

April 2016



twitter.com/cmta



facebook.com/  
calmanufacturers

**Inside this issue:**

|   |          |
|---|----------|
| Stay in touch with industrially injured employees | <b>1</b> |
|---|----------|

|   |          |
|---|----------|
| Cyber-threats to the manufacturing supply chain | <b>3</b> |
|---|----------|



**CMTASOURCE**

The Trusted Insurance Source For Manufacturers

**MONTHLY NEWSLETTER**

**Stay in touch with industrially injured employees**

Good employees are increasingly difficult to find. When they are injured on the job, companies can lose a valuable asset. Employers, by staying in touch with injured employees, can help strengthen the employer/employee relationship and improve the outcome of an employee's return to work following a work related injury. It can also lower the overall cost of the claim.

**Objectives**

When maintaining communication with an injured employee you'll have several objectives, two of which should be:

1. Maintain a positive relationship with the industrially injured employee. This can be facilitated through routine phone or personal contact during which the designated employer contact person reaches out and expresses genuine interest and concern for the injured employee, as well as, conveying that they are a valuable member of the team/company.
2. Determine if there are circumstances that might affect the employee's successful return to work on the expected date.

**Method of Contact**

It is easiest to maintain routine phone contact with employees on temporary disability. A phone call from their employer may be an enjoyable diversion and source of encouragement for the employee while they are recovering from their injury. For seriously injured workers requiring hospitalization you should consider at least one visit in the hospital.

**Timing of Routine Contact**

Your contact with employees can have many benefits. You'll likely receive information and some of it maybe helpful in ensuring that employee's benefits are both appropriate and expected.

Temporary disability payments are made every two weeks and generally follow routine check-ups by the treating physician to evaluate the injured worker's recovery progress and re-estimate the duration of continued disability. Phone contact on or about the date of a temporary disability payment is recommended. The dates of those payments can be obtained from your insurance company or third party claims administrator (TPA).

Sometimes a personal visit is warranted. It is a reasonable expectation to have the employee stop in after their



*continued from "Stay in touch with industrially injured employees"*

appointment if they are close by. But this may not be advisable if the treating physician is not close to the location where the employee was working at the time they were injured. If they do stop by after a doctor's appointment, the injured employee can provide you with their disability authorization, work restrictions or release to return to work.

### Call Questions

If you are making a phone contact (or even if it is a personal visit), it is important to communicate that you are interested in the injured worker's well-being and recovery. Practice the three "C's", **Continually Communicate Concern**. Genuine concern fosters positive feelings and underscores an employee's worth within the company. Remember, to that employee you are the company.

Maintain a casual tone during any call. Consider the following "starter" questions:

- ◆ How are you and how is your family?
- ◆ How are you feeling?
- ◆ Are you getting better?
- ◆ How is your treatment going?
- ◆ Is there anything I can do for you?



These questions may produce answers that reveal information about the quality of medical treatment or issues that might impede recovery. Take notes and communicate the results of the call to Human Resources. Issues addressed early on in a workers' compensation claim are often times easier to resolve.

Even though you may know this employee very well, the employee may express anger or frustration with the company. You should terminate those conversations quickly and courteously and then advise Human Resources of the nature of that call. Do not engage in the argument.

And even if the employee does not wish to talk to you, you should politely say goodbye. If this becomes a pattern (for example it happens twice), advise Human Resources.

### Privacy

Be careful to stay away from specific questions about medical treatment or recovery. You need to respect the patient privacy protections afforded by HIPAA with respect to medical conditions and treatment, even if they relate to the employee's workers' compensation claim. Again, communicating genuine concern for the injured worker's well-being is the objective. But questions like the following should be avoided:

- ◆ What kind of treatment are you receiving?
- ◆ What medications are you taking?
- ◆ Why are you still being treated?

### What Might This Call Reveal?

Calls will generally be routine. But, you may encounter information that can affect the resolution of the injured worker's claim. Some information may be in response to direct questions you've asked. Information you should be sensitive to includes:

- ◆ Problems with medical treatment. Even though you did not ask about it, the injured worker may volunteer information about the nature and scope of their treatment. They may offer that the treatment is effective and they feel they are making progress. But they may also indicate that they don't seem to be getting better and don't believe the medical treatment is helpful.
- ◆ Problems with temporary disability payments. The injured worker maybe indicate they have not received a temporary disability payment. There may a very good reason why, but this needs to be investigated quickly since a delay in benefits may result in a penalty being assessed.

