

Workers' Comp & Safety News



The Art
of Hospitality

Hospitality Insurance Specialist:

- Custom Tailored Insurance Programs
- Loss Control and Risk Management
- Safety Compliance and Training

13950 Cerritos Corporate Drive, Suite A • Cerritos, CA 90703
800-466-8951 • 800-494-6829 fax
www.petrarisksolutions.com • Lic# 0817715



Prevention

February/March 2015

Volume 13 • Number 1

Indoor Air Quality

When you think of air pollutants, you probably think of smog, auto exhaust and industrial emissions. But often indoor air can have more pollutants than outdoor air.

Since the passage of the Clean Air Act in 1970, outdoor air quality has improved along many measures. Indoor air quality (IAQ) is another story altogether. Since the late 1970s, buildings have been built more air-tight to conserve fossil fuels, creating virtually air-tight buildings. The World Health Organization has estimated that as many as 30 percent of new and remodeled buildings worldwide contain enough pollutants to make workers ill. This means any contaminants indoors become trapped, and often concentrated.

What kinds of contaminants can you find indoors? Specific pollutants include:

- ✦ chemicals offgassed from materials in the office, such as new carpet, paint, toners and inks



- ✦ fumes from cleaning compounds
- ✦ tobacco smoke (and e-cigarette vapors)

Risk Note

What types of action cause most disabling work injuries? According to the Liberty Mutual Research Institute for Safety, the top 10 list includes:

- ✦ Overexertion injuries
- ✦ Falls on the same level
- ✦ Struck by object or equipment
- ✦ Falls to a lower level
- ✦ Other exertions or bodily reactions
- ✦ Roadway incidents (motor vehicle accidents)
- ✦ Slip or trip without a fall
- ✦ Caught in/compressed by equipment or objects
- ✦ Repetitive motions involving micro-tasks
- ✦ Struck against object or equipment.

continued on next page

continued on next page

- ✱ excessive dust
- ✱ microbial contamination, such as molds and other microbes growing in the HVAC (heating, ventilation and air conditioning) systems
- ✱ radon gas
- ✱ carbon monoxide, caused by combustion in an area with insufficient ventilation.

Exposure to off-gassed chemicals and fumes can cause a variety of symptoms, depending on the type of chemical, concentration and duration of exposure. Exposure to molds and other microbes can cause hypersensitivity pneumonitis, rhinitis, sinusitis, asthma and Legionnaire's disease. Radon gas, a substance that occurs naturally as uranium in rock and soil decays, can seep from the ground into buildings. Breathing radioactive isotopes could cause lung damage and cancer. Carbon monoxide poisoning can cause dizziness, fatigue, nausea, unconsciousness and even death.

Health experts are finding more links between air quality and health conditions such as asthma and allergies. Industrial hygienists have classified illnesses caused by indoor pollution into two types:

- 1 Nonspecific building-related illness (NBRI), otherwise known as sick building syndrome. Sick building syndrome results in general complaints, which may include headaches, fatigue, nausea, mucous membrane (eye, nose, and throat) irritation, coughs and muscle pain. These

conditions generally are not traceable to a specific substance, but result from exposure to a combination of substances or to individual susceptibility to lower concentrations of contaminants. NBRI symptoms typically lessen or disappear when affected individuals leave the building.

- 2 Building-related illness (BRI) describes specific medical conditions of known cause, which exhibit physical signs that can be documented by laboratory findings. Such illnesses include respiratory allergies and Legionnaires' disease. Building-related illnesses are potentially severe. Unlike sick building syndrome, you can often trace BRI to a specific contaminant source.

How to Improve IAQ

The National Institute of Occupational Safety and Health (NIOSH) has found that the most likely sources of IAQ complaints are poor ventilation, poor thermal conditions (too hot or too cold), relative humidity (too high or too low), poor ergonomic layout of office space, emissions from office machines, copiers, and other building contaminants.

Improving indoor air quality takes two steps: **source reduction** and **improved ventilation**.

Source reduction requires finding sources of indoor pollution and eliminating, reducing or containing them. Steps you can take include:

- ✱ banning smoking and the use of e-ciga-

The top five types of injuries alone accounted for about 65 percent of 2012 workers' compensation costs. They cost employers \$39 billion in direct costs (wage replacement and medical costs). Lost productivity further adds to the burden.

