



**WISCONSIN**  
**DWD**

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## Workplace Safety: Reporting, Investigations, Penalties

**DAVE LEIX, CSP**  
Safety and Risk Manager  
DWD Division of Worker's Compensation

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## Topics for Review & Discussion

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1. Speaker Bio
2. Wisconsin WC History
3. DWD WC Website Review
4. WC Fatalities & Serious Injury Reporting
5. WC Safety Investigations Role - Safety Violations
6. WC – BLS – SLH.edu Data Collection Program
7. Independent Contractors – “Self-Employed” Workers

[DWD.WISCONSIN.GOV](http://DWD.WISCONSIN.GOV)

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<https://dwd.wisconsin.gov/wc/safety/bio/dave-leix.htm>

WISCONSIN.GOV Jobs at DWD Agency Directory Online Services

**DWD**  
Department of Workforce Development

UNEMPLOYMENT WORKPLACE INJURY EQUAL RIGHTS EMPLOYMENT & TRAINING DISABILITY EMPLOYMENT ABOUT DWD

Worker's Compensation > Safety Program > Bio: David Leix, CSP, Safety & Risk Manager

**Bio: David Leix**  
CSP, Safety & Risk Manager

Dave Leix is a Certified Safety Professional (CSP) and Safety & Risk Manager for the State of Wisconsin / Department of Workforce Development (DWD) – Worker's Compensation Division, Madison, WI.

Dave brings forty (40) plus years of professional safety and health (EHS) consulting and managerial experience to a wide variety of customers and clients. This has included working as a Safety Director in private industry; and, progressively responsible IL, IA, MN and WI customer field service consulting experience with the Liberty Mutual Group and two other national property casualty insurance carriers. Recent emphasis has been with Industrial; Construction; Transportation; Warehousing & Logistics; Construction; and Public Sector operations and clients.

Dave has also developed, directed and managed customer and agency loss control services provided by Wisconsin and Minnesota based field Loss Control Consultants while serving as Wisconsin Loss Control Manager for Fremont Compensation Insurance Group.

Dave's current State of Wisconsin/DWD – WC Division job responsibilities and duties include:

- Overseeing and periodically visiting the State's large Wrap Up – Owner Controlled Insurance programs (OCIP) projects. Activities include periodic site safety surveys and audits, especially during phases of major work activities; EHS collaborations and mentoring of the projects' site operations, safety & risk management personnel; and, EHS input at the projects' periodic stewardship meetings.

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STATE OF WISCONSIN  
**DWD**  
Department of Workforce Development

State of Wisconsin

**Dave Leix, CSP, Safety & Risk Manager**  
State of Wisconsin  
Department of Workforce Development  
Worker's Compensation Division

**Liberty Mutual.**

**Speaker Bio**

**Fremont Comp**  
Fremont Compensation Insurance Group

**Accident Fund**  
WorkSafe WorkSafe WorkSafe

**PLATT**  
CONSTRUCTION, INC.

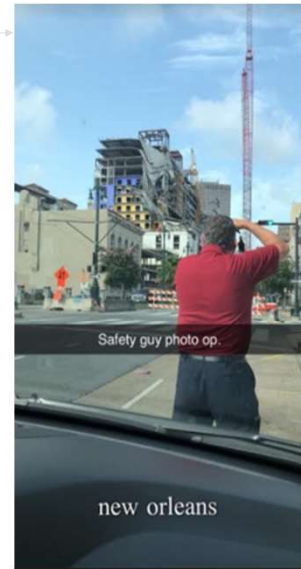
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# New Orleans Hard Rock Hotel Collapse While Under Construction

October 12, 2019

Dave – on vacation - 7/01/2020



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## DWD WC Division – Website Workplace Safety “Safety Works for Everyone”



Safety Program



Safety Works For Everyone



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# DWD WC Division – Website Workplace – Safety “Accident Investigations”



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<https://dwd.wisconsin.gov/wc/safety/>

**Safety Works For Everyone**

Safety works for employers because it can improve the bottom-line costs of doing business. An effective safety plan and lower injury rates can result in significant savings for employers by lowering the costs of worker's compensation insurance premiums. Injury prevention reduces training and recruitment costs. A safe workplace makes it easier for employers to meet production schedules and provide good customer service.

**NEW COVID-19 Information**

Filing a Complaint

COVID-19 Guidance

**Safety Program**

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**Employees**

Safety works for employees because it keeps them on the job. Safe employees are able to remain productive and produce high quality work. Employees in safe workplaces experience higher morale and greater productivity.

And, safety works for customers because of the overall lowered costs for goods produced and services provided.

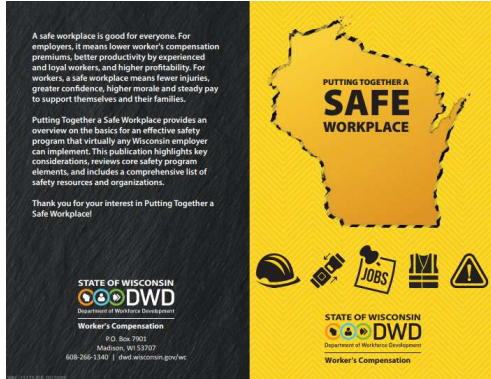
**“Proactive” Safety vs “Reactive”**



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<https://dwd.wisconsin.gov/wc/safety/pdf/safe-workplace.pdf>



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<https://dwd.wisconsin.gov/wc/safety/pdf/safe-workplace.pdf>

## The Five W's

Be flexible. Job redesign can be a major step toward a safe workplace. Employees need to be open-minded when reviewing a job for safety redesign. When evaluating an employee's work area, follow these three ergonomic principles to reduce on-the-job injuries:

1. Work activities should permit the worker to adopt several different but equally healthy and safe postures.
2. Bodily effort should be exerted by the largest appropriate muscle groups available (e.g., lift with your legs not your arms).
3. Work activities should be performed with the joints at about mid-point of their range of movement, particularly the head, trunk (back) and upper limbs.

Principle 1 can be satisfied by providing ergonomically correct equipment or office furniture. Ask your equipment suppliers. They can tell you everything you need to know. Principles 2, and 3, may be partially satisfied by the employer providing appropriate ergonomic modifications to the work area. However, to completely adhere to these two principles, workers also must make a conscious evaluation of how they are performing the work task and adjust their body movements accordingly:

- Are staff seated correctly while working at the computer?
- Are correct lifting procedures used each time a box or carton is moved?
- Are employees using tools properly?

No matter what the work is, if employees experience pain from a task, they should STOP and think about how they are performing the work. What adjustments can you make to the work area, or how can employees change posture or work habits? A cooperative safety relationship between employers and employees makes it easier to evaluate work areas and make them safer.

16 Putting Together a Safe Workplace

### WHAT IF AN ACCIDENT HAPPENS?

Everyone needs to know their job in reducing the damage from an accident if it happens. If staff are prepared before an accident occurs, there will be less delay and confusion when help is needed. Is there a designated first aid station? Are employees trained in administering basic first aid measures? Proper medical attention can reduce a lot of physical harm from workplace injuries.

#### Reporting a Worker's Compensation Claim

- It's time to report the accident to your insurance carrier or claims administrator. Supervisors should know the answers to these basic questions:
- To whom should the claim be reported - a person in your human resources office or directly to the insurance carrier's claims office?
  - Are special forms required by the insurance carrier?
  - What part of the firm should be completed by the employee, the supervisor or the insurance carrier?

In cases involving three or more days of lost work time, you may need to fill out a WDC-2 ("First Report of Injury") form. This form allows the facts of an investigation to be reported clearly and concisely.

Most insurers encourage immediate claim reporting via the telephone. No matter how the claim is reported, your insurer will need information regarding the employee and how the accident happened. The vast majority of claims are legitimate, but if there are any suspicious circumstances or inconsistencies, report them to the insurer for their investigation.

What if an Accident Happens? 17

### Accident Investigation

Once the initial claim report is filed, the supervisor should then investigate the accident.

- Who and what was involved?
- Exactly where and when did it happen?
- Who saw it occur? Is there video?
- Was the employee using required safety equipment?
- Was the employee performing his/her assigned work tasks?

The injured employee(s) should describe the accident in their own words. Encourage employees to be specific. The supervisor should take statements from all witnesses. If possible, the interviews and statements should be completed at the scene of the accident. The more accurate it will be.

The supervisor should review the accident statements taken from the employee and co-workers:

- Do they agree on the cause of the accident?
- Could the accident have been prevented?

If possible, form a "safety team" to study the cause of the accident and make recommendations as to how a similar accident may be prevented in the future. The team could even videotape a reenactment of the accident for future training purposes. It is also a best risk management practice to investigate "near misses" or accidents where there were no serious injuries. If you can come up with preventive measures for these incidents, you may be able to prevent someone from being hurt in the future. A thorough investigation policy gives employees the message that management values their services and wants to protect them from harm.

18 Putting Together a Safe Workplace

### Follow-up with the Injured Employee

The supervisor follow-up with injured employees after the accident throughout the disability period is humane and smart. The supervisor should make sure employees are satisfied with their benefits and that worker's compensation benefits were fully paid by the claim adjuster.

