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*Workers' Comp.*

# ADVISOR

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First Quarter 2012



**What  
Causes  
Accidents**

*Accident Investigation Provides  
the Answers to Help Correct  
Hazards and Unsafe Behaviors  
— and Avoid Recurrence*

**Plus:**

**Locked In: Playing  
With Fire 101  
Years Later**





# Gov. Offers NY Stimulus

**G**ov. Andrew Cuomo and state legislative leaders announced an agreement late last year on legislative and executive proposals to create jobs and cut taxes for middle class New Yorkers and small businesses.

The plan includes a comprehensive New York Works Agenda to stimulate job-creation, including a \$1 billion New York Works Infrastructure Fund projected to leverage \$10 billion in direct capital investment to create thousands of jobs for projects in every region of the state.

In addition, the governor and legislative leaders agreed to an inner city youth employment program and \$25 million tax credit for eligible employers who hire workers up to 24 years of age during the first six months of 2012; a \$50 million grant program to continue recovery from Hurricane Irene and Tropical Storm Lee; a job retention credit for businesses harmed by natural disasters with at least 100 employees; a reduction in the tax rate for corporate manufacturers, and a reduction in the MTA tax on small businesses. Find more at [www.governor.ny.gov](http://www.governor.ny.gov).

## Targeting Fatal Hazards

Two workers die every month in trench collapses, which according to the Occupational Safety and Health Administration are among the most common construction fatalities. Preventing trench collapses is the goal of new English and Spanish [posters](#), [QuickCards](#) and [fact sheets](#) from OSHA's web site.



takes a few seconds to become helpless in stored feed or grain," OSHA Regional Director Robert Kulick said.

## Aid for Farms, Small Business

Gov. Andrew Cuomo announced that a total of 353 New York farms have been granted over \$4.5 million in aid from the state's Agricultural and Community Recovery Fund (ACRF) to help New York's agricultural communities recover from Hurricane Irene and Tropical Storm Lee.

Gov. Cuomo also announced that the U.S. Dept. of the Treasury approved New York's State Small Business Credit Initiative (SSBCI) application for \$55.4 million in federal money to fund three new small business lending programs: The Innovate NY Fund, The Capital Access Program, and The Bonding Guarantee Assistance Program. The programs are expected to allow small businesses to leverage more than \$554 million in new capital and credit to create jobs. Visit [www.esd.ny.gov](http://www.esd.ny.gov) for more information.

## Fall Protection

Three new fact sheets aimed at complying with OSHA's residential construction fall prevention directive and preventing fatal falls are available on OSHA's [Residential Fall Protection](#) web page.

## Fatal Engulfment

OSHA cited a Utica, NY, animal feed processor with multiple violations after the death last year of a worker engulfed by cotton seed stored in a silo. OSHA found employees were not trained in silo hazards, nor equipped with approved lifelines. "It only

NYSIF Workers' Comp. Advisor  
January/February/March 2012

## This Issue All About Accidents

This entire issue of the *Workers' Comp. Advisor* is devoted to accidents. More precisely: what causes accidents, where and how are most accidents occurring, which are the most prevalent



accidents, what are the most frequently cited exposures and which ones lead to the most worker fatalities.

Our cover story offers an overview of how to conduct a thorough accident investigation for every injury, incident and near-miss, which is crucial to getting to the bottom of what causes accidents and preventing recurrence. Safety Cop Gary Dombroff then crunches the latest data on worker injuries and illnesses released by the U.S. Dept. of Labor.

**Pages 3-6**

## NYSIF People



Linda Zafonte

### Linda Zafonte, Top IT Leader

NYSIF Chief Information Officer Linda Zafonte has been named as one of *ComputerWorld's* Premier 100 IT Leaders for 2012. The award recognizes IT executives who manage risk and make clear-sighted decisions that help their IT organizations innovate and deliver business value. Ms. Zafonte is working to transform and modernize NYSIF's IT environment. Significant improvements have included implementation of a state-of-the-art data warehouse and new e-Business platform. Money-saving decisions include leveraging the NYS DMV identity management service for NYSIF's online payroll reporting system, and pursuing other electronic transactions for customers. Ms. Zafonte joined NYSIF in 2010 with more than 15 years in complex application development and IT architecture for the non-profit (NY Independent Systems Operator) and profit (UBS Wealth Management) sectors.

