

WHAT TO DO

EMPLOYEE ACCIDENT | WORKERS' COMPENSATION

Before an accident occurs, the employer should have a dedicated point of contact. That point of contact will be the primary person authorized to work with the employer, employee (or family of the employee), medical professionals, Federal/State Officials, and insurance carrier/adjuster on the claim to gather information and respond to all parties as quickly as possible. All employer's, **with or without workers' compensation coverage**, are required to comply with the Texas Workers' Compensation Act.

- 1 GET HELP.** Upon report of an injury, get injured worker immediate, proper, and necessary medical attention regardless of fault or questions about the incident.
 - a. **Start a claim file.** Document the facts, date, time, area (photos of the area, if possible), witnesses (get written statements if possible), any knowledge of injury/issues, type of injury, exact body part injured, where the employee was taken for medical treatment, and secure the area or any equipment or items associated with the event.
 - b. **As quickly as possible**, gather injured worker information for the adjuster: Name, date of birth, address, phone number, social security number, age, gender, marital status (spouse's name/contact information), number of dependents, hire date, years in position, and current wage information.
- 2 CONTACT THE WC INSURER.** File a claim with the proper form within 24 hours of notice of the claim. Begin to work closely with the assigned adjuster to get the required information to them as quickly as possible. *The adjuster has legally mandated deadlines to comply with on the claim.*
- 3 DOCUMENT THE CLAIM NUMBER** and adjuster information then pass on the claim and adjuster information to the worker or worker family or representative. Begin developing regular communication with the injured worker or family. *It is not the employer's responsibility to advocate for the worker on their worker's comp claim or with any disputes from the insurance carrier.*
- 4 FOLLOW COMPANY PROTOCOL AND FEDERAL/STATE REQUIREMENTS** on any record keeping, drug testing, reporting, etc. Determine if report needs to be made to OSHA and in the appropriate timeframe or if there is an OSHA log (form 300) that needs to be completed instead. Most employers with 10 or more employees are required to keep record of serious work-related injury and illnesses for at least five (5) years. OSHA requires any worker fatality to be reported within 8 hours and any amputation, loss of an eye, or hospitalization of a worker within 24 hours. Can be done online at www.osha.gov, at the nearest OSHA office, or at the 24 hour hotline (800) 321-6742. Stay consistent and work with the worker, adjuster, and any government official on the matter until it is resolved.
- 5 REVIEW THE ACCIDENT FACTS TO SEE IF ANY CHANGES, CORRECTIONS, OR DISCIPLINE IS REQUIRED.** If it is found that an employee violated company policy which lead to the accident then, when reasonable, promptly move forward with the appropriate corrective measures. Be sure to properly document the violation or any prior warnings and the corrective matter taken. If unsure, seek legal counsel on the employment matter. If there is a new hazard uncovered, ask to work with an engineer from the insurance carrier on a solution to prevent future accidents.

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