



SAFETYTIMES

A Bi-Monthly Publication distributed by the Workers' Comp & Safety Committee
P.O. Box 8070, Santa Rosa, CA 95407 • (707) 542-9502 • www.ncbesafety.com

ROUTING SLIP

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ACCIDENT INVESTIGATIONS

The Injury and Illness Prevention Program (IIPP) regulation (§3203 of Title 8) requires that a company's written IIPP contain seven elements. One of them is to "Include a procedure to investigate occupational injury or occupational illness". The purpose of an investigation is to find the cause of an accident and prevent further occurrences. An unbiased, objective investigation is key.

Prior to the occurrence of an injury, it is important that as part of your IIPP you identify who in your organization is responsible for conducting accident investigations and determine what your overall process/policy is.

Following are basic guidelines for conducting an accident investigation:

OBSERVE AND ANALYZE THE SITUATION:

First make sure the area where the injury occurred is safe and determine any action needed to protect lives and property. If dealing with a serious injury, management will make the determination as to whether or not OSHA should be notified.

Cooperate with the proper authorities and keep responses to known specifics. If you don't know, don't guess.



TAKE CHARGE OF THE INVESTIGATION:

Gather and document facts as soon as possible. Utilize a pre-established "Accident Investigation Form".

Identify involved parties.

Keep documentation specific in nature. Do not document speculations, unless you are quoting a statement provided by another individual.

If possible, interview the injured worker at the scene of the accident and "walk" him or her through a re-enactment.

Focus on causes and hazards. Develop an analysis of what happened, how it happened and how it could have been prevented. Determine what caused the accident itself, not just the injury. Every investigation should include an action plan. How will you prevent such accidents in the future? Most accidents have an underlying cause that can be identified. Once the cause is identified, steps can be put into place to change the contributing factors.

IDENTIFY CONTRIBUTING FACTORS:

Was a subcontractor involved? If yes, request that they provide an accident report.

Did the incident occur due to a product owned and/or operated by a 3rd party?

Did a defective product contribute to the incident occurring? Determine and document name of owner and/or manufacturer.

COMP CORNER

Hallie Fraser
Workers' Comp &
Safety Director



True or False? "I have less than 10 employees so I don't have to have written safety programs". I hate to break it to you, but this statement is false. If you have less than 10 employees you still have to have an Injury and Illness Prevention program in writing, there are some reduced requirements, but you must have the program in writing. Other programs you must have – Hazard Communication (MSDS), Emergency Medical Services Plan, Code of Safe Practices and a Heat Illness Prevention Plan. Remember, NCBE has template safety programs available at no cost to our group workers' comp participants (groups 641, 713-720).

Call me at (707) 542-9502 or email me at hallie@ncbeonline.com to get your templates.



CHANGES TO CAL/OSHA REGULATIONS

There have been a couple changes to the Cal/OSHA regulations:

1) §1598. Traffic Control for Public Streets and Highways and §1599. Flaggers. The Construction Safety Orders have been updated to include the following reference in relation to the required high visibility clothing to be worn. The statement "manufactured in accordance with the requirements of the American National Standards Institute (ANSI)/International Safety Equipment

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“Red Flag” Indicators of Workers’ Comp Abuse or Fraud

Although most workers’ comp claims are legitimate, some are abusive or fraudulent. The following indicators can help isolate claims that may need closer scrutiny.

No one indicator by itself is necessarily suspicious. Even the presence of several indicators, while suggestive of possible fraud, does not mean that fraud has definitely been committed. Indicators are “red flags” only, not actual evidence.

If you have multiple “red flag” indicators and suspect abuse or fraud on a claim, work with your claims adjuster, provide specific information to them (names, dates, addresses, witnesses, etc.), and be persistent.

State Fund has a fraud unit and, whether you realize it or not, does follow-up on all suspected fraud claims. They need valid, specific information from you to issue a referral to either the District Attorney, Department of Insurance, or both. It is difficult to follow-up on anonymous tips.

“RED FLAG” Indicators:

- Number of days worked and amount of salary inconsistent with occupation;
- Injured worker disputes average weekly wage due to additional income (i.e., per diem and/or 1099 income);
- Cross-outs, white-outs and erasures on documents;
- Injured worker files for benefits in a state other than principle location of the alleged industrial injury or occupational disease;
- Injured worker-listed occupation is inconsistent with employer’s stated business;
- Injured worker address is different than principle location of employer other than border states;
- Injured worker cannot be reached because he or she is never home or is reportedly sleeping and cannot be disturbed;
- Injured worker is seen with calluses on hands, grease under fingernails;
- Injured worker moves out of state or country shortly after filing claim;

- Accident/incident occurs immediately prior to strike, layoff, plant closing, job termination or job completion;
- Injured worker is in line for early retirement;
- Injured worker refuses (or delays multiple times) diagnostic procedures to confirm injury;
- Conflicting descriptions of the accident/incident between employer’s report and initial medical evaluation;
- Injury is not consistent with nature of business;
- Date, time and place of accident is unknown;
- Injured worker cannot recall specific details about the injury
- Report of injury not timely and immediate;
- No witnesses to accident;
- Tips from co-workers.

