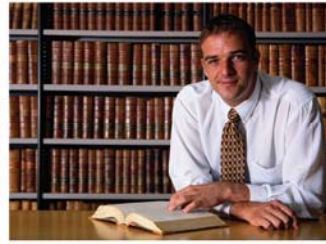




small business



CNA

Workers' compensation

Workers' Compensation laws established in the early 1900s were intended to provide no-fault coverage to injured employees for their injuries "arising out of and in the course of employment." Laws vary by state, but typically cover injured workers for:

- Medical care
- Temporary disability
- Permanent disability
- Vocational rehabilitation
- Death benefits

Even when a state has a no-fault system, there could still be considerable attorney involvement as reflected in the following scenarios:

The claim is denied by the carrier:

- Insurer receives report.
- Investigates claim.
- Determines that injury did not arise out of or in the course of employment.

Employee not contacted by employer:

- Employer reports claim to agent or carrier, and assumes claim is being processed.
- Injured worker may get lost in the shuffle & not hear anything for weeks while the bills pile up and checks are not received.

Pressure by employer to return to work:

- Employer making employee come to work with a note every week from his/her doctor.
- Being told his/her job will be eliminated if they do not come back.
- Nonproductive temporary assignment.
- Employer demanding that the employee come back to work despite lack of physician release.

Legal/attorney advertising:

- States' supreme courts have liberalized the use of advertising, resulting in greater presence of legal ads.

Lack of temporary assignments to accommodate temporary physical restrictions:

- Some employers unwillingness to bring back workers if there are temporary physical restrictions.
- Some employers have difficulty finding temporary assignments.

Job dissatisfaction goes hand in hand with extended absences when a workplace injury occurs.

To prevent a Workers' Compensation claim from getting out of control, it can be helpful to institute proper prevention measures for the types of losses that are anticipated for your type of business. Smaller operations can also benefit from utilizing the following elements of a safety program:

- Safety must be promoted by management/leadership on a daily basis and understood to be a job requirement.
- If there is a performance review process for managers/ supervisors and employees, safety-related expectations should be communicated and evaluated.
- Job hazards should be identified for your business. If possible, engineer out the hazard.
- Employees should understand the hazards of their operations, including protective measures and procedures that you have implemented.
- OSHA can be a good resource for information on hazard prevention for small business owners.