

# Workers' Comp & Safety News



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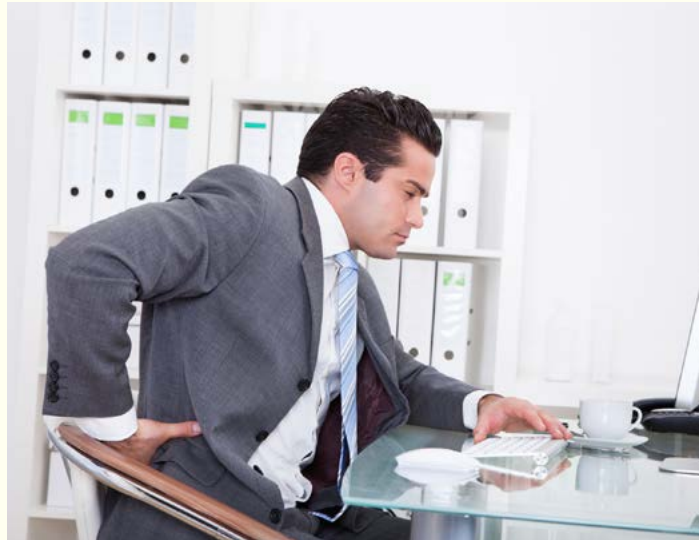
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## The Risks of Sitting

So much for office work being safe. In today's office, many workers can spend more than half of their work day sitting...and scientists are finding that sitting for prolonged periods of time increases health risks.

**I**t makes sense that working at a desk job increases the risk of being overweight, due to low activity levels required by that type of work. But lately scientists have learned that the mere act of sitting for long periods can increase the risk of health problems.

In addition to increased weight, those who sit for long periods of time face an increased risk of premature mortality, heart disease, cancer, obesity and diabetes. They also tend to have poorer posture than those in non-sedentary jobs, and sitting for long periods can cause back pain.



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## Risk Note

**I**mplementing a bonus program for achieving safety goals can help raise awareness of your safety program and increase compliance. Employees who receive tangible personal property (other than cash, a gift certificate, or an equivalent item) as an award for length of service or safety achievement can generally exclude these items from income. However, the excludable amount cannot exceed \$1,600 (\$400 for awards that are not qualified plan awards) for all such awards received during the year.

To meet the definition of a "qualified plan award," the employer must make the award as part of a meaningful presenta-

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What's so risky about sitting? When you sit for long periods of time, your lower spine has to support the weight of the upper body. A normal spine has an "s" curve shape, with a curve in at the lower back, or lumbar area of the spine. This helps distribute the weight throughout the spine. Sitting incorrectly can straighten that curve, which puts more pressure on the sitting bones and the spongy disks between the vertebrae. Over time, this can result in compression of the disks. The disks serve as shock absorbers between the vertebrae. When they are compressed or damaged, the vertebrae can rub together, causing pain and damage to the vertebrae.

Sitting for a long period of time—even in the proper position—will still strain your muscles. This causes fatigue, which will make it harder for you to maintain a correct seated position.

Beyond the back, sitting is bad for the other muscles as well. When you're sitting, the muscles in the lower body aren't contracting regularly, as they're designed to do while walking. This can lead to muscle degeneration.

The regular contraction of muscles through walking also aids circulation. When you're sedentary, blood can pool in your legs. This results in problems ranging from swelling to blood clots.

### Take a Stand

NIOSH, the National Institute for Occupational Safety and Health, created an in-

ternal pilot program to explore the use of sit and stand work stations to reduce sedentary work. According to NIOSH, benefits of a sit/stand work station might include:

- ✱ Standing more while at work decreases the amount of time spent in sedentary work
- ✱ Standing more helps relieve pressure on the lower back, buttocks and legs, and may help reduce compression of the spine arising from long periods of sitting
- ✱ Standing more may improve energy levels
- ✱ Standing more frequently may improve cognition
- ✱ Standing may increase circulation and lead to better blood flow to the brain and other organs
- ✱ Standing burns more calories than sitting
- ✱ Standing more may assist with energy balance and aid in weight management
- ✱ Standing more may improve bone density over time
- ✱ Standing more may promote better sleep.

Back injuries can occur suddenly or gradually. Caution employees to be alert for any of these body sensations that could indicate a back sprain or strain injury:

- ✱ Aching
- ✱ Sharp pain
- ✱ Dull pain
- ✱ Pain that comes and goes
- ✱ Hot, inflamed feeling

**tion, under conditions and circumstances that do not create a significant likelihood of it being disguised pay. The exclusion does not apply to the following awards:**

- ✱ **Length-of-service awards for less than five years of service or for employees who have received another length-of-service award during the year or the previous four years.**
- ✱ **Safety achievement awards for managers, administrators, clerical employees or other professional employees.**
- ✱ **Safety achievement awards, if received by more than 10 percent of eligible employees during the year.**

- ✱ Tingling
- ✱ Unusual tightness
- ✱ Unusual muscle weakness or fatigue.