For information on preventing these and other types of injuries, please contact us.



rettes indoors (if your state or municipality doesn't already ban workplace smoking)

- ✱ disposing of trash and garbage promptly and properly
- ✱ working with your building manager to reduce or eliminate applications of chemical pesticides and herbicides, both inside and outside the building
- ✱ selecting furnishings and finishes with minimal or no offgassing. Common offgassing culprits include carpeting, furniture and other items made with particleboard or other composite materials, paints and varnishes.
- ✱ working with cleaning services to ensure cleaning supplies are nontoxic.
- ✱ reducing exposure to radon (which varies depending on soils and geography of your area) by installing vapor barriers.
- ✱ checking sources of combustion, such as

furnaces, stoves, heaters, etc. for release of carbon monoxide. Many municipalities now require buildings to have carbon monoxide alarms in addition to smoke alarms. As CO is colorless and odorless, a monitor or alarm can save lives.

- ✦ checking office supplies for toxicity and fumes. Glues, solvents, toners and other common substances can release harmful fumes into the air. You can find substitutes, minimize their use or make sure workers using these substances do so in a well-ventilated area with eye and nose protection, if necessary.

Improving ventilation. In modern office buildings with sealed windows, indoor air quality depends on your HVAC system. To provide optimum ventilation:

- ✦ Do not block air vents or grilles
- ✦ Have a professional HVAC service evaluate your system for airflow, filtration and dampness. Dampness in the ducts can allow mold to grow, which can release spores into the air throughout the building.
- ✦ Pay attention if more than one worker complains of eye, nose or throat irritation; coughs; headaches; fatigue; nausea or muscle pain, particularly if those symptoms disappear or improve when they leave the office. These symptoms could indicate an indoor air quality problem.

For more information on dealing with indoor air quality and other workplace environmental problems, please call us. ■

How Investigations Can Improve Safety

Serious sleuthing after a workplace injury can not only help you discover the cause of a specific injury, it can also uncover hidden workplace hazards.

After an accident occurs, your first priority should be to get appropriate treatment for the injured worker. After that, you will want to take steps to prevent additional accidents from occurring. However, like at a crime scene, you'll want to make sure you don't disturb any evidence of what could have led to the accident before you have time to investigate.

What does a successful investigation uncover?

- ✦ direct cause of injury or accident
- ✦ peripheral and interrelated causes or results of the incident
- ✦ ways to promote safety and safe work methods
- ✦ ways to prevent similar incidents
- ✦ indirect and direct costs of the incident on wages, retraining, time lost, reduced production, etc.

To discover these facts requires a prompt and thorough investigation. Interview witnesses, other workers performing similar jobs or using the equipment — what were the direct causes of the accident? What were the indirect causes? What is the history of mishaps or near-misses in that department or among equipment users? What were actual and expected production levels when the accident occurred? Let witnesses use their own



words and repeat their stories back to them to ensure understanding.

What Details Will You Need?

The information you'll need includes: was the employee performing his or her regular job when the injury occurred? Was he or she involved in maintenance, repair or an infrequent task? Was he or she helping another worker (or vice versa) when the accident happened? Was the employee properly trained to perform the job and operate the equipment? Was he or she doing the job correctly? What were other workers doing at the time? Were "human" factors involved in the incident, such as fatigue, overtime, stress? What does the injured worker and his or her co-workers think about the "safety culture" in the workplace and management's commitment to it?

What Makes a Successful Investigator?

Successful interviewing requires a calm, sympathetic, systematic approach. Injured workers and their co-workers may be very emotional about the event or unclear about what actually happened. Showing a caring attitude and permitting traumatized or other affected workers to "clear the air" can also help the information-gathering process. Investigators can build trust and obtain more accurate information when they're straightforward about their role and their expectations.

To determine causes of an accident, a good investigator will look for gaps in information and facts that point away from a logical conclusion. But perhaps just as important as determining what caused the accident in question, he or she will be able to come up with recommendations for preventing similar accidents from happening again.

For tips on improving the effectiveness of your company's accident investigations, please call our office. ■

Bullying: Another Form of Workplace Violence

A bully in your workplace can affect morale, increasing stress levels for fellow employees—and possibly increasing your workers' compensation costs.



The Workplace Bullying Institute defines workplace bullying as "repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is abusive conduct that is:

- ✱ Threatening, humiliating, or intimidating, or
- ✱ Work interference — sabotage — which prevents work from getting done, or
- ✱ Verbal abuse."

In a 2014 survey, the Institute found that 27 percent of respondents had had current or past experience with workplace bullying. Further, respondents reported that 72 percent of employers denied, discounted, encouraged, rationalized or defended bullying.

So what's the big deal?

Unlike harassment based on protected characteristics, such as age, race and sex, no laws specifically prohibit bullying, unless the behavior becomes physical. Still, the ongoing nature of

continued on next page

bullying can lead to stress. In its 2007 poll of bullying in the workplace, the Institute found that 45 percent of the targets of bullying suffered stress-related health problems. Workers under stress are more likely to experience claims, and stay out of work longer when out on a claim.

