

# Managing Risk

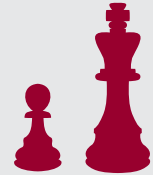


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**Myerstown Office:**  
16 East Main Avenue  
Myerstown, PA 17067  
717-866-5717

**Lebanon Office:**  
761 Poplar Street  
Lebanon, PA 17042  
717-272-6693



Safety

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## Keys to Safer Computer Use

Approximately 45 percent of people between the ages of 25 and 64 used a computer at work in 2010, reported the U.S. Census Bureau. Typing on a computer keyboard is probably the most common cause of carpal tunnel syndrome, a painful and potentially disabling condition. The following tips can help you prevent carpal tunnel syndrome.

**T**he area in your wrist where the median nerve—the nerve in the wrist that supplies feeling and movement to parts of the hand—enters the hand is called the carpal tunnel. This tunnel is normally narrow, so any swelling can pinch the nerve. In carpal tunnel syndrome, pressure on the nerve leads to numbness, tingling, weakness or muscle damage in the hand and fingers.

Repetitive motions of the hand and wrist, such as typing, can cause carpal tunnel syndrome. Other conditions can increase the likelihood of an individual developing carpal tunnel syndrome,



## Risk Tip

**T**raveling alone poses risks for women, particularly overseas. If your employees travel, wearing or bringing the following items can enhance a female traveler's safety:

- ✱ A wedding ring, regardless of marital status. In many countries, a married woman is viewed as another man's property and off limits. At the very least, it can deter unwanted suitors.
- ✱ Pepper spray. Check the country's regulations: some outlaw pepper spray. Many air carriers allow passengers to bring three ounces or less of pepper spray in checked baggage; none allow this and other potentially disabling substances in carry-ons.
- ✱ A rubber doorstep or door

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including acromegaly, alcoholism, bone fractures and arthritis of the wrist, diabetes, hypothyroidism, infections, kidney failure and dialysis, obesity, pregnancy, rheumatoid arthritis, systemic lupus erythematosus (SLE), and scleroderma

Many computer tasks are highly repetitive. Combining repetitive tasks with factors such as awkward postures and excessive force may increase the risk of injury.

Proper posture may help reduce the risk of developing carpal tunnel syndrome:

- 1 Shoulders and upper arms should be in line with the torso, generally about perpendicular to the floor and relaxed (not elevated or stretched forward).
- 2 Upper arms and elbows should be close to the body (not extended outward). If not, the employee's workstation might need adjustment.
- 3 Forearms, wrists and hands should be straight and in line (forearm at about 90 degrees to the upper arm) to allow the tendons to slide easily without interference.
- 4 Wrists and hands should be straight (not bent up/down or sideways toward the little finger).

### Preventive Measures

Adjustable workstations can help workers maintain proper posture and may help prevent carpal tunnel syndrome and other musculoskeletal disorders. At a minimum, a worker who uses a computer regularly should be able to adjust his/her:

- ✱ **Chair:** Users should be able to sit with their feet firmly on the floor, with thighs approximately parallel to the floor or hips slightly higher than knees, with legs approximately perpendicular to the floor. If the chair is not fully adjustable, a foot rest can help.
- ✱ **Monitor:** Monitors should be positioned so the employee's head and neck remain vertical and in-line with the spine, not

brace. Many hotel door locks are easy to pick; a rubber door-stop or door brace can prevent an intruder from pushing the door open.

- ✱ **Boxer shorts.** David Mair, a managing partner at Champlin, Minn.-based Soter Healthcare Inc., recommends that a woman traveling solo carries a pair of men's boxers in her luggage and leave them lying on her bed. "That suggests she is not alone," Mr. Mair told *Business Insurance* magazine.

**We can provide additional safety suggestions, and review your policies to ensure they provide coverage for your employees who travel or work abroad.**

bent or twisted. Adjustable-height desks or monitor stands can elevate a computer monitor as necessary. To prevent the worker from needing to tip his/her head backward to see the screen, the top of the monitor should not be above the worker's horizontal line of sight.

- ✱ **Work surface:** A computer keyboard should be on a sturdy work surface that allows a worker to maintain a level forearm posture whenever possible, without rotating the forearm repeatedly, especially when the wrist is bent.

Do "alternative" keyboards help? NIOSH, the National Institute for Occupational Safety and Health, reports that alternative keyboards can promote the preferred, neutral wrist posture. "Yet available research does not provide conclusive evidence that alternative keyboards reduce the risk of discomfort or injury." However, employees who do a lot of typing might find an alternative keyboard more comfortable to use, so they are worth trying.

### Alternative keyboard designs include:

- ✱ Split keyboards. This can be done in two ways: by increasing the distance between the right and left sides of the keyboard

or by rotating each half of the keyboard so that each half is aligned with the forearm. This design helps keep the wrists in neutral position.

