

Reducing Lost Time Injury Costs and Avoiding ADAAA Claims

To provide policyholders with guidance on reasonable accommodations according to new legislation, EMC Occupational Consultant Kate Benson-Larson is participating in several educational sessions facilitated by Roy Matheson, an industry-respected expert in the area of work evaluation training.

According to Benson-Larson, these sessions reconfirm EMC's stance that best practices for employers dictate a specific action plan to eliminate or greatly reduce the costs of lost time injury claims, as well as avoid Americans with Disabilities Act Amendments Act (ADAAA) involvement. This action plan consists of:

- Developing a strong company policy and program of reasonable accommodations
- Updating all job analysis/functional job descriptions to validate essential functions, identifying accommodated duty assignments and creating a library of accommodated duty job descriptions
- Providing physicians and therapists with accommodated and essential functional job demands information on each injury claim
- Using treating physicians and therapists who are knowledgeable of the Americans with Disabilities Act (ADA) and recent amendments, and professionally function according to those standards

DEFINING REASONABLE ACCOMMODATIONS

One of the key nondiscrimination requirements of Title I of the ADA is the obligation to provide reasonable accommodation for employees with disabilities. According to the ADAAA, a reasonable accommodation is a modification or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. Examples of reasonable accommodations include making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials or policies; providing qualified readers or interpreters; and reassignment to a vacant position.



UNDERSTANDING REASONABLE ACCOMMODATIONS

Early return-to-work programs and accommodation of injured workers remain important examples of injury management best practices. However, when considering if reasonable accommodation are actually reasonable on a case-by-case basis, Benson-Larson reminds employers that:

- Employers do not always have to provide the specific accommodation requested, but can choose from other effective options.
- Employers do not have to provide accommodations that create an undue hardship for the employer.
- Employers are not required to provide personal use items needed to accomplish activities both on and off the job.
- Employers do not have to make accommodations for individuals who are not otherwise qualified for a job.
- Employers do not have to remove essential functions, create new jobs or lower production standards for an accommodation.

KEEP INFORMED

Benson-Larson is anticipating significant changes to the world of occupational medicine, workers' compensation and safety. *Count on EMC®* to keep you up-to-date on how these changes may impact you and your employees. You'll also want to check with legal counsel regarding ADAAA compliance.

NEED TO KNOW

A LINK BETWEEN LONG WORKDAYS AND DEPRESSION

A study conducted at the Finnish Institute of Occupational Health and at the University College in London found that working long hours can increase a person's risk of becoming depressed, regardless of how stressful the work is. Researchers noted that some positive work characteristics, such as high control or high rewards at work, may buffer an employee against the adverse health effects of long working hours. Review the study, "Overtime Work as a Predictor of Workplace Depressive Episodes," at www.plosone.org.

ARC FLASH AND MULTHAZARD GLOVES

Today, more multihazard gloves are available on the market, and multihazard protective products are becoming the norm. Currently, rubber insulating gloves are the only option for protecting against arc flash and shock. This is likely to remain the case in the near future, although companies are researching using materials other than rubber. To read more about gloves in arc flash, visit www.ohsonline.com/articles/2012/01/01/gloves-in-arc-flash.aspx?sc_lang=en.

NINE COUNTERMEASURES FOR ROADWAY SAFETY

The Federal Highway Administration launched a web page featuring the following nine countermeasures it considers most effective for establishing roadway safety:

- Vertical pavement edges
- Roundabouts
- Roadway transitions into major roads and highways
- Controlled contrast backgrounds for traffic lights
- Rumble strips for two-lane roads
- Lighting and surface considerations for high-risk roadway curves
- Medians and pedestrian crossing islands for urban and suburban roadways
- Pedestrian-activated warning devices
- Roadway configurations such as center two-way left-turn lanes

For more information, visit www.safety.fhwa.dot.gov/roadway_dept/rdctrm.cfm.

PLAY IT COOL WITH HOT WORK



“It’s relatively easy to control the risks associated with ‘hot work’ when the work is confined to a designated area within a workplace,” notes EMC Engineering Services Supervisor Chad Veach. **“However, the risks intensify when those operations are conducted outside of the designated ‘hot work’ area.”**

Between 2005 and 2009, the United States averaged 3,165 fires, \$145 million in property damage, eight deaths and 166 injuries per year relating to torch, soldering and burner equipment, according to the National Fire Protection Association. “The best way to minimize the potential for these types of fires is to use a permit system that requires all employees and contractors to follow specific guidelines when performing hot work,” notes Veach.