For serious work-time injuries, the employer may wish to coordinate with the employee's treating physician to discuss the employee's capabilities with the current injury. An employer has the option to set up an early return-to-work program. If you can assign lighter duties, employees may return to work before they are able to perform the duties of the job held before the accident. Getting injured employees back to the workplace helps your company and the employees. A well-designed program providing medically justified light duty work can help motivate the employee to return to normal duties, promote healing and relieve concern about returning to a normal life after an injury.



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**Upstream - "Proactive" Safety vs. Downstream - "Reactive"**



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<https://dwd.wisconsin.gov/wc/safety/pdf/safe-workplace.pdf>

# The Five W's...

## Accident Investigation

Once the initial claim report is filed, the supervisor should then investigate the accident.

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- Who?
- What?
- When?
- Where?
- Why?

“Root Cause(s) + Fact Finding” = Prevention ... not affixing blame



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<https://dwd.wisconsin.gov/dwd/forms/wkc/pdf/wkc-12.pdf>

**EMPLOYER'S FIRST REPORT OF INJURY OR DISEASE**

**Form WKC-12 (R. 06/2017)**

Department of Workforce Development  
201 E. Washington Ave., 5th Floor  
Madison, WI 53703  
Telephone: (608) 266-2322  
Toll-free: (800) 266-2342  
Wisconsin Department of Workforce Development  
Form WKC-12 (R. 06/2017)

Employer Name (Print, Mailing, Local) \_\_\_\_\_ State Security Number \_\_\_\_\_ Date \_\_\_\_\_ Employee Name, Telephone No. \_\_\_\_\_  
Employee Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Occupation \_\_\_\_\_  
Employee Title \_\_\_\_\_  
Employee Name \_\_\_\_\_  
Employee Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Name and Address of Third Party Administrator (TPA), used by the Insurance Company or Self-Insured Employer \_\_\_\_\_  
Type of Injury or Disease \_\_\_\_\_  
Date of Injury or Disease \_\_\_\_\_  
Time of Injury or Disease \_\_\_\_\_  
Location of Injury or Disease \_\_\_\_\_  
Was Employee Treated in an Emergency Room? \_\_\_\_\_  
Name and Address of Treating Physician and Hospital \_\_\_\_\_  
Case Number from the OSHA Log \_\_\_\_\_  
Description - Describe Activities of Employee When Injury or Disease Occurred and What Tools, Machinery, Objects, Chemicals, Etc. Were Involved. \_\_\_\_\_  
What Happened to Cause This Injury or Illness? (Describe How the Injury Occurred) \_\_\_\_\_  
What Was the Injury or Illness? (State the Part of Body Affected and How it Was Affected) \_\_\_\_\_  
Report Prepared By \_\_\_\_\_ Work Phone Number \_\_\_\_\_ Position \_\_\_\_\_ Date Signed \_\_\_\_\_  
WKC-12 (R. 06/2017) SEND REPORT IMMEDIATELY - DO NOT WAIT FOR MEDICAL REPORT

- WC Safety Penalties Provisions
- The Five W's: Who? What? When? Where? Why?

**INJURY INFORMATION**

Injury Date \_\_\_\_\_ Time of Injury \_\_\_\_\_ Last Day Worked \_\_\_\_\_ Date Employer Notified \_\_\_\_\_ Date Returned to Work \_\_\_\_\_  
Did Injury Cause Death? \_\_\_\_\_ Date of Death \_\_\_\_\_ Was This a Lost Time or Other Compensable Injury? \_\_\_\_\_ Did Injury Occur Because of: \_\_\_\_\_  
Substance Abuse \_\_\_\_\_ Failure to Use Safety Devices \_\_\_\_\_ Failure to Obey Rules \_\_\_\_\_  
Was Employee Treated in an Emergency Room? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Was Employee Hospitalized Overnight as an In-Patient? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
Name and Address of Treating Physician and Hospital: \_\_\_\_\_  
Case Number from the OSHA Log: \_\_\_\_\_  
Description - Describe Activities of Employee When Injury or Disease Occurred and What Tools, Machinery, Objects, Chemicals, Etc. Were Involved. \_\_\_\_\_  
What Happened to Cause This Injury or Illness? (Describe How the Injury Occurred) \_\_\_\_\_  
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WKC-12 (R. 06/2017) SEND REPORT IMMEDIATELY - DO NOT WAIT FOR MEDICAL REPORT



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**Wisconsin WC Act 102 | 2016.03.02 Amendments | PLAIN LANGUAGE SUMMARY 2015 WCAC BILL**

**PLAIN LANGUAGE SUMMARY 2015 WCAC BILL 12.4.15 (2).pdf**

**AMENDMENTS TO THE WORKER'S COMPENSATION ACT  
PLAIN LANGUAGE SUMMARY 2015 WISCONSIN ACT 180  
EFFECTIVE MARCH 2, 2016**



Additional years (2017 & 2018) with the maximum weekly benefit rate increases from \$582 to \$669 and payable for weeks of disability occurring after the effective date of the amendment. s. 102.44 (1) (ag), (am) & (b)

22. **Minimum PPD Ratings.** The Department will create a medical advisory committee to review the minimum permanent partial disability (PPD) ratings in Chapter DWD 80.32 of the Administrative Code. This committee will review and update the minimum ratings every eight (8) years. s. 102.44 (4m)

23. **Violation of Employer's Alcohol/ Drug Policy.** There shall be no recovery of indemnity or death benefits when an employee violates the employer's drug and/or alcohol policy and where there is a direct causation between violation of the drug and/or alcohol policy and the workplace injury. s. 102.58

24. **UEF Computer Upgrade.** Funding from the WC annual assessment will be provided to update the Uninsured Employers Fund (UEF) mainframe computer system to a current platform during this biennium. Non-statutory

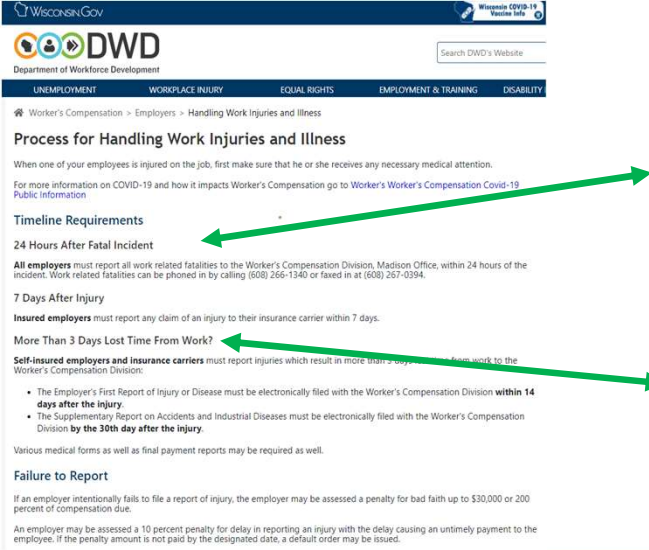
(JOM 3.1.16)

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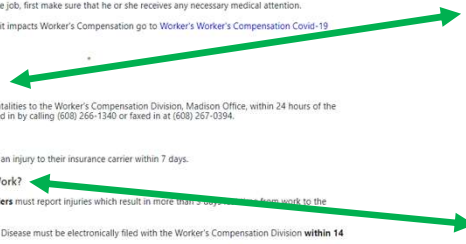

<https://dwd.wisconsin.gov/wc/employers/handling-injuries.htm>



**STATE OF WISCONSIN  
DWD  
Department of Workforce Development**

**DWD WC Division – Fatalities & > Three Days Lost Time (Indemnity) Injuries Reporting Requirement Timelines**

- 1. Fatal Incident – Within 24 Hours**  
All employers must report all work-related fatalities to the Worker's Compensation Division, Madison Office, within 24 hours of the incident. Work related fatalities can be phoned in by calling (608) 266-1340 or faxed in at (608) 267-0394.
- 2. More than three days lost time from work?**  
The Employer's First Report of Injury or Disease must be electronically filed with the Worker's Compensation Division **within 14 days after the injury (Indemnity Cases).**

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<https://dwd.wisconsin.gov/wc/employers/handling-injuries.htm>



## DWD WC Division – Fatality & > Three Days Lost Time (Indemnity) Injuries Reporting Requirement Timelines

### 24 hours after fatal incident:

**All employers** must report all work-related fatalities to the Worker's Compensation Division, Madison Office, within 24 hours of the incident. Work related fatalities can be phoned in by calling (608) 266-1340 or faxed in at (608) 267-0394.

### Seven days after injury:

**Insured employers** must report any claim of an injury to their insurance carrier within seven (7) days.



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<https://dwd.wisconsin.gov/wc/employers/handling-injuries.htm>



## DWD WC Division – Fatality & > Three Days Lost Time (Indemnity) Injuries Reporting Requirement Timelines (cont.)

### More than 3 days lost time from work?

**Self-insured employers and insurance carriers** must report injuries that result in more than three (3) days lost time from work to the Worker's Compensation Division:

- The Employer's First Report of Injury or Disease must be electronically filed with the Worker's Compensation Division **within 14 days after the injury**.
- The Supplementary Report on Accidents and Industrial Diseases must be electronically filed with the Worker's Compensation Division **by the 30th day after the injury**.