# What Causes Accidents?

**It's Your Job to Find Out by Investigating Every Incident, Injury**



**W**hat causes accidents? One might ponder the question and be tempted to answer, “If we knew that, they wouldn’t be accidents.” True, accidents do happen, but avoiding them is no accident, either.

Accidents *do* have causes, and when it comes to preventing accidents at work there *is* a method to limiting their occurrence and avoiding a repeat. In the world of workers’ comp., foresight and hindsight are preferable to fortune, chance or luck to reduce workplace injuries.

An accident can be defined as any event that happens unexpectedly, which may or may not result in personal injury, illness, or property damage. Accident investigation, therefore, looks at every incident (injury or near-miss) to determine the causes and implement corrective actions to prevent recurrence whether the accident results in injury or not.

Every accident or near-miss is an opportunity to prevent a similar accident or incident from happening again. A falling hammer that misses someone’s head by inches is luck. Would you take a chance on it not happening again? Better to find out what caused the tool to fall and make sure to correct the condition or behavior that caused it.

## **Golden Rule**

Having a fixed procedure for reporting and investigating every accident, injury and incident, no matter how trivial it may seem, is a good rule for limiting workplace injuries that result in workers’ comp. claims.

“This is essential to determine the cause of the accident and hopefully prevent a recurrence,” says John Palmieri, a NYSIF

Field Services rep. in Suffolk County who, with NYSIF Claims Mgr. Tony Hawkins, recently spoke on accident investigation at Stony Brook University and Stony Brook University Hospital.

Frontline supervisors should conduct accident investigations. Regardless of the size of your work force, if you are in the business of hiring you must make it your business to investigate every accident or incident as soon as possible after it occurs.

Promptness is important because it shows concern for an employee’s welfare; principals/witnesses may quickly forget important facts; it enables the supervisor to discuss safety with workers, increases knowledge of hazards, and expedites correcting unsafe acts or conditions.

## **4 Steps in Accident Investigation**

There are four steps in a thorough accident investigation:

### **Initial response**

### **Information gathering**

### **Analysis and conclusion**

### **Accident investigation report**

Your initial response to any accident is to make sure that the worker receives appropriate medical treatment if injured. Next, assure the safety of others, secure the site and complete an injury/illness report if necessary.

Cover who, what, when, where, how — and, ultimately, why — during information-gathering. This method helps you uncover unsafe acts and/or unsafe conditions, and pinpoint causes and contributing factors under the following categories:

### **Tasks**

### **Materials**

### **Environment**

### **Human factor**

### **Management/process failure**

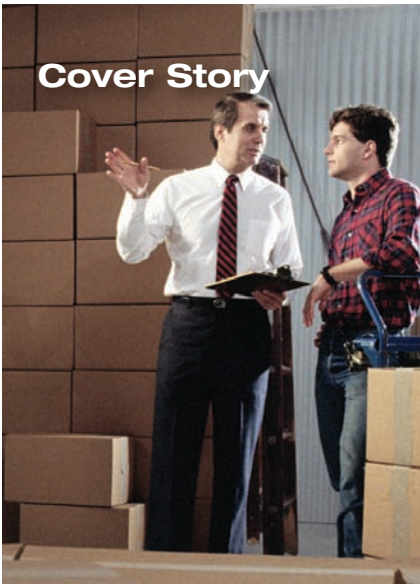
“Accidents can rarely be attributed to a single cause,” Mr. Palmieri said. “Work environment, job constraints, and supervisory or worker experience can all play a part.”



NYSIF pros John Palmieri (l.) and Tony Hawkins advise employers: investigate every accident and near-miss.



## Cover Story



against, caught in, fell, etc.); what was the task; what tools/machines/equipment were involved (blades, gears, flywheels, etc.); what operation was being performed; what instructions were given; what precautions were taken; what protective equipment was used; what safety rules were violated; what new rules are needed; what did witnesses see; what can prevent recurrence?

**WHEN** – when did the accident happen (time/shift); how long has the employee done that particular job; when were hazards pointed out; when did employer check on job progress; when did

# What Causes Accidents?

From 3

## Information Gathering

The key in accident investigation is to ask questions; among others, cover the following:

**WHO** – who was injured; who witnessed the accident; who was working with the injured employee; who else was present; who could prevent recurrence?

**WHAT** – what was the accident; what was the injury (struck by, struck

first sign of trouble begin?

**WHERE** – where did the accident happen; location of worker at time of accident; where was supervisor; where were co-workers; where were witnesses?