THE VALUE OF A HOT WORK PERMIT SYSTEM

A written hot work permit helps ensure that all precautions to reduce the risk of fire when working outside a designated hot work area have been taken. Some of the key elements of a hot work permit program include:

- **Permit Authorization**—The hot work permit should contain the name of employee or contractor authorized to perform the hot work, location of hot work area, nature of work to be performed, issue date and expiration date of permit, and the signature of the authorizing supervisor.

- **Permit Posting**—Hot work permits should be printed on highly visible colored paper and posted in a prominent location.
- **Precautions and Safeguards**—The supervisor authorizing the permit should verify that all hazards have been controlled in the hot work area before any work begins. Hot work should not be authorized until hazardous conditions have been eliminated. Never take a shortcut, even if the hot work will only be performed for a few minutes.
- **Fire Watch**—A fire watch should be maintained in the work area during all hot work operations and for at least 60 minutes after work has been completed. Fire watch personnel should not leave for breaks, lunch or other reasons, unless relieved by another person.
- **Employee Training**—Training should occur initially and as needed when deficiencies are noted. All training should be documented with the names of employees, trainer and date of training.

“It only takes a few seconds for a fire to get started as a result of embers from welding tools igniting insulation, leaves or other building materials,” notes Veach. In addition to material provided on EMC’s website, Veach suggests the following sources for guidance in the area of hot work safety:

- Occupational Safety and Health Administration (www.osha.gov)
- Insurance Institute for Business & Home Safety (www.disastersafety.org)

WHAT IS HOT WORK?

According to the Insurance Institute for Business & Home Safety, hot work operations include, but are not limited to, soldering, welding, pipe-cutting, heat-treating, grinding, thawing pipes, hot riveting, torch-applied roofing and any other application involving heat, sparks or flames.

INSIGHTS ONLINE



SCHOOLS

Reducing the Risk of Tornado Damage

While only two percent of tornadoes achieve the most violent classification, one quarter of tornadoes are powerful enough to cause 90 percent of the damage and two-thirds of the deaths. Read how wind-resistant construction can reduce the risk of structural damage from weak to moderate tornadoes.

Heat Illness and High School Athletes

High school athletes lose more than 9,000 days of athletic activity a year as a result of heat-related illness, according to report from the [Center for Disease Control and Prevention](#). These illnesses most often strike athletes during practices, and overweight athletes are more susceptible.



PETROLEUM MARKETERS

Evaluating Remote Tank Monitoring Systems

What type of remote tank monitoring system is right for your operation? [The Propane Education and Research Council's](#) tank level monitoring systems matrix can help you find the system to optimize delivery schedules and assure customers of a reliable and constant supply of propane.

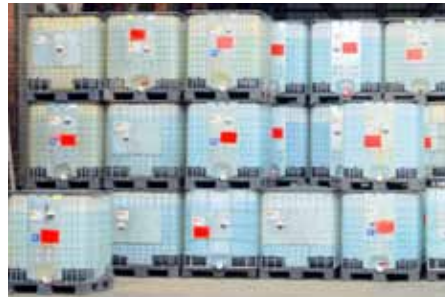
The Problem Isn't Shoplifters, It's Employees

There is no other form of larceny that costs more money annually than employee theft, according to the most recent National Retail Security Survey. Retailers attributed 45% of their inventory shrinkage to employee theft in recent years, which translates into an annual employee theft price tag of \$15.9 billion.



A Better Level of Chemical Hazard Protection for Workers

To better protect workers from hazardous chemicals, the U.S. Department of Labor's Occupational Safety and Health Administration has revised its Hazard Communication Standard, aligning it with the United Nations' Global Harmonization System (GHS). The new standard, once implemented, will prevent an estimated 43 deaths and result in an estimated \$475.2 million in enhanced productivity for U.S. businesses each year.



