

# RISK Monitor

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A Newsletter for Clients and Friends of Galloway Chandler McKinney Insurance

## WORKERS' COMP

### Workers Who File a Claim Often File More

A NEW study has found that people who have had workers' comp claims in the past are more likely to file future claims compared to those who have never suffered an on-the-job injury.

The study - the subject of an article published in the Journal of Occupational and Environmental Medicine - concluded that a past claim is the most predictive factor in determining the likelihood of future workers' comp claims.

While the findings shed light on a significant driver of workplace injuries, employers are in a difficult position as asking prospective employees about past claims experience is illegal in most jurisdictions.

The main findings of the study, "Reoccurring Injury, Chronic Health

Conditions, and Behavior Health: Gender Differences in the Causes of Workers' Compensation Claims," are:

A higher proportion of both men and women who had filed workers' comp claims in the past also experienced a subsequent workplace injury.

For both genders, a past claim is the most predictive factor in determining the likelihood of filing a future claim.

Women who had certain pre-existing behavioral risk factors like depression, poor sleep habits and headaches were more likely to file a subsequent claim if they had already filed one. These same risk factors did not add to the likelihood among men in filing second claims.

Future claims are associated with individual workers' overall health.

#### The takeaway

Besides addressing workplace hazards proactively, anytime you have a workplace injury, you should investigate to determine how the incident occurred. Once you identify what went wrong or broke down in your processes leading to the incident, you can address the problem through new safeguards and training.

Also, if an employee does file a claim, when they are back on the job you should give them additional safety training and attention to reduce the chances of them suffering future workplace incidents.

And what about prospective employees? First off, most states bar employers from asking prospective hires about any past workers' comp claims they have filed with previous employers.

The Federal Americans with Disabilities Act, as well as numerous state laws, seeks to protect job seekers from discrimination in hiring as a result of filing valid claims.

The bottom line is that an employer cannot request workers' compensation records in order to have a policy of not hiring anyone who has made a claim. It is discriminatory to penalize a person who has exercised a lawful right in a lawful way and filed a valid claim.

If you are considering trying to obtain past workers' comp records, you should consult with a labor lawyer before making any moves.



### Welcome to the Galloway Chandler McKinney Insurance Newsletter!

It is with great satisfaction that we bring this newsletter to you. In this issue and in coming months, we will discuss pertinent risk management topics which may affect your organization. We sincerely hope that you will find this newsletter informative and please do not hesitate to contact us should you have any questions or needs.





# Distractions Hurt Your Employees and Your Business

WORKPLACE DISTRACTIONS are ever-present. They reduce workers' productivity, increase their stress, cause injuries, and lower morale. Some are the result of modern technology, but others have been around a lot longer.

Following an interruption, it typically takes a couple of minutes to return concentration to work. These short interruptions and recovery periods add up to large amounts of lost productive time.

There are many distractions that can affect employee safety and productivity that employers need to be aware of.

**Smartphones** – Smartphones and tablet computers are a major distraction, especially in office environments. Text messages, alerts and the urge to check Facebook and news – not to mention game apps like Candy Crush and Words with Friends – can pull employees' attention away from the task at hand.

**E-mail** – Misuse of e-mail can be another productivity-sapper. This includes strings of e-mails sent to arrange a time for a meeting or conference call, when scheduling software could accomplish the same thing with one or two messages. It also includes clicking the "reply all" button, sending a thank-you intended for one person to a group of ten. Again, these small interruptions compound over time.

**Old-fashioned interruptions** – A co-worker who stops by to ask a quick question and sticks around to chat for a few minutes. Meetings that are held because they've always been held, regardless of whether they accomplish anything. The colleague who sits three cubicles away and is incapable of having a quiet conversation.

**Personal issues** – In some cases, a worker's distractions may come from himself. His job may be boring, causing his mind to wander while he uses a tool or pours a hot drink. He may have problems at home – financial difficulties, family members who are ill, elderly parents, a child going through a rough time.

**Work pressures** – This includes perceived pressure to finish a job quickly. Manufacturing or warehouse employees may feel pushed to fill an order in a hurry, or construction workers may face short deadlines.

**Complacency** – Sometimes, workers have done a job for too long and have grown complacent in their knowledge. This can lead to their missing crucial steps in the process, resulting in faulty work and worse.

## The fallout

Distractions are not only annoying; they can also be dangerous.

Tripping hazards, machines that use saws, punches, drills or lasers, and workplace chemicals can all cause serious injuries if workers are not paying attention.

An employee driving a forklift in a warehouse can collide with furniture or goods. Kitchen workers plus knives and stoves, coupled distractions can easily produce injuries that are costly and upsetting for the rest of the staff.

To an extent, distractions are unavoidable, but they can be reduced. One thing employers can do is to encourage frequent breaks.

There is a limit to how long someone can focus intently on a task. Occasional stretch or walk breaks can help workers clear their minds, relax a little, and take care of personal phone calls and messages.

If necessary, managers can block employees from accessing certain websites or limit use of smartphones to break times. They can also model and encourage proper use of e-mail.

Meetings can be scheduled only when a group discussion is necessary to accomplish work results. To keep them on track, they should be time-limited and have stated agendas.

If it doesn't interfere with customer service, employees can wear earbuds or headphones to muffle loud conversations. Employees subject to frequent interruptions from gossipy co-workers should be permitted to hang up "do not disturb" signs when necessary.

