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This Just In...

RISK NOTE

Giving employers more control

over injured employees' medical treatment can save money, suggested a study by the Workers Compensation Research Institute and the Public Policy Institute of California suggests that the study, 'The Impact of Provider Choice on Workers' Compensation Costs and Outcomes, found that when workers chose their medical treatment provider, costs were generally higher, perceived recovery or health outcomes were not better and return-to-work outcomes were often poorer than when employers chose the provider. But workers reported much higher satisfaction with care when they chose their own providers. The organizations said the findings suggest that employers may be well-positioned to select good quality, lower-cost providers, or at least better positioned than many workers.

Does safety make financial sense?

CFOs seem to think so. In a survey conducted by Liberty Mutual, chief financial officers cited increased productivity (42.5 percent), reduced costs (28.3 percent), employee retention (7.1 percent) and better morale (5.8 percent) as benefits of workplace safety. (Source: *Risk Management* magazine, Nov. 2005)



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Hearing Protection Devices

Our last issue discussed the hazard of noise. If your employees are exposed to noise levels averaging 85 decibels or above, they will need hearing protection until you can control the noise, or in situations where noise control won't work.

There are three basic types of hearing protection devices:

☀ Expandable foam plugs, which conform to the shape of the individual's ear canal to block sound. Their advantages are they are comfortable if they fit right and a standard plug will fit most people's ear canals. However, they won't work if not inserted properly and might be too large to be comfortable for those with smaller ear canals. The wearer must roll the plug before inserting it, so foam plugs can introduce dirt or dust into the ear canal if handled with unclean hands.

☀ Premolded plugs made from silicone, plastic or rubber. These have some advantages over foam plugs. They are washable and convenient to carry and won't introduce dirt into the ear canal, because the wearer does not have to handle the tips. However, it could take some trial and error to find the right size, because they do not expand. Different styles must be inserted differently, so you must ensure workers know how to insert them properly.

☀ Earmuffs. These block noise by covering the entire outer ear. Some contain electronic components that block sharp, sudden noises or to help users communicate. To work properly, they must seal off the ear. Users who wear glasses or have beards, long hair or sideburns might not get an adequate seal. They are also heavier than other devices and can be hot.

Here's how you can ensure your hearing loss prevention program is effective:

☀ Check noise reduction ratings (NRR). Most manufacturers will give a noise reduction, or a measure of the reduction in noise, in decibels, the device achieves in a laboratory setting. Occupational health professionals use several different calculations to determine noise exposure, but generally speaking, you can estimate final noise exposure levels by subtracting the NRR from the environmental noise level. You want a NRR high enough to block harmful



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Reducing the Costs of Carpal Tunnel Syndrome

Carpal tunnel syndrome accounts for only 1.5 percent of nonfatal occupational injuries in the U.S. Still, it affects approximately two out of every 1,000 workers and is one of the most costly types of occupational injury. Researchers at Washington University Medical School estimate the average lifetime cost of a single carpal tunnel case at \$30,000 in medical bills and lost time.



after injury, acting as liaisons between physician and employer, and between injured worker and employer. They can be your own employees, TPAs (third-party administrators) or your insurer's employees. A case manager can educate employers on disabled worker management and assist workers in choosing physicians, determining appropriate care and adjusting to new accommodations and restrictions at work and at home.

What is carpal tunnel syndrome?

Carpal tunnel syndrome occurs when the median nerve that runs through the carpal tunnel—a narrow passageway at the base of the hand—becomes pinched or compressed. Injury to the wrist or swelling of the tendons in the carpal tunnel can cause the syndrome, as can non-occupational causes such as fluid retention. Symptoms include numbness and tingling of the wrist and hand, which can progress into sharp pain. If left untreated, permanent damage to the median nerve can result.

What causes carpal tunnel syndrome?

Doctors have associated wrist disorders with repetitive tasks since the 1960s. Later research revealed that what is known as carpal tunnel syndrome is also caused by force, cold temperatures, mechanical stress, vibration and poor posture. Since the dawn of the machine age, workplace custom obliged workers to adapt to machines, causing cumulative and often crippling wrist injuries, among other things.

Who gets carpal tunnel syndrome?

Carpal tunnel syndrome occurs three times more often in women than in men, possibly due to the fact that women have a smaller carpal tunnel than men. Diabetics and those with other metabolic disorders, along with pregnant women, are also more likely to get carpal tunnel syndrome.

The manufacturing industry accounts for the highest percentage of carpal tunnel sufferers, with 45 percent; occupationally, 42 percent of carpal tunnel sufferers are operators, fabricators or laborers, and 31.4 percent are technical, sales and administrative staff workers. Increasing job fragmentation; an aging workforce; the increase in keyboard/computer use; improperly designed, one-size-fits-all workstations and machines; and increased workloads caused by downsizing all contribute to the explosion of carpal tunnel syndrome and related repetitive stress injuries.