Various medical forms and final payment reports may also be required.



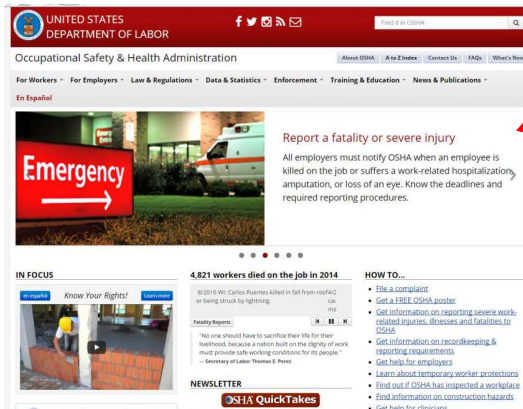
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# OSHA – Workplace Fatalities – within 8 Hours / Serious Injuries – 24 Hours

[www.OSHA.gov](http://www.OSHA.gov) - <https://www.osha.gov/pls/ser/serform.html>

OSHA 24-hour hotline **800-321-6742** or Local OSHA Office



## OSHA FactSheet

### Updates to OSHA's Recordkeeping Rule: Reporting Fatalities and Severe Injuries

OSHA's updated recordkeeping rule expands the list of severe injuries that all employers must report to OSHA. Establishments located in states under Federal OSHA jurisdiction must begin to comply with the new requirements on January 1, 2015. Establishments located in states that operate their own safety and health programs should check with their state plan for the implementation date of the new requirements.

#### What are I required to report under the new rule?

Previously, employers had to report the following to OSHA:

- All work-related fatalities
- Work-related hospitalizations of three or more employees

Starting in 2015, employers will have to report the following to OSHA:

- All work-related fatalities
- All work-related inpatient hospitalizations of one or more employees
- All work-related amputations
- All work-related losses of an eye

#### Who is covered under the new rule?

All employers under OSHA jurisdiction must report all work-related fatalities, hospitalizations, amputations and losses of an eye to OSHA, even employees who are exempt from routinely keeping OSHA injury and illness records due to company size or industry.

#### How do I report an event to OSHA?

Employers have three options for reporting the event: by telephone to the nearest OSHA Area Office during normal business hours, by mail to OSHA, or by using the OSHA 300-DAF.

#### How soon must I report a fatality or severe injury or illness?

Employers must report work-related fatalities within 8 hours of finding out about it.



<https://www.osha.gov/recordkeeping2014/OSHA3745.pdf>

<https://www.osha.gov/pls/ser/serform.html>

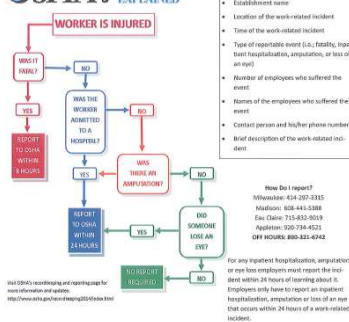


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## 1. Private Sector EE's Only

### OSHA's NEW REPORTING RULE EXPLAINED



OSHA – <https://www.osha.gov/fatalities>  
**Fatalities – 8 Hours**  
**Serious Injuries – 24 hours**  
<https://www.osha.gov/pls/ser/serform.html>

- Amputations
- Loss of Eye
- In-Hospitalization – One or more EE, treatment other than observation

## 2.



**All Private & Public Incidents**  
<https://dwd.wisconsin.gov/wc/employers/handling-injuries.htm>

**Fatal Incidents – Within 24 Hours**  
 Phone – (608) 266-1340  
 with written WKC-12 to follow  
 or fax (608) 267-0394

**More than three days lost time from work**  
 Report to DWD WC within 14 days after the injury (Indemnity Cases) - WKC-12 E online

## 3.



**Public Sector EE's Only**  
<https://dps.wi.gov/Pages/Programs/PublicSafety/Default.aspx>

**DSPS Madison Office**  
 (608) 267-9420 during regular business hours

**State of Wisconsin Division of Emergency Management**  
 (800) 943-0003, outside of regular business hours (24 Hour on Duty Officer)

**& DWD WC Division Requirements**

<https://dwd.wisconsin.gov/wc/employers/handling-injuries.htm>



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# DSPS – Website

## Department of Safety & Professional Services (DSPS)

### Public Sector Workers - Workplace Safety

### “Accident Investigations”

<https://dps.wi.gov/Pages/Programs/PublicSafety/Default.aspx>



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## DSPS - Public Sector Employee Safety

<https://dps.wi.gov/Pages/Programs/PublicSafety/Default.aspx>



### Chapter SPS 332 PUBLIC EMPLOYEE SAFETY AND HEALTH



#### Subchapter I — Scope, Application and Definitions

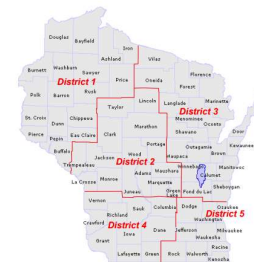
- SPS 332.001 Purpose.
- SPS 332.002 Scope.
- SPS 332.003 Application.

#### Subchapter III — General Requirements

- SPS 332.15 OSHA Safety and health standards.
- SPS 332.16 Wisconsin administrative code chapters.
- SPS 332.17 Substitution of “secretary.”

#### Subchapter IV — Amendments to OSHA Standards

- SPS 332.20 Amendments to OSHA standards.
- SPS 332.203 Safety and health program.
- SPS 332.205 Recording and reporting occupational injuries and illnesses [29 CFR 1904].



**SPS 332.203 Safety and health program.** This is a department rule in addition to the requirements in 29 CFR 1910, 1915, 1917, 1926 and 1928: Each employer shall develop and implement a safety and health program that describes the procedures, methods, processes and practices used to manage workplace safety and health. The program shall include elements for hazard identification and assessment, hazard prevention and control, and information and training.

**History:** CR 14-060: renum. from 332.11 (1) and am. Register August 2015 No. 716, eff. 9-1-15.



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## DSPS - Public Sector Employee Fatalities & Serious, In-Hospitalization Injury Reporting

<https://dsps.wi.gov/Pages/Programs/PublicSafety/Default.aspx>

DSPS Division of Industry Services establishes and enforces occupational safety and health standards for public sector employees. Consultation and inspections are provided by Industry Services Occupation Safety and Health staff. Wisconsin's Clean Indoor Air Act and Right to Know Law, which provide information to employees on workplace conditions, are administered by the Division.

**Department of Workforce Development - Process for Handling Work Injuries & Illness**

Questions regarding the **Public Sector Safety program** can be sent to [DSOSSBHealthAndSafetyTech@Wi.gov](mailto:DSOSSBHealthAndSafetyTech@Wi.gov).

**Reminder**


**When reporting a public sector employee fatality or hospitalizations of three (3) or more employees, contact the DSPS department at 608-266-3723 or 608-267-9420 during regular business hours.**

**After hours, please call (608) 751-7983 or (608) 438-8299.**




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## DSPS - Public Sector Employee Fatalities/Injury Reporting

<https://dsps.wi.gov/Pages/Programs/PublicSafety/Default.aspx>

1. **DSPS Reporting - (608) 267-9420** - <https://dsps.wi.gov/Pages/Programs/PublicSafety/Default.aspx>

**All Public Sector** Worker Fatalities and Serious incidents – (upon occurrence, or learning of) – Call:


  - **DSPS Madison office - (608) 267-9420 during regular business hours; or**
  - **State of Wisconsin [Division of Emergency Management](#) at (800) 943-0003, outside of regular business hours (24-hour on-duty officer)**

DSPS serves a similar function for Public Sector workers that OSHA does for the Private Sector workers.

**All/Both Public & Private Sector Employees Fatalities & Injury Reporting**
2. **DWD/WC Division Reporting – 608-266-1340 or fax to 608-267-0394** (for both Private and Public sector workers)

**All Private and Public Sector** Worker Fatalities and Serious incidents (upon occurrence, learning of)

<https://dwd.wisconsin.gov/wc/employers/handling-injuries.htm>


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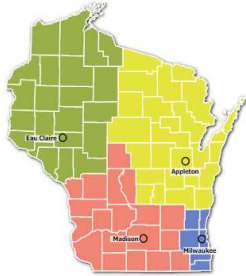
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### OSHA – Wisconsin Four Area Offices / County Assignments Wisconsin falls under the Federal OSHA Plan (vs. a State Plan State) Four Area Directors, plus Compliance Assistance Consultants & CSHOs

<https://www.osha.gov/contactus/bystate/WI/areaoffice>

Wisconsin

Menu



Contact the office nearest you.