- ✱ Tented keyboards. On tented keyboards, the two keyboard halves are tilted up like a tent. This feature reduces the rotation of the forearms.
- ✱ Built-in wrist or palm rests. Built-in wrist or palm rests help prevent bending the hands up by providing support that straightens the wrists.
- ✱ Adjustable negative slope. This design allows the user to raise the front edge of the keyboard, or to slope the keyboard backward, thus straightening the wrist.
- ✱ Key position. Some alternative keyboard designs have curved rows of keys or keys placed in concave wells to accommodate the different lengths of a user's fingers.

When evaluating alternative keyboards, make sure the keys are visible. This is particularly important for “hunt and peck” typists. Also, check whether the job requires use of the numeric keypad and specialized keys, because some alternative keyboards eliminate or reconfigure these keys.

We can help you evaluate safety measures for office workers and other workers. For more information, please contact us.



## Avoiding Religious Discrimination Claims

The holiday season presents many opportunities for celebrating — along with actions that could be seen as discrimination.

In fiscal year 2001, the U.S. Equal Employment Opportunities Commission (EEOC) received 2,127 complaints of religious discrimination. Ten years later, complaints had nearly doubled to 4,151. Growing religious diversity and increased awareness of workplace rights have led to many of these complaints.

The numbers of complaints requiring settlement have increased as well, with settlements negotiated by the EEOC totaling \$12.6 million in 2011. These amounts do not include any awards resulting from litigation or out-of-court settlements not mediated by the EEOC. In fact, a single workplace discrimination lawsuit can result in a multimillion dollar verdict.

### What Is Religious Discrimination?

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against applicants and employees because of their religion in hiring, firing, and other



terms and conditions of employment. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

The Act also requires employers to “reasonably accommodate” the religious practices of an employee or prospective employee, unless doing so would create an “undue hardship” for the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion.

The types of religious discrimination complaints employers face usually fall into one of these categories:

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- 1 Discrimination in hiring or promotion
- 2 Failure to make reasonable accommodations for religious beliefs
- 3 Harassment.

To avoid charges of religious discrimination, avoid these common traps:

- 1 **“Customers (or co-workers) will feel uncomfortable with a person who has different religious beliefs (or who wears a hijab or turban, etc.)”** Refusing to hire or promote someone because of religion or religious dress is just as illegal as refusing to hire or promote on the basis of race. Avoid discrimination by making your human resource policies “religion blind.” Do not ask applicants questions on religious beliefs, and make all decisions on promotions, terminations and layoffs using quantifiable performance criteria.
- 2 **“Where do we draw the line on accommodations?”** Some employers fear that employees will use religion as an excuse for getting time off. How can you decide what’s a “reasonable accommodation”? The EEOC says employers should not deny accommodation unless it “...requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees’ job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee’s share of potentially hazard-

ous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.”

The U.S. Supreme Court has a lower standard of what constitutes hardship. In a 1977 decision, *Trans World Airlines Inc. v. Hardison, et al.*, the court ruled that any accommodation that cost more than a “minor amount” could give employers grounds to refuse it. Since religious discrimination cases can cause tensions in the workplace and negative publicity, we recommend trying to accommodate religious beliefs whenever feasible. Reasonable accommodations can include flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers.

- 3 **“But is it really a religion?”** The EEOC defines “religious practices” to include moral or ethical beliefs as to right and wrong that are sincerely held with the strength of traditional religious views. When confronted with out-of-the-mainstream beliefs and practices, your best bet is to grant accommodations whenever possible, without questioning their sincerity or validity.
- 4 **“What about proselytizing?”** Employees have the right to engage in religious expression if they can engage in other types of personal expression at work. For example, if you allow employees to display personal items, such as photos, in their work area, you must allow them to display religious items such as crucifixes, etc. And if you allow employees to discuss politics, or conduct any kind

of recruiting activities, you must allow them to discuss their religion and invite others to church or religious meetings. That said, employers must walk a fine line between upholding the proselytizer’s rights to free speech and other employees’ rights not to be harassed. A case-by-case approach works best, but any claims of harassment or intimidation need investigation.

- 5 **“Can we require employees to attend prayer meetings?”** Requiring attendance at prayers or other religious events is religious discrimination, along with hiring only people who hold certain beliefs or belong to a certain faith group.
- 6 **“What about onsite chaplains?”** Some companies hire chaplains to serve their employees’ spiritual and emotional needs. If your organization does this, ensure chaplains don’t cross the line between counseling and proselytizing. They can discuss employees’ spiritual questions and needs when approached by an employee, but should never approach an employee on these matters first.
- 7 **“We don’t need employment practices liability insurance, because we’ve never had a discrimination claim.”** Employment practices liability insurance (EPLI) covers a wide range of employment-related liability claims, including claims of religious discrimination. These types of claims are growing in number and cost — for more information on protecting your company, please call us. ■

# The Property Risks You Might Have Overlooked

A strong insurance program will protect your business property from loss due to fire, theft, vandalism and more. But without certain important coverages, your property insurance could leave you short of the funds needed to rebuild and recover.