**HOW** – how was the injury sustained; how could the incident have been avoided; unsafe condition (missing/disabled machine guard, slippery floor, broken ladder, etc.); unsafe act or behavior; how could co-workers or supervisor prevent it?

## Corrective Actions

When you have finished your investigation, determine why the accident occurred by isolating the contributory factors and arriving at a likely sequence of events and causes. Ask yourself: Would the accident have happened if this particular factor were not present?

Set a timetable and make one person responsible for implementing corrective actions. Keep all injury and investigation reports for analysis. A recurrence is an indication of a failure to act on corrective measures or inadequate safety methods. Then you'll know what causes accidents.

## Common Unsafe Acts

Unsafe acts, alone or in combination with unsafe conditions, cause many accidents. Investigations should determine the precise nature of the unsafe act:

- Prescribed safety methods not followed;**
- Protective equipment not worn;**
- Rules or regulations violated;**
- Properties of chemicals not known;**
- Horseplay or practical jokes;**
- Heavy material lifted improperly;**
- Wrong tool used for job;**
- Worker physically unfit for job.**

For best results, use tact and discretion in an accident investigation. The investigation should be free of accusation or dispute. Put the injured worker and witnesses at ease. Conduct interviews separately. Question the injured employee in a relaxed atmosphere, away from the job, after the employee receives necessary medical attention. Emphasize the reason for the investigation is to determine what happened and why, not to assign blame. Do not prompt, interrupt or intimidate. The investigator must only be concerned with determining the cause of the accident and avoiding recurrence.



Download NYSIF safety posters (I.) to remind workers to act safely, and find more about accident investigation and prevention at [nysif.com>Safety & Risk Management>Safety Resources](http://nysif.com>Safety & Risk Management>Safety Resources)

## Mistakes to Avoid

Suffolk Claims Mgr. Tony Hawkins has had a long career handling NYSIF claims.

"The key to proper handling of any claim is the information gathered at the outset of the claim," he said. "The employer or immediate supervisor starts the process by timely and effectively recording what is

reported and following up with witnesses." His observations based on years as a claims investigator and hearing rep.:

**Losing sight of the issue at hand** – Did an accident occur, was it in and out of the course of employment, and particular to that employment?

**Interjecting personal feelings** – Employee history or credibility is not a determining factor of an accident's legitimacy.

**Dismissing a claim's validity due to untimely notification** – While late notice may lead one to question a claim, employees have 30 days to provide employers written notification of a work-related injury.

# Injuries, Illnesses By The Numbers

2010 Finding: More workers are injured in the healthcare and social assistance industry sector than in any other, including construction and manufacturing.

Gary Dombroff, CSC/CSS  
*Safety Cop* NYSIF



**I**n October 2011, the federal Bureau of Labor Statistics (BLS) and the Occupational Safety and Health Administration (OSHA) released preliminary statistics showing a decline in nonfatal workplace injuries and illnesses in private industry in 2010.

Although there were fewer cases reported than in 2009 (3.3 million), the statistics are still sobering. Nearly 3.1 million injuries and illnesses were reported among private sector industry employees in 2010, more than enough reason for employers, workers and safety advocates to be concerned.

While most of the reported case trends held steady or declined from 2009, there was one major exception. Data released by BLS in November 2011 showed an increase in injury and illness rates among certain members of the healthcare industry, notably healthcare support workers.

Nonfatal injuries and illnesses requiring at least one day away from work for this group increased by 6% from the previous year, almost 2.5 times the rate for all private and public sector workers. Specifically, case rates for nursing aides, orderlies and attendants rose 7%. Their rate for days away from work due to musculoskeletal disorders increased 10%.

## Healthcare Industry a Concern

"We remain concerned that more workers are injured in the healthcare and social assistance industry sector than in any other, including construction and manufacturing, and this group of workers had one of the highest rates of injuries and illness at 5.2 cases for every 100 workers," U.S. Secretary of Labor Hilda L. Solis said.

Employers in the healthcare industry should be prepared. OSHA announced plans for a National Emphasis Program on Nursing Home and Residential Care Facilities, and indicated it will increase inspections of these facilities. It will focus on back injuries from resident handling or lifting patients; exposure to bloodborne pathogens and other infectious diseases; workplace

violence; and slips, trips and falls.

