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CMTA SOURCE

The Trusted Insurance Source For Manufacturers

MONTHLY NEWSLETTER

Accident investigations - the key to preventing accidents in the future

Accident investigation is most commonly associated with determining liability for one's loss. It can also be an important practice to prevent work related injuries.

Accident investigations, to be useful in risk control, require attention to detail. The emphasis of the investigation is to identify the cause(s) of the work related injuries and then help the employer take appropriate action to prevent future injuries. Proper evidence collection during investigations and interviews can both contribute to the success of defending a questionable work related injury and avoid its reoccurrence. And, in the event the accident may have been caused by a third party, pursuit of damage remedies from the responsible third party will be dependent on the quality of the initial accident investigations.

The Top Priority - Medical Care

Deal with the injury immediately. If the injured employee requires basic first aid, medical assistance or hospitalization, make sure the appropriate treatment is administered.

Collecting Evidence

Next, report the accident to your insurance company. They will likely want to participate with you collaboratively in the accident investigation. After that you can address completing incident reports including documentation that medical treatment was offered.

Additionally, outline the nature and extent of that treatment and identify the treatment facility. It's also important to document where the accident occurred in the workplace. Access to that area should be restricted. Make certain to preserve damaged property and equipment until the investigation has been completed and it is deemed safe to return to the area. Blocking off access to the area also helps preserve evidence for incident investigators and counsel.

Make sure you record which individuals witnessed the event. Witnesses are an integral part of the investigation to provide greater insight into the incident causes and impact. If the incident needs to be reported to Cal/OSHA or other regulatory agencies, make sure the report is within the specified time frames.

Why Investigate?

The reasons to investigate a workplace accident include the following:

- ◆ To find out the cause of accidents and to prevent similar accidents in the future.
- ◆ To fulfill any legal requirements.
- ◆ To determine the cost of an accident.
- ◆ To determine compliance with applicable safety regulations.
- ◆ To process workers' compensation claims.
- ◆ To facilitate recovery from a responsible third party

continued from "Accident investigations - the key to preventing accidents in the future"

The work environment, job constraints, equipment used and supervisory or worker experience can all play a role in workplace injuries. These factors must be examined to determine what role each may have played in causing an accident. Before anything is moved or removed from the scene of the incident, take pictures and document observations. When collecting physical evidence, label and record the location where it was found and the date of collection.

Here is a list of factors to consider during evidence collection. Addressing these issues and answering the associated questions will help identify the sequence of events leading up to the accident:

- ◆ How were people in the accident area positioned? What were the physical locations of injured worker(s) at the time of the accident?
- ◆ A description of the work process.
- ◆ What equipment, chemicals or other items were being used at the time of injury?
- ◆ What safety devices were in use including Personal Protective Equipment (PPE) If PPE was not used, why not? Did PPE malfunction?
- ◆ Document the damage to equipment - conditions of safety devices, guards and controls.
- ◆ Document the presence of broken equipment or missing parts.
- ◆ Document the cleanliness of the workspace.
- ◆ What were the weather conditions (if the accident occurred outdoors)?
- ◆ How is the lighting? Is the lighting poor, are there blind spots or poor lines of visibility?
- ◆ What are the documented noise levels?
- ◆ What training was provided to the employee prior to operating or working in the area?
- ◆ What was the shift and time of day when the accident occurred?
- ◆ Were company operating and safety procedures being followed?

"Inform interviewees they are not to talk about the events or interview with their peers. This will help ensure witness accounts are based on their own observations and not a combination of everyone's perception of what happened".

Investigation Interviews

Interview the injured employee, supervisors and any witnesses present at the time of injury. Document the interviews either in writing or voice recording. Video interviews are often problematic and not advisable. Interviews allow other investigators to go back and review information once the interviews are over. Interviewing the injured employee provides investigators with what may be the only firsthand account of the accident.

Depending on how serious the injury was and the nature of the injured worker's required treatment, witnesses may be the best source of information. For example, if the injury resulted in the injured worker becoming unconscious or entering a state of shock, their account of the events could be incomplete or become distorted due to their state of mind. Interviewing supervisors is important, as they can provide information related to the training the employee has received, dates of recent upgrades or assessments of machinery and outline safety procedures required and used within the workplace.



The challenge is to find and interview the individuals who have relevant knowledge related to the accident. Inform interviewees they are not to talk about the events or interview with their peers. This will help ensure witness accounts are based on their own observations and not a combination of everyone's perception of what happened.

When interviewing witnesses, let them know the purpose of the interview. The interviews are conducted as a way to gather additional information to take preventative measures. Interviews are not done to point the finger of blame or generate accusations. Consider asking at least the following questions during witness interviews:

- ◆ Where were you at the time of the accident?
- ◆ What were the events leading up to the accident?
- ◆ What was done immediately after the accident?
- ◆ What were you doing at the time of the accident?
- ◆ What did you see, hear? (At this point, we want to avoid what the witness believed happened. That question comes later)
- ◆ What were the environmental conditions (weather, light, noise, etc.) at the time?
- ◆ What was (were) the injured worker(s) doing at the time?
- ◆ In your opinion, what caused the accident?
- ◆ How might similar accidents be prevented in the future?



Report Findings To Management

In some locations, companies are legally required to report the investigation findings and the actions taken to correct identified problems to regulatory agencies. But, to ensure top management can take responsibility for loss prevention and safety in your organization, provide them with a comprehensive accident investigation report. This should include:

- ◆ A compilation of evidence on the cause
- ◆ A summary of your interviews
- ◆ A thorough analysis of the accident causes and contributing factors including uncontrollable events, unsafe conditions and unsafe acts.
- ◆ Recommended corrective and preventive actions to avoid the occurrence of similar accidents in the future.