OSHA Area Office

These four federal OSHA offices cover private sector employers and workers in Wisconsin:

- Appleton Area Office**  
1648 Ttl Park Way  
Appleton, WI 54914  
☎ (920) 734-4521
- Eau Claire Area Office**  
1310 W. Clairmont  
Avenue  
Eau Claire, WI 54701  
☎ (715) 832-9019  
📠 (715) 832-1147
- Madison Area Office**  
1402 Pankratz Street, Suite  
#114  
Madison, WI 53704  
☎ (608) 733-2022  
📠 (608) 733-2023

- Milwaukee Area Office**  
310 West Wisconsin  
Avenue, Room 1100  
Milwaukee, WI 53203  
☎ (414) 297-3315  
📠 (414) 297-4299

On-Site Consultation Program

Wisconsin On-Site Consultation Program

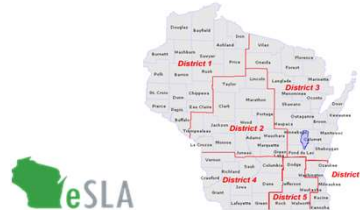
<https://www.osha.gov/contactus/bystate/WI/areaoffice>



<https://dps.wi.gov/Documents/Programs/Maps/PublicSafety.pdf>

### DSPS - Public Sector Safety Five Wisconsin Districts Inspectors Map as of July 1, 2021

STATE OF WISCONSIN  
Department of Safety and Professional Services  
200 Wisconsin Center Bldg., Madison WI 53705  
Web: [dps.wisconsin.gov](http://dps.wisconsin.gov) Public Sector Safety Program



- | District  | Phone                        | Fax          |
|---|------------------------------|--------------|
| 1 - Jane Ciegler<br>2 - Valerie   | 715-538-3308                 |              |
| 3 - Tom Gaudin  | 414-852-3880                 | 608-263-7495 |
| 4 - Andrea Anstaber   | 608-438-6381                 | 608-263-7495 |
| 5 - Valerie   |                              |              |
| 6 - Jan Ciegler<br>Supervisor - Laura Deanech<br>Contract Supervisor regarding<br>warrant districts | 608-219-7185<br>608-445-6038 |              |
- Submit general questions to: [OSPS@healthandfamily.ten.wisconsin.gov](mailto:OSPS@healthandfamily.ten.wisconsin.gov)

Rev 1/20



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## DWD WC Division – Website Workplace Safety

## Wisconsin WC Act 102 - Safety Violations



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<https://docs.legis.wisconsin.gov/statutes/statutes/102/57>

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**CHAPTER 102**  
**WORKER'S COMPENSATION**

102.01	Definitions.
102.03	Conditions of liability.
102.04	Definition of employer.
102.05	Election by employer, withdrawal.
102.06	Joint liability of employer and contractor.
102.07	Employee defined.
102.555	Occupational deafness: definitions.
102.56	Disfigurement.
102.565	Toxic or hazardous exposure, medical examination: conditions of liability.
102.57	Violations of safety provisions, penalty.
102.58	Decreased compensation.
102.59	Preexisting disability, indemnity.
102.60	Minor illegally employed.
102.61	Indemnity under rehabilitation law.

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<https://docs.legis.wisconsin.gov/statutes/statutes/102/57>

**102.57 Violations of safety provisions, penalty.** If injury is caused by the failure of the employer to comply with any statute, rule, or order of the department of safety and professional services, compensation and death benefits provided in this chapter shall be increased by 15 percent, but the total increase may not exceed \$15,000. Failure of an employer reasonably to enforce compliance by employees with any statute, rule, or order of the department of safety and professional services constitutes failure by the employer to comply with that statute, rule, or order.

**History:** 1981 c. 92; 1983 a. 98; 2001 a. 37; 2015 a. 55.

This section and s. 102.58 may be applicable in the same case if the negligence of both the employer and employee are causes of the employee's injury. *Milwaukee Forge v. DILHR*, 66 Wis. 2d 428, 225 N.W.2d 476 (1975).

Death benefits for dependent children are not increased by this section. *Schwartz v. DILHR*, 72 Wis. 2d 217, 240 N.W.2d 173 (1976).

The application of this section is not restricted to statutes "of the" department of workforce development. Statutes are not "of" departments of the state. The reasonable reading of this section is that "of the department" modifies "order" and not "statute." The only word that modifies "statute" in the first sentence of the section is "any." This section allows an administrative law judge to increase worker's compensation benefits if it finds that the employer failed to comply with any statute. A violation of a federal OSHA standard was not a violation of "a statute, rule, or order of the department" but was evidence of a violation of a Wisconsin statute, the safe place statute, s. 101.11. *Sohn Manufacturing Inc. v. LIRC*, 2013 WI App 112, 350 Wis. 2d 469, 838 N.W.2d 131, 12-2566.

This section is not preempted by federal law. It is not an attempt to regulate in an area that the state has not been authorized to regulate and does not constitute enforcement of federal workplace safety regulations. Rather, this section is a worker's compensation law "with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment" exempted from preemption under 29 U.S.C. § 653 (b) (4). *Sohn Manufacturing Inc. v. LIRC*, 2013 WI App 112, 350 Wis. 2d 469, 838 N.W.2d 131, 12-2566.



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<https://docs.legis.wisconsin.gov/statutes/statutes/102/58>

**102.58 Decreased compensation.** If injury is caused by the failure of the employee to use safety devices that are provided in accordance with any statute, rule, or order of the department of safety and professional services and that are adequately maintained, and the use of which is reasonably enforced by the employer, or if injury results from the employee's failure to obey any reasonable rule adopted and reasonably enforced by the employer for the safety of the employee and of which the employee has notice, the compensation and death benefit provided in this chapter shall be reduced by 15 percent but the total reduction may not exceed \$15,000. **If an employee violates the employer's policy concerning employee drug or alcohol use and is injured, and if that violation is causal to the employee's injury, no compensation or death benefits shall be payable to the injured employee or a dependent of the injured employee.** Nothing in this section shall reduce or eliminate an employer's liability for incidental compensation under s. [102.42 \(1\) to \(8\)](#) or drug treatment under s. [102.425](#).

**History:** 1971 c. 148; 1981 c. 92; 1983 a. 98; 1987 a. 179; 1995 a. 448; 2001 a. 37; 2015 a. 55, 180.

The burden of proof is on the employer to establish not only the fact of intoxication, but also a causal connection between the condition and the injury or accident. *Haller Beverage Corporation v. DILHR*, 49 Wis. 2d 233, 181 N.W.2d 418 (1970).

This section and s. 102.57 may be applicable in the same case if the negligence of both the employer and employee are causes of the employee's injury. *Milwaukee Forge v. DILHR*, 66 Wis. 2d 428, 225 N.W.2d 476 (1975).

Whether a traveling employee's multiple drinks at a tavern was a deviation was irrelevant when the employee was injured while engaged in a later act reasonably necessary to living. Under this section, intoxication does not defeat a worker's compensation claim but only decreases the benefits. *Heritage Mutual Insurance Co. v. Larsen*, 2001 WI 30, 242 Wis. 2d 47, 624 N.W.2d 129, 98-3577.



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## Requesting Authorization for 15% Safety Reduction

- **Copy of safety rule that was violated**
  - **There must be a rule in order for one to be violated**
  - **Employee must have been trained on rule before injury date**
- **Proof of rule enforcement**
  - **Documented consequence for similar violations**
- **Evidence of causation**
  - **Medical opinion that violation caused injury**



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# Safety Violation – Example #1 – Power Press Amputation



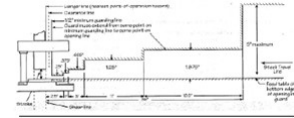
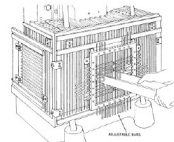
Occupational Safety and Health Administration

OSHA STANDARDS TOPICS HELP AND RESOURCES

By Standard Number / 1910.217 - Mechanical power presses.

- 1910 Subpart O - Machinery and Machine Guarding
- 1910.211 - Definitions
- 1910.212 - General requirements for all machines
- 1910.215 - Abrasive wheel machinery
- 1910.217 - Mechanical power presses

Fixed Barrier Guard on a Power Press



## Safeguarding the Point of Operation

1910.217(c)(1) General requirements.

1910.217(c)(1)(i) It shall be the responsibility of the employer to provide and ensure the usage of "point of operation guards" or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press. See Table O-10.

1910.217(c)(1)(ii) The requirement of paragraph (c)(1)(i) of this section shall not apply when the point of operation opening is one-fourth inch or less. See Table O-10.

1910.217(c)(2) Point of operation guards.

1910.217(c)(2)(i) Every point of operation guard shall meet the following design, construction, application, and adjustment requirements:

1910.217(c)(2)(i)(a) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard;

1910.217(c)(2)(i)(b) It shall conform to the maximum permissible openings of Table O-10



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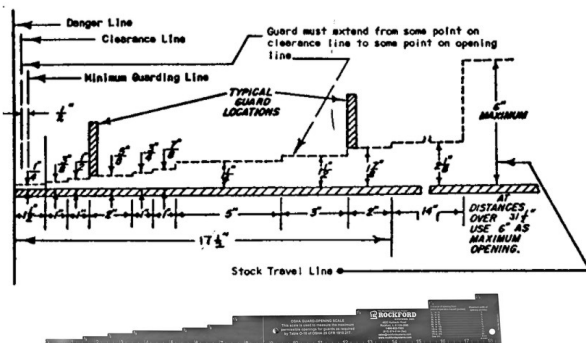
# Safety Violation – Example #1 – Power Press Amputation (cont.)