Case management

By using case management, your company can reduce the medical, disability and litigation costs associated with carpal tunnel syndrome. Case managers guide injured workers through treatment and rehabilitation

Case managers should analyze injured workers' home activities and hobbies, past injuries and former occupations to determine possible origins of the injury and to head off continued carpal tunnel problems. The case manager should accompany injured workers on their first visit to the doctor, to review treatment options and become familiar with the treatment plan. This will help you set up alternative work accommodations for the worker, and creates a team atmosphere the injured worker can rely on.

Treatments

Evidence shows that the best ways to cut the incidence and severity of carpal tunnel syndrome involve changing work methods, retraining workers and modifying computers, machinery, tools and equipment to fit human forms and posture. For immediate relief of symptoms, the simplest treatments often work best. Your first choice of treatment should be to rest the affected joint as much as possible; common anti-inflammatory medications, such as ibuprofen, can reduce the swelling and pain. A brace or splint that keeps the wrist in a natural position can also reduce the irritation and swelling.

Your occupational medicine specialist might recommend carpal tunnel surgery when other treatments fail, or in very severe cases that threaten to permanently damage the median nerve. Carpal tunnel surgery widens the carpal tunnel to relieve pressure on the median nerve. Often, the surgery can be performed arthroscopically, which means a smaller incision and less trauma to surrounding tissues.

Surgery is a last resort, and is guaranteed to be unsuccessful unless an injured employee's work methods and equipment are modified as well. You may not have to completely retool to make your business ergonomically sound — analyze the worksite to see whether retraining employees in proper equipment use will do the trick.

OSHA has several publications available with ergonomic safety tips and guidelines for instituting ergonomics programs at work. There are also testing devices on the market to measure the status of cumulative stress disorders on any employee. Outside consultants can review your worksite for ergonomic safety, too. Call us for more information about holding down carpal tunnel claims costs in your workplace. ■

Employee or Not, and Why It Matters

Hiring someone on an independent contractor basis has many advantages for employers. They can hire independent contractors on a per-project basis and let them go when the project is completed. They can often hire experienced workers who want to maintain a degree of independence. And they don't have to pay benefits or workers' compensation.

Or do they? Although most companies are aware of the problems of misclassifying workers, problems do arise. Misclassifying someone as an independent contractor when they really should be classified as an employee can lead to back taxes, penalties and fines, so it pays to know the difference.

Generally, the degree of control you exercise over the worker determines whether he or she is an employee or independent contractor. For example, an employer would probably provide a workers' materials, where an independent contractor usually provides his/her own. An employer sets an employee's work hours; an independent contractor usually has the right to set his/her own schedule.

The chart to the right can help you determine whether a worker is an employee or an independent contractor.

If you have any doubts, you can also request documents from an independent contractor that will help you verify his/her status. These include copies of advertising or directory listings, fictitious business name statements or assumed business name statements, Employer Identification Number (if he/she has employees), certificates of insurance for general liability or workers' compensation (if he/she has employees) and business licenses or professional licenses. For more information on your workers' compensation needs, please call us.



Employee	Not
Worker must obey instructions concerning when or how to perform the job.	Worker responsible for the outcome of the job and can determine how it is to be done.
Company provides training.	Worker may be licensed by a state board; may have invested considerable sums in training.
The job is "integrated," or central to the company's operations--the more integrated, the more likely the worker will be considered an employee.	
Services must be performed by a particular person.	
The company hires, supervises or pays a worker's assistants.	Worker can hire assistants and is responsible for their pay.
Worker has an ongoing relationship with the company.	Worker advertises or otherwise makes his/her services available to the general public.
Company sets the work hours.	Worker can set his/her own work hours.
Company requires full time work at its business.	Worker can work for more than one company at the same time.
Company controls where the work is performed.	
Company determines the order in which tasks are to be done.	
Company requires oral or written reports.	
Worker receives payment by hour, week or month.	Independent contractors are usually paid on a per job or commission basis.
Company provides tools and materials.	Worker has made significant investment in tools or facilities.
Company pays travel/ business expenses.	Worker can realize a profit or loss from a job.
Company can discharge a worker for reasons other than not meeting a contract's terms.	
Worker can usually quit without liability for failure to complete a job.	Worker liable for completing a job according to contract.
If you're still unsure whether a worker qualifies as an independent contractor, the Internal Revenue Service provides a variety of publications on its Web site, www.irs.gov , including guidance for specific industries. A qualified tax professional should also be able to help you make this determination.	

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noise, but not so high that the worker is unsafe. Some hearing protection devices do permit the wearer to hear a normal conversation.

- ☀️ A protective device works only when it's worn. To ensure compliance, give employees a variety of hearing protection devices to choose from so they can select one that's comfortable.
- ☀️ Check protective devices regularly for proper fit and wear and evaluate new devices as they come on the market for appropriateness for your needs.
- ☀️ Provide training at least once a year, which should cover proper inser-

tion/wear and hygiene.

- ☀️ Encourage workers to bring their devices home if they're exposed to high noise levels off the job as well. Hearing damage due to noise exposure is cumulative, so every exposure to loud noise counts—and it might be difficult for you to prove that nonoccupational exposure caused a worker's hearing loss.