Corrective Action

Completing the corrective action may be the most important outcome of your accident investigation. Implement corrections immediately. Once the cause(s) of the accident have been determined, take action to correct problems and prevent future accidents. Outline the corrective steps taken and by whom they were taken. In some states, documentation of these corrective actions is legally required by regulatory agencies. Additionally, the organization may be required to share this information with the employees. Examples of corrective measures include:

- ◆ Replacement or repairs to machinery.
- ◆ Posting signs as a reminder to use safety tools and wear PPE.
- ◆ Modifying the work or production process.
- ◆ An outline of training now required as a result of the accident.
- ◆ Creation or reinforcement of safety procedures.

Accident investigation is both a loss prevention and a loss mitigation activity. It needs to be a requirement for any work related accident no matter how small. The focus is on process and how to make the accident under investigation the last of its kind.



CMTA and CNA Insurance provide resources and services for manufacturers to control loss exposures and deliver comprehensive insurance coverage

For more information call Andy Viglietti at 916.498.3340 or email at aviglietti@cmta.net

CompWest, CMTA's workers' compensation partner

All workers' compensation insurance companies are not the same. Sure they issue policies and provide benefits to injured workers, but beyond that they are very different. CMTA recognizes there are differences and that's the foundation of the CMTA Workers' Compensation Program.

CMTA's initial group program with State Fund in 2005 was formed to address the challenging market conditions that created the need for the workers' compensation reforms. Participants received a premium discount, which kept them ahead of the changing market curve, but little in the way of support to help CMTA members control their workers' compensation costs. CMTA realized we owed our members more than a pricing solution, we needed to deliver value. This meant finding a partner that could help members achieve three protection objectives:

- ◆ Protect the employees of manufacturing operations from injury
- ◆ Protect the general public
- ◆ Protect the assets of our member organizations

Workers' compensation is costly for manufacturers and unless your organization is large enough to assume risk (retain losses), there are few insurance options available to you. CMTA sought a partner that could offer participating members with long term solutions to California's workers' compensation challenges. To achieve this we needed an insurance carrier partner:

1. Committed to California's manufacturing sector.
2. Able to provide loss control services that help reduce the frequency of losses.
3. Delivering claims management services that help participants reduce the direct and indirect loss costs associated with work related injuries.
4. Demonstrated performance that was better than the industry as a whole.

Why these four? Because workers' compensation rates and premiums are driven by the loss experience of individual manufactures. The impact of your experience modification can either dramatically of raise or lower your annual premium.

CMTA is not an insurance company, but we have risk management expertise. We have a degree of buying power and influence when you collectively band together CMTA member manufacturers as risk class. Many industry groups believe the way to capitalize on their common industry nature is to enter the Alternative Risk Transfer (ART) environment. But, these solutions are often risky and require that participants capitalize the selected risk financing treatment. Instead of thinking outside the box, which is risky and unpredictable, CMTA realized that it was important to think inside the box. We looked for a one-stop shopping solution that would provide:

- ◆ A premium discount for CMTA members.
- ◆ Help members control/reduce their direct and indirect loss costs.
- ◆ Assist CMTA members meet the compliance requirements of the regulatory bodies that oversee California's workers compensation system.
- ◆ A long-term value proposition for managing workers' compensation costs.

Accordingly, in 2010 CMTA selected CompWest Insurance Company as our workers' compensation partner.

CompWest is a fundamentally sound, California-focused workers' compensation specialist. Their success or failure lies with how well they serve California's employers. Like few other insurance carriers, CompWest understands that certain classes of business are more responsive to loss prevention and loss reduction practices than others. Manufacturing is one of these class sectors. CompWest supplies considerable loss control support for their manufacturing policyholders and their claims program, **Workers' Compensation With Care**, involves a host of loss reducing protocols such as their **Keep At Work** program.



How can you be certain?

Confidence comes through experience, and you know what they say — experience CAN be expensive. So if you want to know your employee retirement plan is in a good place and being managed daily by a team of seasoned professional fund managers, the CMTA Retirement Program is just what you need.

The plan is also based on a sound, proven investment process and utilizes the experience and expertise of questions, they are available to offer guidance and advice for both you and your employees.

That sounds like complete confidence.

CMTA members receive a FREE REVIEW of their 401k and pension plans!

We encourage you to learn what you can gain from the CMTA plan and take advantage of the complimentary review. Contact Pentegra's **Ken Jackson** at **303-921-3109** or kjackson@pentegra.com or CMTA's Gino DiCaro at 916-498-3347 to get more information.



continued "CompWest"

There are two truths about workers' compensation:

- ◆ First, pricing in workers' compensation seldom means value.
- ◆ Second, no workers' compensation insurance carrier will ever be the lowest price every year.

CMTA believes CompWest provides answers, support and results regardless of how the insurance market cycles. If you consider those benefits and the 5 percent CMTA group discount you receive, it's clear that participating in the CMTA Group Workers' Compensation Program delivers value that helps participants control the long-term cost of workers' compensation.

There is no short-term pricing solution to the long-term California workers' compensation dilemma. But, there is the unquestionable value of CMTA Group Workers' Compensation Program, and CompWest. We expect you to purchase the insurance policy that meets your needs. We urge you to take the time to compare your present workers' compensation program to the CMTA/CompWest program and then decide.





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