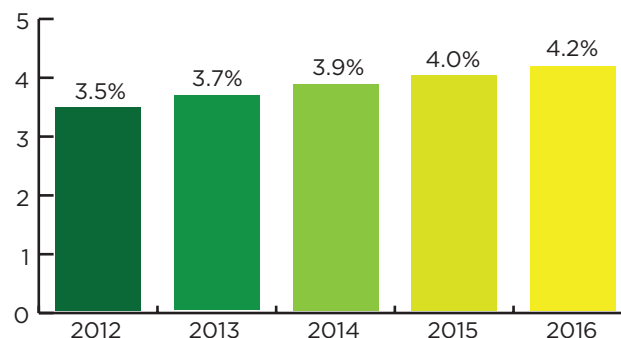
About 12% of workers who die on the job test positive for drugs or alcohol in their system at the time of the incident. And incidentally, one OSHA study found that the most dangerous occupations, like construction and mining, also have the highest drug use rates among workers.

### Substance Abuse Fallout

- Have poor work performance.
- Often call in sick or arrive late.
- Frequently change workplaces.
- Struggle with productivity.
- Injure themselves or others.

## Drug use climbs

Percent of employee urine tests coming up positive.



### Positive tests per drug

- Amphetamine: Up 8%
- Marijuana: Up 4.2%
- Heroin: 0% (after 146% increase in four years prior)
- Oxycodone: Down 4%
- Cocaine: Up 12%

### The takeaway

If you're concerned, you can initiate an effective workplace drug program that includes drug testing before hiring and during employment – and the consequences for violating the rules.

You may also want to consider an employee assistance program for employees who feel they may have a problem, as well as for those who feel they're developing a problem. You may also want to consider holding meetings about health and safety and drug use.

Provide education about what addiction looks like and why people begin to abuse drugs/alcohol. ❖



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## WORKERS' COMP

# Insurance Investigators Mine Social Media for Fraud

**I**NSURERS ARE increasingly using social media to track down workers who are perpetrating workers' comp and other liability fraud by faking injuries or staying on the dole after they have healed.

Investigators are increasingly making use of Facebook, Instagram, LinkedIn and other online social media sites to nab claimants who are fraudulently trying to collect payments. But while social media can be a goldmine of information on claimants, investigators have to act ethically and should do so quickly, experts say.

If an injured worker posts pics of themselves being active on Facebook, it gives investigators quick, actionable evidence for their probes.

Employers are also getting in on the action. According to a report in the trade publication *Business Insurance*, one large grocery chain conducts social media research for auto and general liability claims and other employers research the social media profiles of all injured workers who have workers' comp lost-time claims.

And while many people share their personal information and posts with friends, some post everything publicly. But, by researching the profiles of a claimant's family and friends, investigators usually can find pictures and other information that has been publicly shared about the claimant on other people's pages.

Investigators are also using something called "geofencing." The practice involves using GPS or radio frequency identification to search for public social media posts that were uploaded within a certain distance of an incident, like a car accident.

Sometimes they are able to locate photos of videos taken by bystanders who have publicly shared posts. And since most posts on Facebook, for example, use GPS to show location, this can be extremely useful to investigators.

### Use with caution

While social media can provide valuable information, the key is to use this technique ethically. For example, investigators should not dupe someone into accepting them as a "friend" so they can then start rooting through their social media posts.

Also, investigators should not try the same tactic with the individual's friends or family members to gain insight.

### Tips

Experts advise employers to index information on claimants' social media profiles as soon as possible after a claim is filed – and before they can edit their profile.

Also, be aware that many applicant attorneys are warning their injured worker clients to not post on Facebook during their claims.

Thomas Domer of the Domer Law firm in Wisconsin writes: "Use of a Facebook page poses real dangers for injured workers pursuing workers' compensation benefits.

"Since Facebook is a public site, anything posted can be used by respondent insurance companies in claims denial." ❖

### The wayward nurse

A nurse in Ohio had filed for workers' comp after injuring herself on the job as an in-home care provider. But her employer did some research on her LinkedIn page, which showed she was performing the same kind of duties at three other employers as those that had caused her injury.

After pleading guilty, she was ordered to pay back \$12,938 in indemnity benefits – and was also sentenced to a year in jail.

### 'Disabled' worker back on the job

A worker who was collecting workers' comp benefits from an injury sustained on the job in Ohio was found to be working as a rescue technician for a company in Arizona, thanks to the pictures he had posted of himself on Facebook doing rappelling work.

He pleaded guilty to fraud.