Corrective action can help prevent a minor injury from escalating into a major one. Solutions vary with the situation, but can include encouraging the employee to get medical attention, providing a properly designed and fitted workstation, referring the employee to a physical therapist for a strengthening regime, and encouraging employees to take regular walking or stretch breaks while on the job.

For more information on addressing the hazards of sitting, please contact us. ■

# Retrospective Rating Plans

Retro rating plans have been around for years. How do they work, and do they make sense for your company's workers' comp program?

**I**n a retrospective rating plan (a retro), the final workers' comp premium paid for the policy year is calculated retroactively, based on the actual losses incurred during the year.

The retro is actually an endorsement to a basic workers' comp plan that has been rated using a standard cost formula. The plan usually designates a maximum and minimum premium, and buyers may choose to buy a per-claim stop-loss limit that caps the claims payments' impact on the premium calculation.

## When a Retro Makes Sense

Retros make sense when you believe your future workers' comp claims will be significantly less than your current claims.

Take, for instance, a software design firm that has 60 employees. The owners are committed to maintaining a safe, productive work environment, but two employees were injured in an auto accident while on company business. That one-time event has hurt the employer's experience modification factor. The company is financially sound, and the owners are willing to take some risk to lower their premium. The company is a prime candidate for a retrospective rating plan.

Retro plans make sense for companies that:

- ✱ are willing to take risk.
- ✱ are financially sound.
- ✱ have strong safety and return-to-work programs.



- ✱ have management that is committed to safety.
- ✱ have claims that tend to be frequent, rather than severe.

When a company with a high experience mod takes action to reduce injuries and get workers back to work, it is appropriate to consider a retro plan. Switching to a retro allows a company to almost immediately reap the rewards of reduced comp claims.

## Advantages

In addition to saving premium dollars, based on a good claims experience, retros:

- ✱ can be designed to fit a company's specific needs.
- ✱ are fairly priced so premiums truly reflect claims costs.
- ✱ encourage continual vigilance on loss control and early return-to-work.

With a retro, there are no surprising, hidden costs.

## What Is the Risk?

Retros are a win-lose proposition. If you successfully reduce claims, you reap the rewards the following year. But if you have a significant workers' comp loss, you will make additional premium payments after the end of the policy year — potentially for several years.

In comparison, a guaranteed cost plan locks in the yearly workers' comp premium, based on your current experience mod. A bad claims' year does not impact your current premium, but will affect the next year's experience mod and premium.

Retro plans involve more paperwork for employers. As long as there are open claims, the insurance company will issue premium credits or debits, which adds uncertainty to budget planning. Even if you switch carriers, you may be reminded annually of your past claims' experience — when the previous carrier sends a bill for additional premium.

## Variations on Retros

Variations on retros, available in some states, provide potential premium savings while limiting the risk of paying additional premium for the policy year.

- ✱ Sliding scale dividend plan: returns a dividend to the customer after the policy period, if losses are low and if the insurance company makes an overall underwriting profit. There is no penalty for excessive losses and no guarantee of dividend payment.
- ✱ Retention plan: returns a dividend to the customer if the incurred losses and the insurance company's expenses (the retention) are low.

There are many ways to structure a workers' comp program. Each variation has advantages and disadvantages. Whether your company has a guaranteed price plan, a retro or a variation on a dividend or retention plan, sooner or later you will pay for your workers' comp losses. As always, the best way to control comp costs is to prevent injuries and get injured employees back to work.

If you are interested in learning more about retrospective rating plans, give us a call. ■

# Ebola in the Workplace

As this issue went to press, only a few confirmed cases of Ebola existed in the U.S. What happens if it spreads?



At this point, the U.S. Centers for Disease Control seems confident in the ability of the country's health system to contain and prevent the spread of the disease here. Health insurers, which would have to bear much of the cost of an Ebola epidemic, are watching the situation but do not seem overly concerned.

Exposure to the Ebola virus can cause Ebola hemorrhagic fever, or EHF. This condition is usually marked by fever, muscle pain, headache and sore throat. The illness progression includes nausea, vomiting, diarrhea and impaired organ function. In some cases, rash, internal and/or external bleeding, and death may occur.

Workers performing tasks involving close contact with symptomatic individuals with EHF or in environments contaminated or reasonably anticipated to be contaminated with infectious body fluids are at risk of exposure. These workers may include workers in the

healthcare, mortuary and death care, airline, and other travel service industries.

