

# THE REPORT

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## REDUCING INJURIES

# Getting Buy-in from Managers on Safety Programs

**O**NE OF the keys to instituting an effective safety program is strong and unwavering management support.

This means support from the CEO down to each and every field or operations manager.

Management support, and full commitment to a safety system, is essential to changing the mindset of employees so they will embrace a change in safety culture.

So if operations and field managers are the keys to improving the safety culture, effective communication with these leaders is vital!

Various 'safety personality types' among the leaders must be recognized, and a different approach may be needed for each type.

ASURA Risk offers support in coaching and communicating with managers based on their specific personality type. Let us know if we can help in this area.

Constructor Magazine offers these recommendations for communicating with those who champion the safety program:

### 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.

*See 'Operation' on page 2*

## 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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## 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. ❖

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INSURANCE ISSUES

# Commercial Auto Rates Continue Climbing

**B**Y NOW, you've likely noticed that your commercial automotive insurance rates have been increasing since last year, and for now there seems to be no slowing the momentum.

The increase is probably noticeable since the period between 2011 and 2016 saw rates drop thanks to a number of factors, including fewer accidents, fewer cars on the road and more competition among insurance companies vying for your business.

In this article we look at what's behind the increase in rates.

### More drivers

More people are driving than since the recession that started in 2008. When millions of Americans lost their jobs and money was tight, fewer people were driving. And during this same period global oil prices dropped to their lowest level in more than two decades.

### Distracted driving

According to the AAA Foundation for Traffic Safety, about 87% of drivers admit to engaging in at least one risky behavior while behind the wheel, including using their phones and not wearing seatbelts.

### Claims costs increase

Besides more accidents, the costs of claims are also on the rise. There are three main reasons claims costs are increasing:

- Rising cost of medical care for people injured in accidents
- Rising cost of auto repairs
- Rising cost of auto parts

### Uninsured motorists

The number of uninsured drivers continues to increase and take its toll on the rest who play by the rules.

Thirteen percent of drivers drive uninsured and claim payments for these drivers have risen by 75% over the past 10 years, resulting in a \$14 premium increase for every insured individual, according to the Insurance Research Council.

### Inexperienced or undesirable drivers

As the economy has grown, companies are having a hard time finding experienced, good drivers. With more inexperienced employees driving commercial vehicles increasing, the number of accidents has also risen.

### Fewer insurers

There's been a shakeout in the commercial auto market and there are now fewer players than before, and that's resulted in rates increasing as insurers get more selective about which policies they will write.

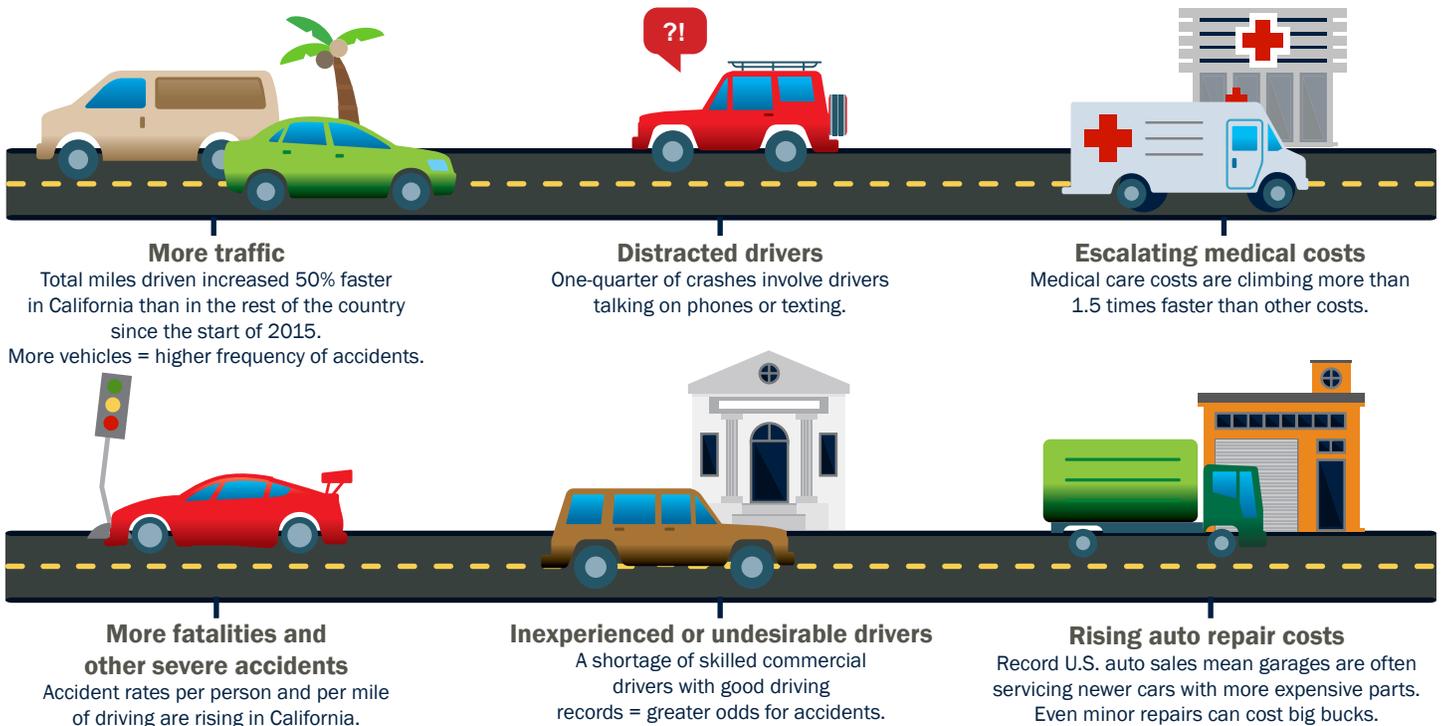
### The takeaway

With auto insurance premiums on the rise for the foreseeable future, it's more important than ever to be aware of the steps you can take to save on your premiums.

Call us to discuss your options. ❖

## CALIFORNIA COMMERCIAL AUTO

## WHAT'S DRIVING PREMIUM HIKES?



Source: Liberty Mutual Insurance Company

## 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 or 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.

