Workers' Comp & Safety News

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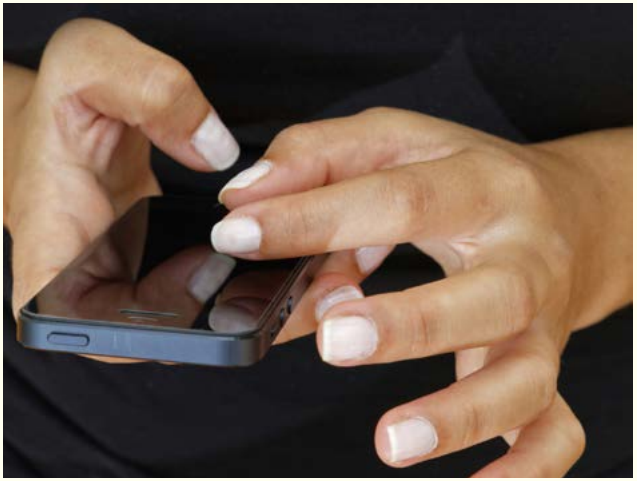
Smartphones: The Newest Ergonomic Hazard?

Today, smartphones account for more than 60 percent of all mobile phones sold in the U.S. Increasing speed, better features and more apps mean people spend more time on them than ever before. Should employers expect a rise in repetitive strain injuries?

Using a smartphone or tablet for extensive reading can force users to hold their arms and wrists in awkward positions for long periods of time. In addition, the small screen size often makes users slump over the screen to see it better, causing strain in the muscles of the head, neck and shoulders. And finally, relying on thumbs to type for extended periods can cause "BlackBerry thumb." In this repetitive strain injury (RSI), overuse and awkward positioning cause the tendons at the base of the thumb to become inflamed.



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Risk Note

Both New York and Florida have recently had grand jury investigations of workers' compensation fraud within their borders. New York has the second-highest rate of workers' compensation fraud in the country. The construction industry alone cost the city and state approximately $500 million due to worker misclassifications, according to a report in *Insurance Journal*. Misclassifications can either take the form of down-coding, or reporting a worker in a less-hazardous occupational class, or misclassifying a worker as an independent contractor to avoid paying workers' compensation premiums altogether.

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Our All-Important Thumbs

While it may be an overstatement that our thumbs make us human, they do some pretty remarkable things. The thumb accounts for around 50 to 60 percent of all hand function, including specialized functions (opposition, retroposition, palmar abduction and radial abduction). In simpler terms, thumbs allow us to grip things. Although every state workers' compensation system has a different way of calculating maximum benefits, most will award much more for the loss of a thumb than the loss of other fingers.

Smartphone users might not realize how much strain they are putting on their thumbs until they start to experience pain. The small size and weight of these devices can mislead a user about the pressure they require, Dolores Langford, a registered physiotherapist and certified hand therapist in West Vancouver, British Columbia, told researchers. "If you're texting, the pressure at the tip of your thumb is amplified twelve times by the time it gets to the base of your thumb," she said. This means the basal joint must absorb the shock with every keystroke. (*Source: Canadian Medical Association Journal, August 9, 2011, 183(11*)

As with other RSIs, BlackBerry thumb can become a chronic condition if not addressed soon enough. At their worst, BlackBerry thumb and other smartphone-related RSIs can cause chronic pain, fatigue and loss of productivity, and may require surgery to correct.

To ensure that your employees' use of mobile devices means more productivity rather than more injuries, consider conducting trainings on the proper use of smartphones and tablets. Key points to cover include:

1. **Use the right tool for the task.** Where possible, reserve smartphones and tablets for brief uses while on the go. When reading a lot or sending a lengthy email, for example, using a desktop computer will result in less strain on eyes, neck and hands.

   Workaround: Full-sized external keyboards can let a user input text with significantly less hand and wrist strain than "thumb typing" on a smartphone's screen.
2. **Limit repetitive motions—primarily entering text and information.** Small keypads make dialing numbers or inputting email addresses more difficult. Store commonly used numbers in memory. Keeping messages brief will reduce keystrokes and resulting stress.