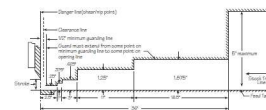
Occupational Safety and Health Administration

<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.217>

OSHA Table O-10

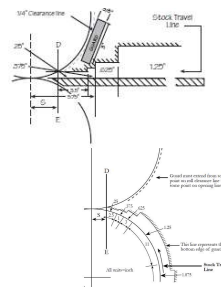


Fixed Barrier Guard on a Power Press



OSHA 29CFR 1910.217 Table O-10 [In inches]

Distance of opening from point of operation hazard	Maximum width of opening
1/2 to 1 1/2	1/4
1 1/2 to 2 1/2	3/8
2 1/2 to 3 1/2	1/2
3 1/2 to 5 1/2	5/8
5 1/2 to 6 1/2	3/4
6 1/2 to 7 1/2	7/8
7 1/2 to 12 1/2	1 1/4
12 1/2 to 15 1/2	1 1/2
15 1/2 to 17 1/2	1 7/8
17 1/2 to 31 1/2	2 1/8



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## Safety Violation – Example #2 – Abrasive Grinding Wheel Injuries

- [1910 Subpart O - Machinery and Machine Guarding](#)
- [1910.211 - Definitions](#)
- [1910.212 - General requirements for all machines](#)
- [1910.215 - Abrasive wheel machinery](#)

<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.215>  
<https://www.osha.gov/machine-guarding/new-grinder-checklist>

### Checklist for Abrasive Wheel Equipment Grinders

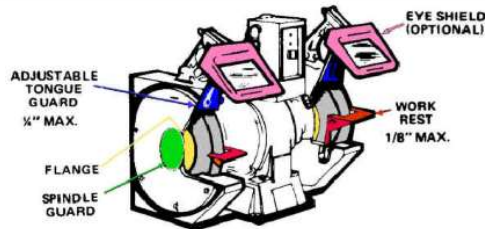


Photo courtesy of Naval Safety Center

UNITED STATES DEPARTMENT OF LABOR  
 Occupational Safety and Health Administration  
 OSHA STANDARDS TOPICS HELP AND RESOURCES  
 By Standard Number / 1910.215 - Abrasive wheel machinery.



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<https://www.osha.gov/laws-regs/oshact/section5-duties>



UNITED STATES DEPARTMENT OF LABOR  
 Occupational Safety and Health Administration  
 CONTACT US FAQ A TO Z INDEX ENGLISH ES  
 OSHA STANDARDS ENFORCEMENT TOPICS HELP AND RESOURCES NEWS SEARCH OSHA  
 OSHA Laws & Regulations / OSH Act of 1970  
 OSH Act of 1970  
 Table of Contents General Duty Clause Complete OSH Act Version ("All-in-One")  
**SEC. 5. Duties**  
 (a) Each employer --  
 (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;  
 (2) shall comply with occupational safety and health standards promulgated under this Act.  
 (b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.  
 29 USC 654



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<http://wisconsindot.gov/Pages/safety/education/seat-belt/law.aspx>  
<http://wisconsindot.gov/Documents/safety/education/seat-belt/347.pdf>

Updated 2013-14 Wis. Stats. Published and certified under s. 35.18. March 1, 2016.

1 Updated 13-14 Wis. Stats.

EQUIPMENT OF VEHICLES 347.02

CHAPTER 347  
EQUIPMENT OF VEHICLES

SUBCHAPTER I		347.28	Certain vehicles to carry flares or other warning devices.
GENERAL PROVISIONS		347.29	Display of warning devices for certain vehicles when standing on highway.
347.01	Words and phrases defined.	347.30	Penalty for violating lighting equipment requirements.
347.02	Applicability of chapter.		
347.03	Sale of prohibited equipment unlawful.		
347.04	Owner responsible for improperly equipped vehicle.		
347.05	Reciprocity agreements as to equipment.		
SUBCHAPTER II			
LIGHTING EQUIPMENT			
347.06	When lighted lamps required.		
347.07	Special restrictions on lamps and the use thereof.		
347.08	Determining the visibility distance and mounted height of lamps.		
347.09	Headlamps on motor vehicles.		
347.10	Headlamp specifications for motor vehicles other than mopeds and motor bicycles.		
347.11	Headlamp specifications for mopeds and motor bicycles.		
347.115	Modulating headlamps for motorcycles, motor bicycles or mopeds.		
347.12	Use of multiple-beam headlamps.		
347.13	Tail lamps and registration plate lamps.		
347.14	Stop lamps.		
347.145	Directional warning lights for motorcycles, motor bicycles, mopeds or motor buses.		
347.15	Direction signal lamps or devices.		
347.16	Clearance lamps and reflectors.		
347.17	Color of clearance and marker lamps and reflectors.		
347.18	Mounting of clearance lamps and reflectors.		
347.19	Visibility of clearance lamps and reflectors.		
347.20	Lamp or flag on projecting load or fixture.		
347.21	Lamps and flags on train of agricultural vehicles.		
347.22	Lamps on farm tractors, self-propelled farm implements, and lightweight utility vehicles.		
347.23	Lamps on highway maintenance equipment.		
347.24	Lamps and reflectors on nonmotor vehicles and equipment.		
347.245	Identification emblem on certain slow moving vehicles.		
347.25	Special warning lamps on vehicles.		
347.26	Restrictions on certain optional lighting equipment.		
347.27	When lighted lamps required on parked vehicles.		

347.31	Brakes.
347.32	Performance ability of brakes.
347.33	Brake fluid, sale regulation.
347.34	Horns and warning devices.
347.35	Auxiliary lamps on emergency vehicles; traffic control signal emergency preemption devices.
347.36	Mirrors.
347.37	Mirrors.
347.38	Speed indicators.
347.39	Ignition interlock device tampering; failure to install.
347.40	Odometer tampering.
347.41	Immobilization device tampering.
347.42	Windshield wipers.
347.43	Safety glass.
347.44	Painting requirements for school buses; restrictions as to painting of other vehicles.
347.445	Crossing gates for school buses.
347.447	Additional safety mirrors on school buses.
347.45	Tire equipment.
347.455	Modifications to height of vehicle.
347.46	Fenders and mudguards.
347.47	Drawbars, trailer hitches and mobile home couplings.
347.475	Airbags, prohibited practices.
347.48	Safety belts and child safety restraint systems.
347.485	Protective headgear for use on Type 1 motorcycles.
347.486	General requirements.
347.487	Seating requirements.
347.488	Moped equipment.
347.489	Lamps and other equipment on bicycles, motor bicycles, and electric personal assistive mobility devices.
347.49	Equipment of vehicles transporting flammable liquids.
347.50	Penalties.

(2m) REQUIRED USE (a) In this subsection, "properly restrained" means wearing a safety belt approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt which permits the safety belt to act as a body restraint.

(b) If a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless the person is properly restrained in a safety belt.

(c) If a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless each passenger who is at least 8 years old and who is seated at a designated seating position in the front seat required under 49 CFR 571 to have a safety belt installed or at a designated seating position in the seats, other than the front seats, for which a safety belt is required to be installed is properly restrained.

(d) If a motor vehicle is required to be equipped with safety belts in this state, no person who is at least 8 years old and who is seated at a designated seating position in the front seat required under 49 CFR 571 to have a safety belt installed or at a designated seating position in the seats, other than the front seats, for which a safety belt is required to be installed may be a passenger in that motor vehicle unless the person is properly restrained.

(dm) Paragraphs (b), (c) and (d) do not apply to the operation of an authorized emergency vehicle by a law enforcement officer or other authorized operator under circumstances in which compliance could endanger the safety of the operator or another.

(dr) Paragraph (b) does not apply to the operator of a vehicle while on a route which requires the operator to make more than 10 stops per mile involving an exit from the vehicle in the scope of

347.46	Fenders and mudguards.
347.47	Drawbars, trailer hitches and mobile home couplings.
347.475	Airbags, prohibited practices.
347.48	Safety belts and child safety restraint systems.
347.485	Protective headgear for use on Type 1 motorcycles.
347.486	General requirements.



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<https://docs.legis.wisconsin.gov/statutes/statutes/101/1/11>

Wisconsin Administrative Code  
Wisconsin Safe Work Place Act 101.11

101.11 Employer's duty to furnish safe employment and place.

(1) Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein and for frequenters thereof and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees and frequenters. Every employer and every owner of a place of employment or a public building now or hereafter constructed shall so construct, repair or maintain such place of employment or public building as to render the same safe.