For more information on hearing safety or dealing with hearing loss claims, please contact us.

Searching for Safety on the Web

Looking for more information on a safety-related or preventive health topic? Check out these Web sites:

Bureau of Labor Statistics: This site lists government statistics on labor and employment, including data on occupational injury and death, by industry, occupation, body part injured. www.bls.gov

Center for Disease Control: This site includes information on public health topics. Employers will find sections on environmental health, travelers' health (which includes health advisories for specific countries, including vaccine requirements) and emergency preparedness and response. www.cdc.gov

Chemical Database: Sponsored by the Department of Chemistry at the University of Akron, the database contains listings for more than 20,000 chemicals. Listings include properties of the chemicals, information on proper handling/storage, fire potential, effects of exposure and first aid treatments. <http://ull.chemistry.uakron.edu/erd/>

National Institute of Occupational Safety and Health (NIOSH): Part of the CDC, NIOSH conducts research and makes recommendations for the prevention of work-related injury and illness. You can search their site for information on preventing and treating specific work-related conditions, or search for occupational hazards by job title or industry, for example "firefighters" or "farms." www.cdc.gov/niosh/homepage.html

Occupational Safety & Health Administration: The federal OSHA issues and enforces regulations for various industries. Check this site for current information on regulations that apply to your industry, and for current information on safety. www.osha.gov

State occupational safety & health departments: Twenty-two states and territories have their own occupational safety and health programs. States must set job safety and health standards that are "at least as effective as" comparable federal standards. States also have the option to promulgate standards covering hazards not addressed by federal standards.

The states that have occupational safety and health programs are: Alaska, Arizona, California, Connecticut (covers public employees only), Hawaii, Indiana, Iowa, Kentucky, Maryland,

Michigan, Minnesota, Nevada, New Mexico, New Jersey (public employees only), New York (public employees only), North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Islands (public employees only), Virginia, Washington and Wyoming. For contact information for the various state programs, see www.osha.gov/fso/osp/index.html

American College of Occupational and Environmental Medicine (ACOEM). Most of the site is open to members only, but it does provide a list of OEM specialists by area and specialty. www.acoem.org

American Association of Poison Control Centers: Find your local poison control center here and keep the number handy! www.aapcc.org/
National Libraries of Medicine/National Institutes of Health: This extensive medical reference center has a section devoted to occupational health and prevention. www.nlm.nih.gov/medlineplus/occupationalhealth.html

It also contains Haz-Map, which links jobs and hazardous tasks with occupational diseases and their symptoms, and Toxnet, databases on hazardous chemicals, toxic releases and environmental health. <http://sis.nlm.nih.gov/enviro/occupationalhealthinformation.html>

Cambridge Center for Behavioral Studies: This site has a section that provides information on the relationship between behavior and safety. www.behavior.org/safety/safety_welcome.cfm

Center to Protect Workers' Rights: Sponsored by the AFL-CIO, the site focuses on construction safety. Employers in the construction industry will find hazard information sheets that may be useful. www.cpw.com

Mayo Clinic: A general health site that offers information on many health issues. www.mayohealth.org

National Electrical Safety Foundation: Employers in the construction business, electrical contractors and those who employ electricians may find information of use. www.electrical-safety.org

National Safety Councils: The National Safety Council is a nonprofit, nongovernmental, international public service organization dedi-

cated to protecting life and promoting health. Their site covers many aspects of safety. The "Resources" section, which contains chemical backgrounders, driving safety sheets, and more. www.nsc.org

Nonprofit Risk Management Center: Click the "workplace safety toolkit" icon to go to an extensive resource for employers on various elements of developing a workplace safety program. Useful sections include responding to accidents, risk management, developing workplace safety manuals, and more. Most information would apply to employers in the for-profit world as well as nonprofits. www.nonprofitrisk.org/ws/c3/elements.htm

American Conference of Governmental Industrial Hygienists: Most of this site is available to members only. It contains a link to find an industrial hygienist in your area. www.aiha.org

DisabilityInfo.gov: Designed for people with disabilities, the site links to government agencies providing information on including civil rights, community life, education, employment, housing, health, income support, technology and transportation. It includes a link to information on developing an evacuation plan to evacuate people with disabilities.

State workers' compensation laws: Find them online at the Department of Labor's site, www.dol.gov/esa/regs/statutes/owcp/stwclaw/stw-claw.htm

GovBenefits.gov: A site that links to information on various benefits available through the federal government—everything from the Longshore and Harbor Workers Act (see below), to scholarships. www.govbenefits.gov

U.S. Department of Labor: Administers and provides information for benefits under the Longshore and Harbor Workers Act at www.dol.gov/esa/owcp/dlhwc/LS-560pam.htm. It also administers and provides information for workers' compensation benefits available to coal miners under the Black Lung Act, www.dol.gov/esa/regs/compliance/owcp/bltable.htm, and workers' compensation for federal employees.



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