Charles Tenser, an attorney specializing in workers' compensation cases, said, "Whether workplace bullying could result in a successful workers' compensation claim would depend upon several factors. If the workplace bullying were deemed to be so pervasive that it constituted a fact of employment, then injuries arising from workplace bullying could be deemed to arise out of and in the course of employment, and be compensable under workers' compensation statutes."

Bullying could also contribute to workplace violence, if an unstable person "snaps" in response to bullying. "Employees that become aggressive see it as a way of getting even for something," said Tom Tripp, a professor of management and operations at Washington State University in Vancouver and co-author of "Getting Even: The Truth About Workplace Revenge—And How to Stop It," in an interview with *Business Insurance* magazine. "They [bullied employees] feel they've been unjustly treated by the organization and they want to find a way to make it right."

For these reasons, all employers should have a zero-tolerance policy toward bullying and address bullying behavior appropriately. Steps include:

- 1 Notify employees and supervisors alike that the company will not tolerate bullying.
- 2 Encourage reporting of bullying or threatening behavior.
- 3 Encourage management to have an "open door" policy to stay involved with day-to-day interactions.
- 4 Appoint someone (ideally, someone from human resources with experience in dealing with interpersonal conflicts) to immediately investigate all reports of bullying.
- 5 Take appropriate action, from soliciting apologies to reassigning positions to termination, if warranted.
- 6 Educate employees on what constitutes inappropriate or harassing behavior.
- 7 Ensure management takes a "top down" approach to modeling appropriate behavior.
- 8 If your company has an employee assistance program, utilize the expertise of your EAP provider in investigating, intervening and providing education on bullying.
- 9 Create a written no-bullying policy; include your policy in employee handbooks and post it in prominent locations throughout the workplace.
- 10 Make your workplace safer by taking all complaints of bullying seriously and taking appropriate steps to remedy it.

A zero-tolerance toward bullying can improve workplace morale and safety. For more suggestions on improving safety, please contact us. ■

Sample Workplace Bullying Policy

Company X considers workplace bullying unacceptable and will not tolerate it under any circumstances. Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

Company X believes all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied.

Company X has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

Company X encourages all employees to report workplace bullying. Managers and supervisors must ensure employees who make complaints, or witnesses, are not victimized.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counseling, demotion or dismissal, depending on the circumstances.

The contact person for bullying at this workplace is:

Name: _____

Phone Number: _____

From: *Workplace Bullying: What Everyone Needs to Know*, Washington State Department of Labor and Industries ■

How Do Workers' Comp Policies Differ from Other Insurance?

Workers' compensation insurance differs from other types of insurance in several important ways.

- 1 No annual or per-claim limits.** Most insurance policies have annual and (sometimes) per-claim limits. After the policy pays out its maximum amounts, the insured must pay the difference out of pocket. With workers' compensation, you might pay a per-claim deductible, but after the claim exceeds the deductible, you will have no additional out-of-pocket costs. Why is that?

A workers' compensation policy specifically covers the benefits state law requires an employer to pay an injured worker. So no matter how much you owe an injured worker in lost time and/or medical benefits, the policy will pay.

- 2 No time limits.** Your workers' compensation policy will cover an injured worker for his/her entire life. If an injury that occurred during your employ recurs or needs further treatment, your policy will cover it...regardless of how long it's been since the injury occurred.
- 3 Your coverage never becomes outdated.** Unlike other business insurance coverages, which can have limits that are too low for your current needs or fail to cover important risk expo-

ures, you do not need to update your workers' compensation policy whenever the law changes. Because your policy covers all legitimate workers' compensation claims filed by your covered employees, it automatically covers any benefit increases or additional benefits that state law requires you to pay.

- 4 It's no-fault.** The so-called "exclusive remedy" makes workers' compensation one of the first types of no-fault insurance. Under the exclusive remedy doctrine, an employee gives up the right to sue the employer for any workplace injuries in exchange for guaranteed coverage under state workers' compensation law. This minimizes conflict, saves time, reduces legal costs and guarantees coverage for all workers with legitimate workplace injuries.

Keep in mind that workers' compensation policies are state-specific. If you have employees in more than one state or who spend significant amounts of work time in another state, please ask us for more information on your coverage options. In addition, workers' compensation laws don't apply to all employees, including contract employees. Employer's liability coverage can help fill this coverage gap. Please contact us for more information. ■

Workers' Comp & Safety News



The information presented and conclusions within are based upon our best judgment and analysis. It is not guaranteed information and does not necessarily reflect all available data. Web addresses are current at time of publication but subject to change. This material may not be quoted or reproduced in any form without publisher's permission. All rights reserved. ©2015 The Insurance 411. Tel. 877-762-7877. <http://theinsurance411.com>. 30% total recycled fiber. Printed in the U.S. on U.S.-manufactured paper.