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<https://docs.legis.wisconsin.gov/statutes/statutes/101/1/11>



## Wisconsin Administrative Code Wisconsin Safe Work Place Act 101.11

101.11  
(2)

- (a) No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees and frequenters; and no employer or owner, or other person shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.
- (b) **No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment or frequenter of such place of employment, nor fail or neglect to do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees or frequenters.**



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## DWD WC Division – Website Workplace Safety

### Bureau of Labor Statistics (BLS) – DWD WC Division – Data Capture & Analysis



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<https://www.bls.gov/iif/>  
<https://www.bls.gov/iif/oshstate.htm#WI>



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**NEWS RELEASE**  
 BUREAU OF LABOR STATISTICS  
 U.S. DEPARTMENT OF LABOR

For release 10:00 a.m. (ET) Wednesday, December 16, 2020  
 Technical information: (202) 691-6170 • [info@bls.gov](mailto:info@bls.gov) • [www.bls.gov/iif](http://www.bls.gov/iif)  
 Media contact: (202) 691-5902 • [PressOff@bls.gov](mailto:PressOff@bls.gov) USDL-20-2265

**NATIONAL CENSUS OF FATAL OCCUPATIONAL INJURIES IN 2019**

There were 5,333 fatal work injuries recorded in the United States in 2019, a 2 percent increase from the 5,250 in 2018, the U.S. Bureau of Labor Statistics reported today. (See chart 1 and table 1.) The fatal work injury rate was 3.5 fatalities per 100,000 full-time equivalent (FTE) workers, which was the rate reported in 2018. (See chart 2.) These data are from the Census of Fatal Occupational Injuries (CFOI).

Chart 1. Number of fatal work injuries, 2010-19

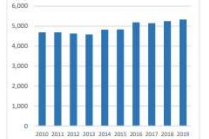
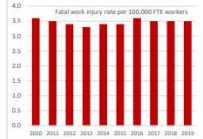


Chart 2. Fatal work injury rate, 2010-19



**Key findings from the 2019 Census of Fatal Occupational Injuries**

- The 5,333 fatal occupational injuries in 2019 represents the largest annual number since 2007.
- A worker died every 99 minutes from a work-related injury in 2019.
- Fatalities among workers age 55 and over increased 8 percent from 1,863 in 2018 to 2,005 in 2019, which is the largest number ever recorded for this age group.
- Hispanic or Latino worker fatalities were up 13 percent to 1,088 in 2019—a series high since 1992.
- Workplace deaths due to suicides (107) and unintentional overdoses (313) increased slightly in 2019.
- Fatalities in the private construction industry increased 4 percent to 1,061—the largest total since 2007.
- Driver/sales workers and truck drivers incurred 1,005 fatal occupational injuries, the highest since this series began in 2003.

<https://www.bls.gov/iif/>

Survey Respondents

State Occupational Injuries, Illnesses, and Fatalities

Overview of State data available

State data presenting the number and frequency of work-related injuries, illnesses, and fatal injuries are available from two BLS programs: the BLS Survey of Occupational Injuries and Illnesses (SOII) and the BLS Census of Fatal Occupational Injuries (CFOI). SOII provides estimates for nonfatal cases of work-related injuries and illnesses from participating States and Territories that are recorded by employers under Occupational Safety and Health Administration (OSHA) recordkeeping guidelines. CFOI publishes data on fatal cases of work-related injuries for all States, Territories, and New York City.

**Note:** The number of States for which SOII data are available varies from year to year due primarily to changes in State participation in the SOII. Among participating States for which State-level estimates are available, the sample sizes often are not sufficient to generate estimates at the same level of detail as are available from the national estimates. The industries for which data are available also vary among States, primarily due to the differences in industry concentration and sample size from one State to the next. An asterisk (\*) indicates that State estimates are available for both public and private industry.

Select a State below, or find your State on the map:

Select a State [dropdown] Go



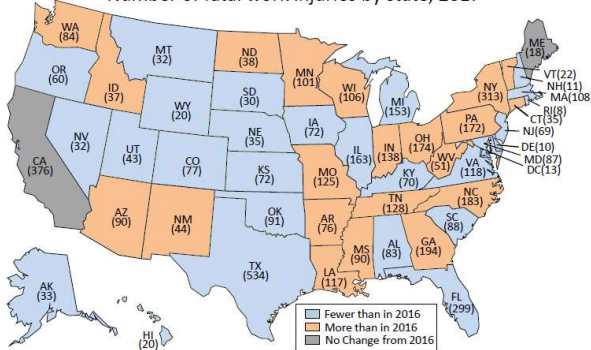
<https://www.bls.gov/iif/oshstate.htm>



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<https://www.bls.gov/iif/oshcfoi1.htm#2017>

Number of fatal work injuries by state, 2017



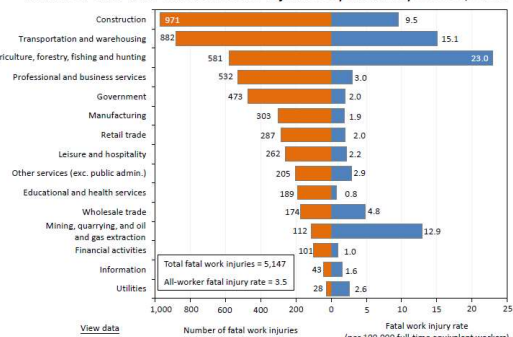
\* Twenty-one states and the District of Columbia had more fatal injuries in 2017 than in 2016; twenty-seven states had fewer. California and Maine had the same total for both years.

View data

Source: U.S. Bureau of Labor Statistics, 2018.

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Number and rate of fatal work injuries by industry sector, 2017



\* Private construction had the highest count of fatal injuries in 2017, but the private agriculture, forestry, fishing and hunting sector had the highest fatal work injury rate.

Note: Fatal injury rates exclude workers under the age of 16 years, volunteers, and resident military. The number of fatal work injuries represents total published fatal injuries before the exclusions. For additional information on the fatal work injury rate methodology, please see [www.bls.gov/iif/oshcfoi1.htm](https://www.bls.gov/iif/oshcfoi1.htm). Source: U.S. Bureau of Labor Statistics, Current Population Survey, Census of Fatal Occupational Injuries, 2018.

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U.S. BUREAU OF LABOR STATISTICS

<https://www.bls.gov/iif/oshwc/foi/tgs/2019/iiffw55.htm>

Injuries, Illnesses, and Fatalities

2019

OTHER AVAILABLE STATES: WI

Fatal occupational injuries in Wisconsin

Fatal occupational injuries by selected characteristics, by major event or exposure, Wisconsin

2019	Characteristic	Total fatal injuries	Event or exposure(4)					
			Violence and other injuries by persons or animals	Transportation incidents	Fires and explosions	Falls, slips, trips	Exposure to harmful substances or environments	Contact with objects and equipment
Total		113	15	41		23	14	17
<b>Employee status</b>								
	Wage and salary(2)	77	8	31		15	10	11
	Self-employed(2)	36	7	10		8	4	6
<b>Gender</b>								
	Women	13	3			3		4
	Men	100	12		3	20		10
<b>Age</b>								
	Under 16 years	4						
	16 to 17 years							
	18 to 19 years							
	20 to 24 years	5						
	25 to 34 years	13	3	5				3
	35 to 44 years	19	3	7			7	
	45 to 54 years	29	6	11		4	3	5
	55 to 64 years	23	9	9	3	4		4
	65 years and over	18		4		10		
<b>2018</b>								
	Characteristic	Total fatal injuries	persons or animals	Transportation incidents	Fires and explosions	Falls, slips, trips	substances or environments	objects and equipment
Total		114	15	48	3	14	13	20

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Wisconsin State Laboratory of Hygiene  
UNIVERSITY OF WISCONSIN-MADISON

Occupational Health and Safety Division  
2810 Walnut Commons Lane, Suite 200  
Madison, WI 53718  
Phone: (800) 884-1273  
www.slh.wisc.edu/bls

www.slh.wisc.edu/bls/

Chart 1. Total fatal occupational injuries, Wisconsin, 2009–2018

Year	Total	Wage and salary	Self-employed
2009	94	58	36
2010	91	57	34
2011	89	58	31
2012	114	72	42
2013	97	69	28
2014	99	59	40
2015	104	65	39
2016	105	67	38
2017	106	66	40
2018	114	78	36

SOURCE: U.S. Bureau of Labor Statistics.


Chart 2. Fatal occupational injuries by selected event, United States and Wisconsin, 2018

Category	Transportation incidents	Contact with objects and equipment	Violence and other injuries by persons or animals	Falls, slips, trips	All other
United States	40	15	16	15	15
Wisconsin	42	18	13	12	15

SOURCE: U.S. Bureau of Labor Statistics. Percentages may not add to 100 because of rounding.