"Exposure to hazardous chemicals is one of the most serious dangers facing American workers today," said Secretary of Labor Hilda L. Solis. "Revising OSHA's Hazard Communication Standard will improve the quality, consistency and clarity of hazard information that workers receive, making it safer for workers to do their jobs and easier for employers to stay competitive in the global marketplace."

EMC Industrial Hygienist Krista Scott has spent considerable time reviewing how the new ruling will impact EMC policyholders. "For starters, it will reduce confusion about chemical hazards in the workplace, facilitate safety training and improve understanding of hazards, especially for low literacy workers," says Scott. OSHA's standard will classify chemicals according to their health and physical hazards. The standard also establishes consistent labels and safety data sheets for all chemicals made in the United States and imported from abroad. "It may take time for people to make the shift from old to new technology," admits Scott, "but adapting to the new rules, which will go into effect on Dec. 1, 2013, will have a positive impact on employees and employers."

For additional information for workers, employers and downstream users of hazardous chemicals, Scott recommends reviewing OSHA's Hazard Communication Safety and Health topics at <http://www.osha.gov/dsg/hazcom/index.html>.



Implementing the New Hazard Communications Standard



Complying to the Global Harmonization System (GHS) will not only help keep your employees safer from chemical hazards, but it will also help reduce the likelihood that your

organization will face fines. EMC Industrial Hygienist Krista Scott recommends the following five-step implementation plan to assure compliance:

Step 1: Become educated on the new hazard communication standard requirements by viewing OSHA's side-by-side comparison document at www.osha.gov/dsg/hazcom/side-by-side.html.

Step 2: By Dec. 1, 2013, train all employees on the new classification and labeling system.

Step 3: By June 1, 2015, modify your current written hazard communication program accordingly.

Step 4: Also by June 1, 2015, obtain updated safety sheets (SDS) for all chemicals within your facility. (Distributors may ship products labeled by manufacturers under the old system until Dec. 1, 2015.)

Step 5: By June 1, 2016, modify all labels within your facility to comply with the new standard.

Scott and other EMC loss control professionals are ready to assist you in adapting to the requirements of the new GHS rule.



CONTRACTORS

The High Cost of Falls

A new OSHA PowerPoint presentation demonstrates the heavy financial cost resulting from falls in construction. OSHA's analysis of fall injuries found that falls from elevations by roofers cost an average of \$106,000 each, and falls from elevations by carpenters cost an average of \$97,000 each.

The Proper Use of Respirators

Respirators protect workers against insufficient-oxygen environments, harmful dusts, fogs, smokes, mists, gases, vapors and sprays. These hazards may cause cancer, lung impairment, other diseases or death. OSHA recently posted a series of 17 videos to help workers learn more about the proper use of respirators on the job.



LOCAL GOVERNMENTS

Fatigue Among EMS Workers

Fatigue and poor sleep quality, which affect many emergency medical services (EMS) workers, are linked to higher reported rates of injuries, medical errors and safety-compromising behaviors.

Obesity Rate for Firefighters Is Higher Than Public

The percentage of obese or overweight firefighters has risen to "alarming levels" and has surpassed the percentage of the general public that is obese and overweight, according to a report released by the [National Volunteer Fire Council](#).

For complete industry updates, visit www.emcins.com, click **Loss Control** on the homepage and then **INSIGHTS ONLINE**.



THE BEST IN LOSS CONTROL:

Prework Screening Guide Now Available

Because each hiring decision ultimately affects an employer's bottom line, it is both a priority and a challenge to hire the right employee who is capable of doing his/her work safely and productively. EMC Insurance Companies is sensitive to this concern and has created an informational guide that details the benefits of prework screening in the hiring process and outlines steps you can use to develop your integrated program.

Using appropriate prework screening, you can:

- Determine whether or not job candidates can safely perform the essential physical demands of the job for which they applied, were selected and given a conditional job offer
- Use a properly constructed assessment tool that is medical in nature and legally defensible because it is based on measurable task criteria
- Know, step by step, how to establish a prework screening policy and measurable protocols

You can download a PDF of the Prework Screening Guide in the Loss Control section at www.emcins.com.

LOSS CONTROL INSIGHTS

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Loss Control Insights is a free publication provided by the EMC Insurance Companies Risk Improvement Department.

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