

Work Injury Claims Reporting – Following the Recipe

By Maureen Witwer, AIC

March, 2006

When an employee reports a work injury, the initial actions of the employer set the tone for the entire claim. Just like a cook following a recipe, the employer should follow a checklist. For instance, if you marinate a steak after it's barbecued, you'll lose the flavor of the meat. Likewise, if you report a claim several weeks after the injury occurred, you'll lose important details of the incident.

There are several steps to follow to avoid being burned by Workers' Compensation claims. The recipe for success begins with making sure employees know what is expected of them. It's like seasoning the pork chops with salt and pepper before they hit the grill – employees need to be "sprinkled" with enough information before an accident happens so they can take the proper action if an injury occurs.

The Workers' Compensation laws of some states direct employers to have employees sign forms to acknowledge that they have received information on how to report work injuries. For example, in Pennsylvania an employer can post a notice of medical providers, and employees have to seek treatment from the list for the first 90 days. The notice directs employee to sign the form at specific times: when hired; if the list of providers changes; and after an injury has occurred.

Some states require that the name, address, and telephone number of the Workers' Compensation carrier be posted in plain sight of all employees. This should be accompanied by the name of the person to contact within the employer's place of business when an injury needs to be reported.

Most states require that employees report an injury within a specific period of time. Employers then have the duty to complete a report and submit a claim. A delay on the part of the employee to report the injury can jeopardize the acceptance of the claim, but this is a call for the insurance company to make. Likewise, the employer can severely hinder the handling of the claim, in addition to being subject to penalties, if the report is not filed immediately.

The best approach to handling employee's work injuries is to follow a checklist that would include the following:

1. Fill out accident report forms immediately – the forms may include those required by the state Workers' Compensation department and OSHA. In addition, many companies have created their own form that is much more comprehensive.
2. Record the employee's description of the incident.
3. Determine if there were any witnesses to the incident and have them write down what they saw and heard.
4. Ask supervisors about their knowledge of the incident and record the information.
5. If the incident involved machinery, equipment or tools, safely store the item for future examination. If the injury occurred on stairs or due to a slip and fall, take photos of the accident area as soon as possible to capture the accident scene. Depending on the type of incident and severity of the injuries, the insurance company should be contacted immediately so that an on-site investigation can be conducted.
6. Direct the employee to a designated physician or hospital, or arrange for ambulance service.
7. If the employee cannot return to work, call the worker at home or in the hospital within 24 hours –

immediate contact lets the employee know that the employer is concerned.

8. Maintain contact with the employee every day if a return to work should occur soon – frequent contact reminds the employee that you know the extent of the injury and anticipated disability. This serves to dispel the perception that Workers' Compensation is a form of short or long term disability insurance.
9. If the employee will be unable to return to work indefinitely, weekly contact at the minimum is recommended – if an employer shows no interest in the employee's recovery, the employee loses motivation to return to work.

And this final point on the checklist is the central key to managing to Workers' Compensation claims:

- the employer should immediately report the injury to the insurance company by phone, fax, e-mail or mail.

The insurer cannot begin to process the claim until a report is received, so a delay puts the carrier at a disadvantage. Also, the insurance company will usually need additional information such as wages or job descriptions, and a rapid response to the requests keeps the claim administration moving smoothly.

If claims had one successful recipe to follow, it would result with the employee returning to work at the pre-injury job with no lost time. Unfortunately, the reality of claims is that severe injuries do occur and sometimes employees cannot return to work for extended periods of time. So, employers need to remember that laws are in place in many states to give them an edge in managing Workers' Compensation claims. By relying on the insurance carrier's assistance with the checklist, as well as with guidance concerning state laws, the employer can look forward to "even cooking" in the claims process.