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**Wisconsin State Laboratory of Hygiene**  
UNIVERSITY OF WISCONSIN-MADISON

Occupational Health and Safety Division  
2810 Walton Commons Lane, Suite 200  
Madison, WI 53718  
Phone: (800) 884-1273  
www.slh.wisc.edu

<https://dwd.wisconsin.gov/wc/statistics/>

[www.slh.wisc.edu/bls/](http://www.slh.wisc.edu/bls/)

**Wisconsin SOII/CFOI**

Jameson Blair  
Phone: 608-223-6292  
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Mailing address:  
Wisconsin State Laboratory of Hygiene  
Occupational Safety & Health Division  
2810 Walton Commons Lane Suite 200  
Madison, WI 53718

Internet:  
[www.slh.wisc.edu/bls/](http://www.slh.wisc.edu/bls/)

**Nonfatal occupational injuries and illnesses data by industry (SOII)**  
(Please contact the State for additional data.)

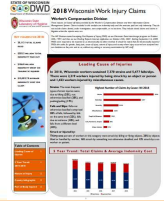
- \*2019 Incidence rates (LISX) Case counts (LISX)
- \*2018 Incidence rates (LISX) Case counts (LISX)
- \*2017 Incidence rates (LISX) Case counts (LISX)

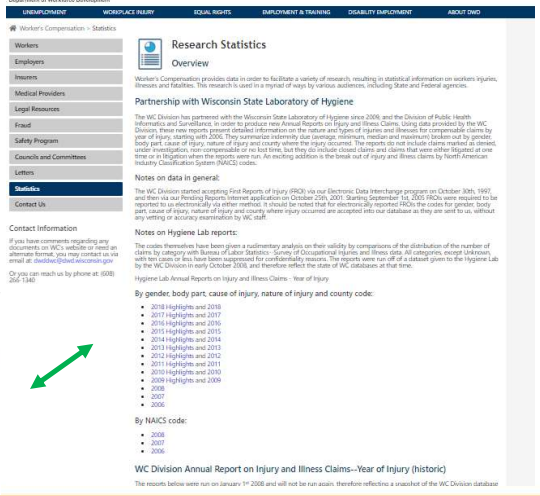
**Fatal occupational injuries (CFOI) data**  
(Please contact the State for additional data.)

- 2019 Fatal injury counts (HITM) rates (HITM)
- 2018 Fatal injury counts (HITM) rates (HITM)
- 2017 Fatal injury counts (HITM) rates (HITM)

[Archived State Tables](#)

<https://www.bls.gov/iif/oshstate.htm#WI>



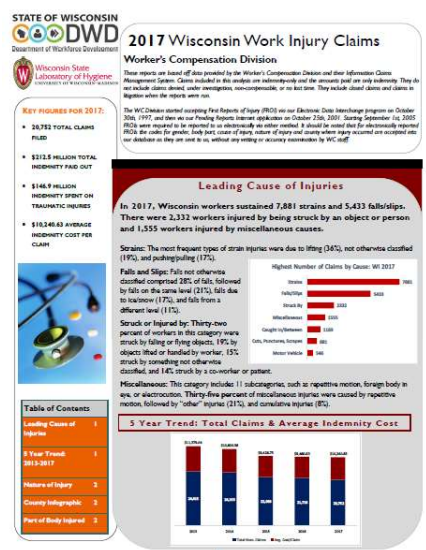


<https://www.bls.gov/iif/oshstate.htm#WI>

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<https://dwd.wisconsin.gov/wc/statistics/pdf/2017-highlights.pdf>



**Nature of Injury**

Tramatic Injuries: Of the 20,752 total claims filed, 18,817 were noted as traumatic injuries and 79% of those traumatic were to bones, nerves, spinal cord, muscles, joints, etc. In 2017, 59% of those traumatic injuries were strains, 14% were fractures, and 14% were sprains. There were also 211 amputation claims.

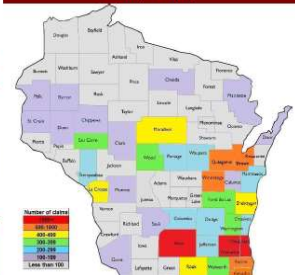
**Wounds, Bruises, and Burns:** Approximately 9% of workers in this category suffered contusions, 28% sustained lacerations, 8% sustained crushing injuries, and 8% sustained burns.

**Multiple Traumatic Injuries:** There were 2,800 workers with multiple injuries and disorders; 41% were not otherwise classified.

**Non-Traumatic Disorders and other:** There were 1,072 non-traumatic disorders; 91% of sprain workers in this category suffered from sprain (strain) or cumulative disorders.

**Non-Traumatic Disease:** Out of 863 claims filed in this category, 81% were diagnosed with hernia, and 21% suffered hearing loss.

**County of Injury**



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<https://dwd.wisconsin.gov/wc/statistics/pdf/2018-fact-sheet.pdf>

**STATE OF WISCONSIN DWD**  
Department of Workforce Development

**2018 Wisconsin Work Injury Claims**  
Worker's Compensation Division

These reports are based on data provided by the Worker's Compensation Division and their Information Clients. These reports are intended to provide an overview of the data and are not intended to be used for legal purposes. They do not include claims denied under investigation, unreported, or not yet filed. They include closed claims and claims in progress when the reports were issued.

**KEY FIGURES FOR 2018:**

- 281,113 TOTAL CLAIMS FILED
- \$282.3 MILLION TOTAL INDEMNITY PAID OUT
- \$184.8 MILLION INDEMNITY SPENT ON TRAUMATIC INJURIES
- \$18,812.70 AVERAGE INDEMNITY COST PER CLAIM

**Leading Cause of Injuries**

In 2018, Wisconsin workers sustained 7,370 strains and 5,437 falls/slips. There were 2,219 workers injured by being struck by an object or person and 1,423 workers injured by miscellaneous causes.

**Strains:** The most frequent types of strain injuries were due to lifting (25%), non-otherwise classified (20%), and posturing/bending (17%).

**Falls and Slips:** Falls and slips on the same level (22%), falls due to surface (18%), and falls from a different level (18%).

**Struck or Injured by:** Thirty-one percent of workers in this category were struck by falling or flying objects, 25% by objects lifted or handled by workers, 18% struck by something not otherwise classified, and 12% struck by a co-worker or patient.

**Highest Number of Claims by Cause: WI 2018**

Strains	14,807
Falls/Slips	5,437
Struck by	2,219
Miscellaneous	1,423
Transportation	1,000
Fire, Explosions, Burns	841
Water Injuries	274

**5 Year Trend: Total Claims & Average Indemnity Cost**

**Nature of Injury**

**Traumatic Injuries:** Of the 281,113 total claims filed, 18,187 were noted as traumatic injuries and 89% of those traumatic were to bone, nerves, spinal cord, muscle, joints, etc. In 2018, 57% of these traumatic injuries were strains, 15% were fractures, and 15% were sprains. There were also 199 amputation claims.

**Wounds, Bruises, and Burns:** Approximately 95% of workers in this category suffered contusions, 26% sustained lacerations, 8% sustained burns, and 8% sustained crushing injuries.

**Multiple Traumatic Injuries:** There were 2,812 workers with multiple injuries and disorders, 42% were not otherwise classified.

**Non-Traumatic Disorders and other:** There were 1,131 non-traumatic disorders. Sixty percent of injured workers in this category suffered from carpal tunnel syndrome or cumulative disorders.

**Non-Traumatic Disease:** Out of 815 claims filed in this category, 55% were diagnosed with hernias, and 24% suffered hearing loss.

**NUMBER OF CLAIMS:**

- 7,224 STRAINS
- 1,874 FRACTURES
- 1,864 SPRAINS
- 551 SEPTICEMIAS
- 413 HERNIAS
- 382 CONCUSSIONS
- 352 DISLOCATIONS
- 171 HEARING LOSS
- 93 CARPAL TUNNEL

**Part of Body Injured:** Injuries to the upper extremities were most frequent (29%), with shoulders accounting for over one-third of that category, followed by lower extremities (25%), and trunk (20%). Neck injury was the most expensive category, averaging \$14,884 per claim, with one injury averaging \$33,771 as the highest subcategory.