Occupational safety and health law requires employers to provide their employees with working conditions that are free of known dangers. Yet in an October survey by [allnurses.com](http://allnurses.com), 74 percent of nurses surveyed said they did not feel prepared to deal with an Ebola outbreak and feared for their safety. The OSHA law also prohibits employers from retaliating against employees for exercising their rights under the law (including the right to raise a health and safety concern or report an injury).

In a *Wall Street Journal* article (October 14, 2014), Stanford Wilson, an Atlanta-based employment lawyer, advised hospitals against forcing employees to work with Ebola patients. He said hospitals could face lawsuits or federal complaints if they did. He also advised against giving hazard pay to workers potentially exposed to the virus, saying that could cause problems for employers. It can create expectations of hazard pay when other risky situations arise.

Employers whose workers may be exposed to the Ebola virus would likely need to comply with provisions from a combination of OSHA standards in order to implement a comprehensive worker protection program.

OSHA's Bloodborne Pathogens standard covers exposure to Ebola virus, as it is transmitted by blood or other potentially infectious materials as defined in the standard. In situations where workers may be exposed to bioaerosols containing Ebola virus, employers must also follow OSHA's Respiratory Protection standard.

Other elements of infection control for Ebola, including a number of precautions for contact-transmissible diseases, are covered under OSHA's Personal Protective Equipment (PPE) standard (29 CFR 1910.132) and the General Duty Clause of the Occupational Safety and Health (OSH) Act of 1970, which requires employers to keep their workplace free of recognized hazards that can cause death or serious harm to workers.

Employers may also be required to follow these and other standards to protect their workers from exposure to chemicals used for cleaning and disinfection. Depending on the specific chemicals used, you may require different or additional personal protective equipment.

In an Ebola outbreak, scientists believe that the first patient becomes infected through contact with an infected animal, such as a fruit bat or primate (apes and monkeys.) Person-to-person transmission follows and can lead to large numbers of affected people.

When an infection occurs in humans, the virus can spread to others in several ways. Ebola is spread through direct contact (through broken skin or mucous membranes in, for example, the eyes, nose, or mouth) with:

- ✦ blood or body fluids (including urine, saliva, sweat, feces, vomit, breast milk, and semen) of a person sick with Ebola
- ✦ objects (such as needles and syringes) that have been contaminated with the virus
- ✦ infected fruit bats or primates.

If you have employees who travel to or are in an area affected by an Ebola outbreak, make sure they do the following:

- ✦ Practice careful hygiene. For example, wash hands with soap and water or an alcohol-based hand sanitizer and avoid contact with blood and body fluids.
- ✦ Do not handle items that may have come in contact with an infected person's blood or body fluids (such as clothes, bedding, needles, and medical equipment).
- ✦ Avoid funeral or burial rituals that require handling the body of someone who has died from Ebola.
- ✦ Avoid contact with bats and nonhuman primates or blood, fluids and raw meat prepared from these animals.
- ✦ Avoid hospitals in West Africa where Ebola patients are being treated. The U.S. embassy or consulate is often able to provide advice on facilities.
- ✦ After they return, employees should monitor their health for 21 days and seek medical care immediately if they develop symptoms of Ebola.

For more information on infection control and other safety and risk management programs, please contact us. ■

## Managing the Risks of Crowds

In 2008, a retail worker died from being trampled during a holiday sale event. OSHA has sent letters to major retailers to remind employers about the potential hazards of large crowds at retail stores during the holiday season. It is encouraging retailers to use the safety guidelines, Crowd Management Safety Guidelines for Retailers, available on OSHA's website.

Planning and preparations before the event can reduce the possibility of injury. Any organization that might have to deal with crowds should develop a crowd management plan. At a minimum, your crowd management plan should take into consideration:

- \* Additional staffing needs. Will you need on-site trained security personnel or police officers?
- \* Signage. Appropriate signage can help you steer crowds where you want them to go. Make sure exits, entrances, stairs and elevators are clearly and legibly marked.
- \* Physical barriers. Set up barricades or rope lines for crowd management. Be sure to keep entrances and exits clear.
- \* Emergency plan. Develop a plan and share it with local public safety agencies. Designate a worker to contact local emergency responders if necessary.
- \* Arrival and departure procedures. Develop procedures and ways of explaining them to the public.
- \* Limiting access. Determine maximum safe occupancy and prevent more people from entering when the facility reaches maximum occupancy.
- \* Entrances and exits. Keep them clear at all times.
- \* Training. Train workers in crowd management procedures and the emergency plan. Provide them with an opportunity to practice the special event plan. Include local public safety agencies if appropriate.
- \* Insurance. Contact your insurance broker to ensure you have the coverage you need for the event.

For more information on managing crowds and other holiday-season risk exposures, please contact us. ■

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