*continued on page 3*

- ◆ Anxiety about returning to work. This is a very sensitive issue. Avoid counseling the injured worker on this subject this condition requires professional treatment.

These three issues will frustrate injured employees. Don't ignore these situations or assume they'll resolve on their own over time. Instead, refer information you receive quickly to the insurance company or TPA.

### **I Was Caring and Concerned and They Still Got an Attorney**

Injured workers receive advice from a host of sources and most of them are uninformed. You can only do your best and ..... **Continually Communicate Concern.** If the injured worker later raises an issue that their employer never showed any interest in them, you have documentation to the contrary. The reason you are contacting an injured worker is not to avoid litigation (although we do hope for that), instead it's because your company is interested in their employees, especially when they are injured on the job.

You may still communicate with the injured worker even after they have retained counsel. Even though talking about their claim is off the table, it is still important to maintain a working employer-employee relationship. A periodic check-in call is still advisable, but touch base with your insurance company or TPA to see if they have information that might affect your call.

*“Continuously Communicate Concern”*

### **When Should You Not Call?**

There are circumstances where you should not contact an injured worker. They are when a:

- ◆ **Claim is in Delay** – A claim will be delayed when there is a question about liability for the claim. You may inadvertently create an expectation that a claim will be accepted when it is actually not work related.
- ◆ **Claim is Denied** – The injury or illness has been determined to be not work related and contacting the employee is inappropriate. The employee has been advised in writing or through counsel why the claim was denied and what are their rights and recourses for appeal.

### **Remember Your Objective**

Be a goodwill ambassador to an employee who may be in pain, as well as, feeling disconnected. Follow the **three “Cs”** ..... **“Continuously Communicate Concern”**



**Webinar:** [Cyber-threats to the manufacturing supply chain](#)

**When:** Wednesday, May 25, 2016

**Time:** 1:00 PM – 2:00 PM Eastern Time

**Overview:** Manufacturers are not immune to the increasing hyper-connectivity of a world driven by technology trends such as the rapid migration to "the cloud", expanding automation of "things" both in their processes and products - increasingly described as the "Internet of Things", and the rising uses of "Big Data" analysis of processes and design of products. In a recent data breach study conducted by Verizon, the leading incidents reported by manufacturers are cyber espionage and denial of service. Impacts of these incidents may include liability for the intellectual property of others and system outages that shut down production operations. Protecting assets both physical and virtual is essential in the modern world of the globally extended supply chain.

This presentation will highlight some of these emerging risks to manufacturers as well as common threats to information security. Basic loss prevention and mitigation techniques including the role of insurance will be discussed.

Click here to: [Register online now!](#)

**Note:** Registration is required in order to obtain confirmation and access to this webinar. Please sign in 15 minutes prior to the webinar start time to ensure access.

**To view other risk control services, visit:** [www.cna.com/riskcontrol](http://www.cna.com/riskcontrol) **or contact CNA Risk Control Hotline at 866-262-0540.**

YOU ARE INVITED TO ATTEND A CNA/CMTA COMPLIMENTARY (SORCE®) EDUCATIONAL WEBINAR



CALIFORNIA  
MANUFACTURERS  
& TECHNOLOGY  
ASSOCIATION



1115 Eleventh Street  
Sacramento, CA 95814-3819  
(916) 498-3340

**PUBLISHED BY**

California Manufacturers &  
Technology Association  
1115 Eleventh Street  
Sacramento, CA  
95814-3819

Editor: Andy Viglietti  
[aviglietti@cmta.net](mailto:aviglietti@cmta.net)  
(916) 498-3340

Assistant: Renee Blatt  
[rblatt@cmta.net](mailto:rblatt@cmta.net)  
(916) 498-3342

Email: [cmtasource@cmta.net](mailto:cmtasource@cmta.net)

Fax: (916) 441-5449

[www.cmta.net/page/  
cmtasource.php](http://www.cmta.net/page/cmtasource.php)

Reprint permission granted  
with credit given to source.  
Printed by  
California Manufacturers &  
Technology Association

***MEMBER FOCUSED  
MEMBER DRIVEN***

**We're on the Web!**

**[www.cmta.net/page/  
cmtasource.php](http://www.cmta.net/page/cmtasource.php)**