## Other Findings

Among other findings, BLS reported:

- The manufacturing sector experienced an increase in the injury/illness rate in 2010, rising to 4.4 cases per 100 full-time workers from 4.3 cases in 2009.
- Total reportable cases in the private construction industry declined 7% to 4.0 cases per 100 full-time workers in 2010.
- The national rate for public sector employees — 5.7 cases per 100 full-time workers — was significantly higher than the rate for private industry. The injury/illness rate of 6.1 cases per 100 full-time local government workers was significantly higher than the 4.6 cases per 100 full-time state government workers.

## How Workers Get Hurt

How are workers getting injured? An independent study of these injury causes was compiled for 2008, the most recent year for which this data is available:

- Overexertion (lifting, pushing, pulling, etc.) - 25.1%**
- Fall on the same level - 15.7%**
- Bodily reaction (bending, reaching, slipping, etc.) - 10.1%**
- Struck by object - 10%**
- Fall to a lower level - 9.9%**
- Highway incident - 4.3%**
- Caught in/Compressed by - 4.2%**







**Struck against object - 4.2%**

**Repetitive motion - 3.4%**

**Assault/violent acts - 1.1%**

## Top 10 OSHA Violations

OSHA released its list of the 10 most-often cited violations for fiscal year 2011. The top two, scaffolding and fall protection, along with number eight, ladders, are Construction Standard (C) violations. The others are violations of General Industry standards. The list:

**Scaffolding (C)**

**Fall Protection (C)**

**Hazard communication**

**Respiratory protection**

**Lockout/tagout**

**Electrical: wiring**

**Powered industrial trucks**

**Ladders (C)**

**Electrical systems design**

**Machine guarding**

Employers with these exposures would be smart to comply with the standards, as they are often inadequately addressed – making them popular with OSHA inspectors.

## Fatalities

Few statistics are as sobering as on-the-job fatalities. The BLS reported 182 workers lost their lives in New York in 2010. Transportation-related accidents led workplace fatalities for both New York and the nation. Falls and homicides were next among the top-three U.S. workplace killers. While fatal work injuries declined in all three categories, those resulting from fires and explosions increased 65%, from 113 in 2009 to 187 in 2010.



## Follow Up: Handling Flammables; Toxic Exposures

Of note in following up our article on Hazcom risks (*WCA Oct-Dec '11*) is an increase in work fatalities resulting from fires and explosions in 2010. Improperly stored flammable materials can undermine precautions against fire, such as regularly serviced fire extinguishers and sprinkler systems. Even small amounts of chemicals or piled-up waste can ignite and cause injury or death. Many workplaces have flammable or potentially explosive materials in workshops, production areas, maintenance and grounds keeping departments, labs, storage rooms, garages and sheds. Small amounts of improperly stored solvents or paint thinner, gasoline, cleaning solutions, propane, drums of flammable chemicals, or tanks of compressed gas are particularly dangerous.

Proper handling begins with respect: Never underestimate the power of flammables. We tend to use “combustible” and “flammable” interchangeably, but there is a technical difference. Regarding liquids, combustible refers to those with flash points above 100 degrees Fahrenheit, while flammable liquids have flash points below 100 degrees. Experts consider flammable liquids more dangerous, since they could be ignited at room temperature. Various standards for flammable and combustible liquids determine the maximum amounts that can be safely stored inside cabinets and within buildings. Flash points range from the most dangerous, at or below 73 degrees (Class IA), ranging to Class III, above 140 degrees. OSHA's [Handbook for Small Businesses](#) (OSHA 2209-02R) provides recommendations for the safe storage, handling and transfer of flammable materials.

OSHA's Hazard Communication Standard requires proper training for all workers who are exposed to, or work with, dangerous materials. Many flammable chemicals are also health hazards; always provide adequate ventilation. This reduces employee exposure to toxic and flammable vapors.

## Formaldehyde Alert

Regarding toxic exposures, OSHA issued a revised hazard alert to hair salon owners and workers about potential formaldehyde exposure from working with certain hair smoothing and straightening products. Formaldehyde can irritate the eyes and nose; cause allergic reactions of the skin, eyes and lungs; and is a cancer hazard. The revised alert was prompted by the results of agency investigations, a warning letter issued by the U.S. Food and Drug Administration, and incorrect information recently sent to salons by a company that manufactures hair products.