## Increased Cost of Construction

Do you own your business premises? Any building more than a few years old might not comply with current building codes, as well as additional regulations such as the Americans with Disabilities Act. When property damage forces you to rebuild or remodel, you most likely will have to bring your construction up to current codes.

Most property policies exclude coverage for loss due to complying with an ordinance or law regulating construction, repair or occupancy of any building. So even if your building is properly insured to value, your policy will not cover the additional costs of bringing it up to current codes. To make matters worse, after a portion of your building is damaged, local authorities will likely require you to repair undamaged portions of your building to bring them up to current codes. And since remodeling usually costs more on a square-foot basis than new construction, these repairs can be costly.

## Debris Removal

If a covered peril damages your building, or any part of it, you'll probably have some trash and debris to remove before repairs can begin. Will your insurance policy cover these costs?

The typical commercial property policy provides debris removal coverage as an "additional coverage" over and above your property policy's limits. It will "pay your expenses to remove debris of covered property caused by or resulting from a covered cause of loss" and usually limits coverage to 25 percent of "the insurer's liability for the direct property loss by a covered cause of loss, plus any applicable deductible (unless an additional debris removal limit is shown in the declarations)," according to *Adjust-*

*ing Today*. If the total of the direct physical loss costs and debris removal costs exceeds your policy limits, or if debris removal expenses exceed the debris removal "additional coverage" limits, most policies will provide an additional \$10,000 in debris removal coverage per incident.

In some instances, however, debris removal costs could greatly exceed the cost of the direct property damage. Debris removal can cost more than you might think. If your building is older, it could contain lead paint, asbestos and other contaminants that require special handling and disposal by law.

You might also have debris removal costs even without any covered property damage. For example, a flood or windstorm could deposit debris from another property onto yours. In that case, the debris does not come from "covered property" under the policy, which would not cover removal costs. Exceptions might exist when the debris itself is causing damage to covered property.

A policy endorsement, or addition, called "ordinance or law coverage" or "increased cost of construction coverage" can help you cover some of the unexpected costs of disaster recovery. This endorsement provides three types of coverage when laws or ordinances require you to spend more on reconstruction.

✦ Coverage A covers you for the cost of making required repairs to the undamaged portion of a building.



- ✱ Coverage B covers you for the costs of demolition and debris removal.
- ✱ Coverage C provides coverage for increased costs of construction, or your actual costs of bringing the damaged portions of the building up to current codes.

The standard property policy covers none of these costs, so without ordinance or law coverage, the building owners would have to pay these expenses. You can select the amount of additional coverage you need, which will vary with the age of your building, the stringency of applicable building codes, and your exposures to covered causes of loss, such as fire.

To obtain ordinance or law coverage, your property policy must be written on a replacement cost basis, rather than actual cash value basis. If you decide to relocate rather than rebuild after a total loss, your replacement cost coverage would pay the replacement cost of your building, but the increased cost of construction coverage would not apply, since no reconstruction actually occurred.

You can also buy an endorsement to provide “debris removal additional insurance,” which increases the limits of the additional debris removal coverage under your policy to any amount you desire. Please contact us for an analysis of your property coverage needs. ■

## Opiate Use in Workers’ Comp Claims a Growing Concern

**T**oday, prescription drugs account for about 20 percent of workers’ compensation medical costs. Narcotics account for about one-third of this amount, with many workers’ compensation claimants using narcotic drugs (opiates) for pain relief for five years or more.

Long-term use of opiates causes concern for several reasons. Their effectiveness in long-term use for chronic pain has not been well documented. And the American Chronic Pain Association says that more than half of long-term users experience at least one adverse side effect. These include increased tolerance (higher doses are needed to achieve the same result), hyperalgesia (increased pain response), hormonal effects, depression and suppression of the immune system. Of particular concern for employers, opiate drugs pose a high risk for abuse.

*Business Insurance* magazine recently reported that medical test provider Quest Diagnostics Inc. said that employers that screen for

narcotic use are seeing a huge jump in positive results. According to the article, “...positive results for oxycodones, such as OxyContin, have increased 96% in employer screenings from 2005 to the first quarter of this year, while positive tests increased 47% for hydrocodone, a drug type that includes Vicodin.”

The American College of Occupational and Environmental Medicine does not recommend the use of opiates for long-term use in “nonmalignant pain conditions,” or where little objective evidence of injury still exists. If a patient doesn’t respond to other treatments, the ACOEM recommends screening patients for prior history of drug or alcohol abuse and psychological problems before treating with opiates. This can prevent addiction problems. If opiates prove effective for a specific patient for use in relief of chronic pain, the ACOEM recommends regular testing for irregular use of the opiate (abuse) and other substances. To discuss drug testing, or management of your workers’ compensation claims, please contact us. ■