   Workarounds: Using device shortcuts, such as copying and pasting text and using word prediction and auto completion, can also help reduce keystrokes. Switching from thumb-typing to using a finger or two can also give thumbs a needed break.
3. **Mind your posture.** Smartphone and tablet users often slump or crouch over a small screen to see it. Many manufacturers now offer tablet stands that will hold a tablet vertically for easier viewing, helping workers avoid straining muscles in the neck and shoulders.
4. **Use hands properly.** If you must hold a smartphone or tablet while typing, hold it in a vertical position, which decreases thumb reach to push a key. To further reduce strain, type using the pads of fingers versus fingernails and maintain a neutral grip, with straight wrists, to avoid straining the wrist and hand.
5. **Bigger is better—to a point.** Smartphones have been getting bigger to accommodate larger screens. Compare the newest "phablets"—a morph between a smartphone and a tablet—which have 6-inch screens, to the iPhone 4, which has a 3.5- inch screen. (Screens are measured on the diagonal.) A couple of inches might

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Florida's grand jury also found that the highest incidence of fraud occurs in the construction industry and high-risk employment, with many employers again misclassifying employees as independent contractors.

Most states impose penalties for misclassifying an employee as an independent contractor. The IRS also imposes fines. Misclassification causes serious problems, as it denies employees benefits and legal protections to which they're entitled. These include family and medical leave, overtime compensation, minimum wage pay and unemployment insurance. If you are unsure how to classify your organization's workers, please contact us for more information.

not sound like much, but the increase makes the virtual keys 25 percent larger than on a standard-sized phone. This could reduce strain on the fingers and hand.

Larger screens can also reduce eyestrain and can enhance reading comprehension. A 2011 study found that screen size significantly affects comprehension of complex reading materials, because users of small-screened devices see less at any given time and must scroll around the page, which distracts attention and takes more time.

So is bigger always better? A recent article in *The Wall Street Journal* (March 26, 2014) points out two downsides to larger smartphones—first, they can be harder to grip. And second, after a certain point, your thumbs can't swipe across the entire screen. The author cautions readers to test these two important aspects of fit before buying a new smartphone. (You might also want to figure in how much extra space a case will take, particularly if you use a heavy-duty phone case.)

6 **Minimize eyestrain.** Colored screens are less readable in direct sunlight, so workers who use their smartphone primarily outdoors or in natural light might want a monochrome screen for less eye strain when reading text. Those who use their smartphones indoors or in reduced-light environments will need backlight for optimal reading.

Also, consider the resolution. The longer the reading time, the higher the resolution you need. If you have a lot of text to read, save it for a laptop or PC.

Cleaning the screen periodically and using a screen protector can also help reduce eyestrain.

7 **Take frequent breaks.** For suggestions on exercises that can help smartphone and other electronic device users reduce stress, please see the article on P. 4. For more information on preventing RSIs in your workplace, please contact us. ■

(Source: Compensating Workers for Permanent Partial Disabilities, by Peter S. Barth. Social Security Bulletin, Vol. 65 No. 4, 2003/2004)

Cancer and Workers' Compensation

An estimated 3 to 6 percent of all cancer cases stem from occupational exposures. Based on total cancer numbers, this resulted in 43,695 to 87,390 new occupational-related cancer cases in the U.S. in 2010, the latest year for which data are available.

The actual number of occupational cancer cases is probably much higher, since we don't fully understand all the causes of cancer. At present, only 2 percent of the chemicals manufactured and used in U.S. workplaces have been tested for carcinogenicity.

Cancer Claims

NIOSH (the National Institute for Occupational Safety and Health) estimates that about 160 workers die from occupational diseases such as cancer or respiratory diseases in the U.S. every day. However, workers' compensation covers only a fraction of these people. Cancers have such long latency periods (the time between exposure and disease) that workers, employers and medical professionals often fail to detect the link between occupational exposure to a substance and cancer.