— Dombroff

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### SAFETY MATTERS CONSTRUCTION SERIES

#### Preventing Construction Injuries and Fatalities

OSHA statistics show that **one of every five** workplace fatalities is a construction worker. Despite its high fatality rate, construction can be a safe occupation when workers are aware of the hazards and use an effective Safety and Health Program. OSHA has grouped the hazards that cause the most serious construction accidents in four major categories: Electrical incidents, Falls, Struck-By, and Excavation.

#### Electrical Incidents

Electricity has become essential to modern life. Perhaps because it is such a familiar part of our surroundings, it often is not treated with the respect it deserves. Safety and health programs must address electrical incidents and the variety of ways electricity becomes a hazard.

#### Falls

Falls are the leading cause of fatalities in the construction industry. An average of 362 fatal falls occurred each year from 1995 to 1999, with the trend on the increase. It is important that safety and health programs contain provisions to protect workers from falls on the job.

#### Struck-By

The second highest cause of construction-related deaths is being struck by an object. Approximately 75% of struck-by fatalities involve heavy equipment such as trucks or cranes. Safety and health programs must take into account the many ways struck-by accidents can occur.

#### Excavation/Trenching

Cave-ins are perhaps the most feared trenching hazard. But other potentially fatal hazards exist, including asphyxiation due to lack of oxygen in a confined space, inhalation of toxic fumes, drowning, etc. Electrocuting or explosions can occur when workers contact underground utilities. OSHA requires that workers in trenches and excavations be protected, and that safety and health programs address the variety of hazards they face.

#### Understanding the Danger and Avoiding the Hazards

The **SAFETY MATTERS CONSTRUCTION SERIES** utilizes OSHA-produced training materials to create a series of construction safety resources that may be utilized for job-site training in safe work practices to prevent injuries in the four identified areas.

Safety Matters Construction Series information is extracted from OSHA safety materials. For additional information contact: [www.OSHA.gov](http://www.OSHA.gov)

New York State Insurance Fund  
[www.nysif.com](http://www.nysif.com)

NYSIF safety resources address many accident causes -  
<http://www3.nysif.com/SafetyRiskManagement.aspx>

Nothing can *guarantee* workers' safety. However, compliance with applicable safety standards and regulations, ongoing employee training, and establishing a sense that everyone is responsible for accident prevention, goes a long way.

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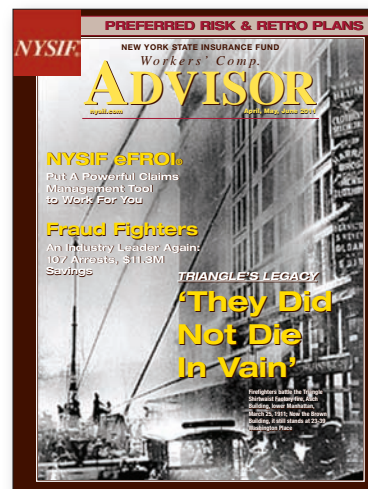
### **101st Anniversary of Shirtwaist Fire: Locked Exits**

**S**ome 100 years later, certain employers still haven't learned anything from the Triangle Shirtwaist fire, committing the most basic of safety violations: blocked exits and locked doors, news made more distressing by the rise in fatal workplace fires in 2010.

■ March 25, 2012 marks the 101st anniversary of the historic fire in which 146 workers died. "Many of them died because they were locked in and unable to escape swiftly," said OSHA Asst. Secretary David Michaels. Federal standards require that employees be able to open an exit route door from inside at all times, without keys, tools or special knowledge.

■ The U.S. Dept. of Labor Occupational Safety and Health Administration cited a Brooklyn supermarket with \$62,000 in fines for alleged serious violations of workplace safety standards after finding that night shift workers were locked in and not allowed to leave the building without permission.

■ A locked exit door, obstructed exit routes, unmarked exits and non-functioning emergency lighting were among 35 alleged serious violations issued by OSHA at an upstate New York firearms manufacturer. Proposed fines totaled \$170,000 for alleged violations that also included lack of personal protective equipment, worker exposure to toxic substances; unguarded moving machine parts; improper storage/transfer of flammable liquids; lack of lock out/tag out procedure; inadequate fire extinguisher training and availability, and unlabeled containers of hazardous chemicals.



WCA Apr-June '11 has more on the Shirtwaist fire at [nysif.com](http://nysif.com)

[ If you have a question for NYSIF 'U' e-mail [jmesa@nysif.com](mailto:jmesa@nysif.com) ]