COMP CORNER

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Association (ISEA) 107-2004, High Visibility Safety Apparel and Headwear” has been added to several paragraphs within the regulation. For the complete, updated regulations go to http://www.dir.ca.gov/oshsb/hva_apprvdtxt.doc

2) §1549. Piling Material. (Effective date March 4, 2010) The following wording has been added to the regulation: (h) Material on balconies or in other similar elevated locations on the exteriors of buildings under construction shall be placed, secured or positively barricaded in order to prevent the material from falling. For the full regulation go to: http://www.dir.ca.gov/oshsb/Piling_Materials.html



The State Fund website has been updated and is much more user friendly. Check it out at www.statefundca.com. Check out the free seminars being offered all over the state, including heat illness prevention.

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A CONSTRUCTION ASSOCIATION SERVING SONOMA, LAKE & MENDOCINO COUNTIES



New Free Safety Materials Available from NCBE

1) SAFETY CLIPS

Each Safety Clip has two parts – An inspection (job hazard analysis) and a tailgate safety meeting. These can be used separately (just the inspection or just the tailgate meeting/safety training) but the intent is to use them together. First, do the inspection then provide training on any deficiencies that are found from the inspection using the safety training form. If no deficiencies are found, move on to another job task.

The inspection process is valuable as it can assist with defining hazards and determining what topics need to be covered in your organization. This process can also assist with creating your Code of Safe Practices. Construction-related companies are required to do Tailgate Safety meetings every 10 days per Cal/OSHA (regardless of the size of your company).

Safety Clips available:

- SC1 - Ladder Inspection & Safety Training
- SC2 – Vehicle Inspection & Defensive Driving Training
- SC3 – Table Saw Inspection & Safety Training
- SC5 – Nail Gun Inspection & Safety Training
- SC7 – Excavation/Trenching Inspection & Safety Training
- SC8 - Forklift Inspection & Safety Training
- SC9 - Hand Tools Inspection & Safety Training
- SC10 – Back Safety Inspection & Safety Training
- SC11 - Backhoe Inspection & Safety Training
- SC14 – Noise Hazard Inspection & Safety Training

Safety Clips can be found on our website at http://www.ncbesafety.com/resources_tools.asp

2) Cal/OSHA Update Service – this is a monthly update service via email that will provide information on new regulations, links to training materials, new products available from Cal/OSHA, etc. You must sign up for this service and it is only available to participants in our group workers' comp programs and members. To sign-up simply email Hallie at Hallie@ncbeonline.com and put in the reference line or in the body of the email "Cal/OSHA Update Service". You can unsubscribe to this at any time and your email address will not be provided to companies outside NCBE.

Accident Investigations - Continued from page 1

Did the weather or other natural occurrences contribute?

LOCATE WITNESSES:

Obtain names of all witnesses and request written statements be provided. Identify the relationship. Obtain contact information, including the name and phone number of their nearest relative, in the event that they re-locate.

All interviews should be conducted as privately as possible. Interview witnesses one at a time. Talk with anyone who has knowledge of the accident even if they did not actually witness it.

Consider taking signed statements in cases where facts are unclear or there is an element of controversy.

SURVEY ACCIDENT SITE & TAKE PICTURES!

Take pictures! Pictures should include any apparent medical evidence, personal affects, equipment, instrumental readings and control positions, and any evidence, which is removable (i.e. barricades, temporary railing, caution tape, etc.).

Use diagrams as needed and take measurements when appropriate. Also, attempt to include measurements within a picture, if possible.

Details are important.

Save physical evidence, if possible.

Utilize the above guidelines in your Accident Investigations and you will be well on your way to determining causes of injuries in your organization thereby allowing you to address those causes.





- ~ ACCIDENT INVESTIGATIONS
- ~ FRAUD RED FLAGS
- ~ *Comp Corner* – TRUE OR FALSE? WRITTEN SAFETY PROGRAMS
— CHANGES TO CAL/OSHA REGULATIONS
- ~ NEW FREE SAFETY MATERIALS FROM NCBE
- ~ SAFETY SNIPPETS

Safety Snippets ~ NCBE Safety Hotline

Have a safety question? A Cal/OSHA question? Need a copy of a regulation ASAP? Need some assistance from someone you can trust? Call NCBE's Safety Hotline, it's a direct line to someone who can help. (707) 542-SFTY (7389).

Check out seminars being offered at NCBE on our website at www.ncbeonline.com or for safety related seminars only go to www.ncbesafety.com



Contact Us WORKERS' COMP & SAFETY COMMITTEE

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