In most instances, the burden of proving their cancer stems from occupational exposure rests with the patient. Certain cancers can take twenty to thirty years to manifest after workplace exposure. When a diagnosis occurs so long after exposure, finding convincing evidence of a workplace link can prove difficult.

Exceptions exist, however. The workers' compensation statutes in most states have a "presumptive injury" standard for certain cancers that occur in firefighters and other public safety workers. If these workers develop or receive a diagnosis of cancer during a period when they are exposed to a known carcinogen while in public service, the workers' compensation system will presume the cancer is work-related and cover it.

Preventing Exposure

NIOSH says that most occupational cancers are preventable, if exposures to known or suspected

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carcinogens can be reduced. However, many workers are unaware of the potential hazards in their work environment, which makes them more vulnerable to injury. The following references can help employers and workers recognize potential carcinogens in the workplace and their health effects.

- NIOSH Pocket Guide to Chemical Hazards. National Institute for Occupational Safety and Health (NIOSH) Publication No. 2005-149, (2007, September). Lists the physical description, synonyms and trade names, personal protection, first-aid, and exposure limits for many chemicals.
- Occupational Health Guidelines for Chemical Hazards. National Institute for Occupational Safety and Health (NIOSH) Publication No. 81-123, (1981, January). Contains information on identification, physical and chemical properties, health hazards, exposure limits, exposure sources and control methods, monitoring, personal hygiene, storage, spills and leaks, and personal protective equipment.

Although smaller and low-hazard employers might never encounter a workers' compensation cancer claim, cancer can still have a major impact on your business. Cancer affects productivity—in fact, a 2012 study estimated the cost of lost productivity among U.S. workers with cancer at $7.5 billion per year. (Tang, D.H. et al, "Health care expenditures, hospitalizations, and productivity associated with cancer in US employer settings, *Journal of Occupational and Environmental Medicine*, December 2012)

Workers undergoing cancer treatments might also be eligible for leave under the Family and Medical Leave Act (FMLA) and protection under the ADA (Americans with Disability Act and amendments). Failing to observe these workers' rights can expose your business to employment practices discrimination claims.

For industry-specific suggestions on preventing cancer exposures in your workplace, please contact us.

Understanding Permanent Partial Disability

Permanent partial disability cases account for more than one-half of all workers' compensation cases. Understanding how these complex claims are paid can help you better manage them.

In a typical workers' compensation case, a worker can receive a cash benefit based on his/her average weekly wage if time lost due to injury exceeds the waiting period. A typical formula sets the benefit at two-thirds of the worker's average weekly wage, subject to a maximum weekly benefit.

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These temporary total disability benefits cease when the worker returns to employment at or near the pre-injury wage level or when he/she is found medically able to return to work. Eligibility also ends if the worker's medical condition stabilizes and is unlikely to change. State laws describe this stage as "maximum medical improvement" or a "permanent and stationary" condition. In addition, some jurisdictions set a time limit on temporary total disability benefits, and, in a few cases, on the amount of the payment. When temporary benefits have ended, the worker may be entitled to receive benefits for permanent partial disability.

Determining permanent partial disability benefits is one of the most complex areas of workers' compensation claims management. Many permanent partial disability cases take years to resolve; in one study, a significant fraction of claims were not closed more than three years after the injury date.

A *disability*, unlike an impairment, represents the socioeconomic loss that an individual sustains as a result of an injury, illness or condition. A permanent impairment need not result in disability, and the same degree of impairment can result in a vastly different degree of disability for different individuals.

For example, one worker with an impairment might never be able to return to work. Another worker, with precisely the same injury and the same degree of impairment, may be able to return to work quickly with little or no impact on his or her earnings. The injury to that worker would result in a much lower degree of disability. Disability evaluation can include medical assessment, but should also take account of the person's occupation and employment history, education and training, and other demographic and labor market variables.