It is possible to reduce distractions without burdening the workplace with excessive rules. Employers who do so will raise morale, prevent injuries, improve quality and boost profits.

# Avoid Falling Victim to a Staged Car Crash Scam

THE STAGED car accident scam is growing as perpetrators are getting craftier about entrapping unsuspecting motorists.

Scammers usually meticulously plan their staged car accidents, leaving nothing to chance. You may not even know it was staged, while witnesses may only catch a glimpse and think they saw something they didn't.

Here are some common scams:

## The T-bone

In this staged accident the scammer will wait for your car to proceed through an intersection and then floor it and T-bone your vehicle.

When police arrive, the scammer's helpers will claim you ran a red light or ran the stop sign.

## The wave

In this scenario, the scammer will see you are trying to switch lanes and they wave you ahead. But when you do switch lanes, they will accelerate and hit your car. Once police arrive to take the accident report, they'll lie and say you switched lanes when it was not safe to do so and they didn't have time to brake.

## Dual-turn sideswipe

In this set-up, you have to be in a dual left-turn lane on the inside and if you are close to the lane marker, the other driver will veer into you and claim you came out of your lane and hit them.

They may also have "witnesses" stationed at the intersection to back up their yarn.

## Stopping short

The scammer will slam on their brakes when your car is close behind so that you will crash into the rear of the vehicle.

## Swoop and stop

In this scenario, a car will suddenly pull in front of yours and stop. Another vehicle will simultaneously pull up alongside your car, preventing you from swerving to avoid an accident.

## Furthering the scams

Scammers and their "passengers" will often also claim injuries they didn't incur. They may also be in cahoots with shady doctors and chiropractors, who inflate their bills and over-treat.

These car crash scams can leave you paying for damages you didn't cause.

Even if your insurer covers the crash and the damage to your car, you will still be without your car for a time and dealing with insurance paperwork and the repair shop.

## How to avoid accident scams

One of the best ways to avoid being the victim of a fake accident claim is by exercising caution while driving.

Tailgating or failing to leave enough space between your vehicle and a vehicle ahead of you leaves you vulnerable to becoming the victim of a staged accident. All the driver ahead of you has to do is abruptly stop to cause you to crash into the rear of their vehicle.

If you believe you are being targeted by someone staging an accident, do not leave the scene. Call the police and let the officers who respond handle taking a report of the accident.

Keep a camera (if you don't have a smartphone), pen and paper in the car so that you can take photos and notes at the scene.

More motorists are also installing dash cams that turn on when the car starts and are constantly recording. These can be all the proof you need to refute the scammer's side of the story.

Take pics from every angle of the involved vehicles, with special focus on the damage. Also, capture on camera the license plate, as well as photos of the driver and all the passengers in the other vehicle.

Take down the following information:

- Driver license number.
- Vehicle registration information.
- Car insurance information.
- Name, address and phone number.
- The general height and weight (as well as the ethnicity) of the other car's driver and passengers.

When you report the accident to your car insurance company, you should tell them if you suspect a scam.



# Have a New Drone? Understand Your Liability Risks

AFTER ANOTHER Christmas, more American homes now include a new addition: a drone. While these gadgets can be loads of fun to fly, they also come with responsibility and risk of property damage and bodily injury.

As people start flying drones, there will be accidents and injuries, followed by claims – and even lawsuits.

If you are like most people, you were not thinking about insurance when you purchased a drone for your kid. But you'll want to make sure you are properly covered for any accidents, particularly if the victim is a third party.

The liability protection in homeowner's or renter's insurance policies will sometimes cover damage or injury from a drone crashing into a neighbor's house, vehicle or child. Yet, this coverage isn't universal and some policies specifically carry an aviation exclusion that encompasses recreational drones, which the Federal Aviation Administration (FAA) currently classifies as small aircraft.

While your homeowner's policy would likely cover damage if your drone crashed into a neighbor's car, your policy would not cover damage to your own property.

Insurers view drone mishaps as akin to having your mastiff destroying your neighbor's shrubbery, but not your own. In other words, they'd cover the damage to your neighbor, but not to your own stuff.

If you are uncertain about your policy covering drone liability, please call us and we can check it for you.

In the likely case that it won't be covered, you can buy drone insurance through individual liability coverage, via us.

## Other issues

Liability coverage for physical damage isn't the only kind of coverage you might need.

Insurance lawyers foresee a rise in invasion of privacy claims, which falls under personal injury. If your drone accidentally captures images of a neighbor, and that neighbor feels you have violated his or her privacy, you could be sued.

An umbrella policy or the personal injury section of homeowner's insurance could protect you in this case.

But if the invasion of privacy was intentional, like posting photos of your neighbor in a compromising position online, the insurer would not cover the claim.

## Drone registry

Beyond insurers, regulators also are preparing for how to manage increased drone flying.

As of Dec. 21, 2015, owners of small drones weighing half a pound to 55 pounds, must register the machines with the FAA.

## Drone Registration Rules

- Registration is mandatory.
- If you already own a drone, you have until February 19, 2016 to register.
- You must register before your first flight.
- Users must be at least 13 years old to register online.
- The registration fee is \$5, which is good for three years.
- Currently you can only register on the FAA website: [www.faa.gov/uas/registration/](http://www.faa.gov/uas/registration/)
- This registration process only applies to hobby and recreational use. Business use rules are still forthcoming.



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