Every state has different criteria for compensating permanent partial disability. Most states use a schedule—a list of body parts covered and the benefits paid for specific losses, such as the loss of a finger. These losses invariably include the upper and lower extremities and may also include an eye. Most state schedules also include the loss of hearing in one or both ears.

Most states typically do not schedule permanently disabling injuries to the spine, because these injuries can vary so much in severity. Nor do they schedule injuries to internal organs or head, or occupational diseases.

For unscheduled conditions, compensation methods can take one of these forms:

- *Impairment-Based Approach.* About 19 states use this approach to compensate for an unscheduled permanent partial disability, making it the most common method. In approximately 14 of those states, the worker with an unscheduled permanent partial disability receives a benefit based entirely on the degree of impairment. Any future earnings losses of the worker are not considered.
- *Loss-of-Earning-Capacity Approach*. Roughly 13 states use this approach to determine the permanent partial disability benefit for an unscheduled impairment. This approach links the benefit to the worker's ability to earn or to compete in the labor market; that is, it involves a forecast of the economic impact that the impairment will have on the worker.
- *Wage-Loss Approach.* In the 10 or so states that use this method, workers' compensation pays benefits for the actual or ongoing losses that a worker incurs. In some states, the permanent partial disability benefit begins after the claimant has achieved maximum medical improvement. In states that use this approach, permanent disability benefits can simply be the extension of temporary disability benefits until the disabled worker returns to employment.
- *Bifurcated Approach.* In nine jurisdictions, the benefit for a permanent disability depends on the worker's employment status at the time that the worker's condition is assessed, after the condition has stabilized. If the worker has returned to employment with earnings at or near the pre-injury level, the benefit is based on the degree of impairment. If the worker has not returned to employment, or has returned but at lower wages than before the injury, the benefit is based on the degree of lost earning capacity.

Lump-Sum Settlements

Where possible, insurers prefer to close permanent partial disability claims with a lump settlement rather than deal with the uncertainty of the outcome and final cost of a claim. All but eight states allow insurers to

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close out indemnity (lost time) benefits with a lump-sum payment; a dozen jurisdictions do not permit them to close the medical benefits portion of a worker's claim.

Many workers also prefer to take their benefits in a lump sum and put the compensation process behind them, even if some of the benefit is paid at a discounted rate. Perhaps more significantly, many jurisdictions allow attorneys to work on contingency, taking a percentage of their client's lump-sum payment. Attorneys can collect their fees more promptly and easily if they come directly from a lump sum paid to the worker.

We can help you evaluate open permanent partial disability cases and work for a resolution. For more information, please contact us.

(Source: Compensating Workers for Permanent Partial Disabilities, by Peter S. Barth. Social Security Bulletin, Vol. 65 No. 4, 2003/2004)

Stress-Relief Exercises for Smartphone Users

You can perform the following exercises at work throughout your day. These exercises can help energize your body and relieve muscle tension.

Hand Stretches: Separate and straighten your fingers until you feel the tension of a stretch. Hold 10 seconds. Relax, then bend fingers at the knuckles and hold 10 seconds. Repeat the first stretch once more.

Wrist Stretches: Place your hands palm-to-palm in front of you. Move hands downward, keeping your palms together, until you feel a mild stretch. Keep elbows up and even. Hold 5-8 seconds.

Eye Stretches

Palming: Cover your closed eyes with your hands, so that the palms are over (but not touching) your eyelids. Your fingers should overlap above your nose on your forehead. Take several deep breaths and take in the complete darkness (or visualize a relaxing setting). After 20 seconds or so, uncover your eyes and allow them to refocus.

Refocus Routine: Identify two objects that are roughly 20 feet away and relax. Comfortably focus on one object for approximately 10-15 seconds, then focus on the other object for 10-15 seconds. Return your focus to your monitor and continue working. Repeat routine regularly throughout the day.

Source: text and exercise graphics: USDA Animal and Plant Health Inspection Service

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