**County of Injury**

**County of Injury Legend:**

- 100-200
- 200-300
- 300-400
- 400-500
- 500-600
- 600-700
- 700-800
- 800-900
- 900-1000
- Less than 100

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**Wisconsin State Laboratory of Hygiene**  
UNIVERSITY OF WISCONSIN—MADISON

<http://www.slh.wisc.edu/wp-content/uploads/2019/02/2017-CFOI-Infographic.jpeg>

**Wisconsin Work-Related Fatalities 2017**

**What's the trend?**

106 fatalities

3.5 fatalities occur for every 100,000 workers

**What causes Wisconsin worker fatalities?**

**Causes of Fatalities:**

- Transportation (33.02%)
- Contact with object (18.87%)
- Falls/slips/trips (16.98%)
- Violence (18.87%)
- Exposure (5.66%)
- Fire/explosions (6.60%)

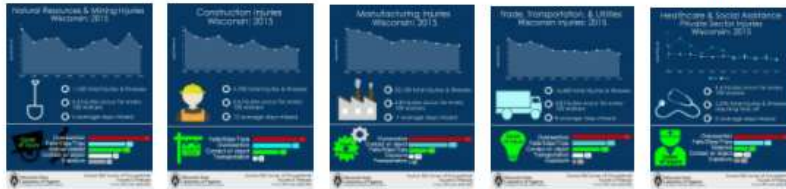
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<http://www.slh.wisc.edu/occupational/bls/data/>



## Survey of Occupational Injuries & Illnesses: 2015 Infographics

Natural Resources Construction Manufacturing Trade/Transport Healthcare



Archived SOII Data

Summary: 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008

Case & Demographics: 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008

### Census of Fatal Occupational Injuries (CFOI)



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#### WISCONSIN WORKERS COMPENSATION CLAIMS: 2015

TOTAL NUMBER OF CLAIMS	22,059
TOTAL INDEMNITY PAID FOR CLAIMS	\$207,988,885.79
AVERAGE INDEMNITY CALCULATED PER CLAIM	\$9,428.75

CAUSE OF INJURY: 2015	NUMBER OF CLAIMS	TOTAL INDEMNITY CALCULATED	AVERAGE INDEMNITY CALCULATED PER CLAIM
-----------------------	------------------	----------------------------	--

FALL OR SLIP INJURY	5,381	\$66,720,297.98	\$10,540.85
FALL, SLIP OR TRIP NOC	1,497	\$15,091,479.20	\$10,081.15
FROM DIFFERENT LEVEL	640	\$8,367,732.05	\$13,074.61
FROM LADDER, OR SCAFFOLDING	372	\$6,019,699.14	\$16,181.99
FROM LIQUID OR GREASE SPILLS	291	\$2,588,215.98	\$8,894.21
INTO OPENING	86	\$788,662.76	\$9,170.50
ON ICE OR SNOW	745	\$7,498,973.21	\$10,065.74
ON SAME LEVEL	1,191	\$10,899,223.58	\$9,151.32
ON STAIRS	319	\$3,194,989.93	\$10,014.42

PART OF INJURY: 2015	NUMBER OF CLAIMS	TOTAL INDEMNITY CALCULATED	AVERAGE INDEMNITY CALCULATED PER CLAIM
----------------------	------------------	----------------------------	--

HEAD	1,281	\$12,047,954.59	\$9,405.12
BRAIN	163	\$1,545,530.06	\$9,481.78
EAR(S)	309	\$4,385,772.13	\$14,193.44
EYES	130	\$790,502.91	\$5,773.10
FACIAL BONES	37	\$311,440.01	\$8,417.50
MOUTH	14	\$43,242.80	\$3,088.77
MULTIPLE HEAD INJURY	197	\$2,448,796.02	\$12,430.44
NOSE	40	\$63,594.06	\$1,589.85
OTHER FACIAL SOFT TISSUE	153	\$958,517.37	\$6,264.82
SKULL	227	\$1,535,857.17	\$6,765.89
TEETH	11	\$4,702.06	\$427.46
LOWER EXTREMITIES	5,402	\$48,878,092.26	\$9,048.15
ANKLE	908	\$6,045,365.44	\$6,657.89
FOOT	728	\$4,657,896.80	\$6,398.21
GREAT TOE	82	\$300,250.78	\$3,648.08
HIP	191	\$3,153,060.43	\$16,518.64
KNEE	2,553	\$27,037,232.30	\$10,590.38
LOWER LEG	451	\$4,217,911.55	\$9,352.35

NATURE OF INJURY: 2015	NUMBER OF CLAIMS	TOTAL INDEMNITY CALCULATED	AVERAGE INDEMNITY CALCULATED PER CLAIM
------------------------	------------------	----------------------------	--

TRAUMATIC INJURIES TO BONES, NERVES, SPINAL CORD, MUSCLES, JOINTS, ETC.	14,060	\$142,887,265.75	\$10,160.54
AMPUTATION	221	\$3,141,994.19	\$14,217.17
DISLOCATION	302	\$4,877,909.33	\$16,153.02
FRACURE	2,280	\$22,921,646.34	\$10,053.35
HEARING LOSS (TRAUMATIC ONLY)	15	\$89,310.41	\$5,954.03
RUPTURE	611	\$9,229,056.05	\$15,104.84
SPEAIN	2,088	\$19,153,989.48	\$9,173.57
STRAIN	8,543	\$83,443,350.05	\$9,767.45
WOUNDS, BRUISES, AND BURNS	3,612	\$21,897,869.05	\$6,062.83
BURN	303	\$1,425,909.15	\$4,705.97
CONTUSION	1,649	\$10,745,860.89	\$6,516.59
CRUSHING	303	\$3,853,466.35	\$12,717.71
FOREIGN BODY	84	\$194,413.70	\$2,314.45
LACERATION	1,058	\$4,696,286.59	\$4,438.83
PUNCTURE	180	\$653,802.57	\$3,632.24
SEVERANCE	35	\$328,129.80	\$9,375.14
MULTIPLE TRAUMATIC INJURIES AND DISORDERS	2,182	\$25,824,302.24	\$11,835.15
ALL OTHER - SPECIFIC INJURIES (NOT OTHERWISE CLASSIFIED)	957	\$11,217,224.64	\$11,721.24

COUNTY OF INJURY: 2015	NUMBER OF CLAIMS	TOTAL INDEMNITY CALCULATED	AVERAGE INDEMNITY CALCULATED PER CLAIM
------------------------	------------------	----------------------------	--

ADAMS	35	\$431,234.73	\$12,320.99
ASHLAND	49	\$427,179.87	\$8,717.96
BARBON	178	\$1,656,476.37	\$9,306.05
BAYFIELD	34	\$240,927.01	\$7,086.09
BROWN	1,005	\$9,790,645.58	\$9,741.93
BUFFALO	29	\$348,070.97	\$12,002.45
BURNETT	36	\$405,223.97	\$11,256.22
CALUMET	120	\$1,124,974.84	\$9,374.79
CHIPPewa	207	\$1,824,329.12	\$8,813.18
CLARK	114	\$1,529,923.67	\$13,367.74
COLUMBIA	218	\$1,914,027.90	\$8,779.94
CRAWFORD	51	\$554,261.42	\$10,867.87
DANE	1,766	\$13,648,475.67	\$7,728.47



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**Wisconsin OSHA – Fatalities Data Analysis**  
**OSHA – Compliance Assistance Consultations**



**A SAFE WORKPLACE IS SOUND BUSINESS**

**OSHA – Focus Four – Fatalities Priorities**

1. Falls
2. Electrical
3. Struck By/Against
4. Caught In/Between



In 2017, the Wisconsin OSHA offices received 103 reports of workers dying on the job. We had jurisdiction over 29 of those cases and investigated all of them. Smaller employers are affected most. Our findings showed that most of the incidents were preventable.

The chart on the left shows the general inspection findings for the 29 cases. Details about the cases include:

- Struck-by hazards are the leading cause of fatalities in Wisconsin and have been since 2006. This excludes motor vehicle accidents which the OSHA offices do not have jurisdiction over.
- Contractors had the highest percentage of fatal incidents (41%). Injured employees were either construction workers or subcontractors to construction or other industries.
- Facility management employees accounted for three cases: carbon monoxide poisoning, engulfment in flammable vapors, and a fall down an elevator shaft.
- This is the third year in a row that a worker has been killed by carbon monoxide poisoning (a gas-powered pressure washer).
- For the second year in a row, a worker was killed in tree trimming operations.
- One employee was killed on his first day of work.

*Struck-by hazards were: a vehicle on an incline (rollover), blind spots (crushed between two vehicles, a felled tree, falling objects, and rigging that failed).*



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**DWD WC Division – Website**  
**\*\*\* Employers \*\*\***

**Independent Contractors & Self-Employed Workers**



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## Independent Contractors – Self-Employed Workers

<https://www.dwd.wisconsin.gov/wc/employers/>

## Independent Contractor – The Nine Part Test

1. Maintain a separate business.
2. Obtain a Federal Employer Identification number from the Federal Internal Revenue Service (IRS) or have filed business or self-employment income tax returns with the IRS based on the work or service in the previous year.
3. Operate under specific contracts.
4. Be responsible for operating expenses under the contracts.
5. Be responsible for satisfactory performance of the work under the contracts.
6. Be paid per contract, per job, by commission or by competitive bid.
7. Be subject to profit or loss in performing the work under the contracts.
8. Have recurring business liabilities and obligations.
9. Be in a position to succeed or fail if business expense exceeds income.

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## Independent Contractors – The Nine Part Test

<https://www.dwd.wisconsin.gov/wc/employers/independent-contractors.htm>

To be considered an independent contractor and not an employee, an individual must meet and maintain all nine of the following conditions:

1. Maintain a separate business
2. Obtain a Federal Employer Identification number from the Federal Internal Revenue Service (IRS) or have filed business or self-employment income tax returns with the IRS based on the work or service in the previous year.
3. Operate under specific contracts.
4. Be responsible for operating expenses under the contracts.
5. Be responsible for satisfactory performance of the work under the contracts.
6. Be paid per contract, per job, by commission or by competitive bid.
7. Be subject to profit or loss in performing the work under the contracts.
8. Have recurring business liabilities and obligations.
9. Be in a position to succeed or fail if business expense exceeds income.

**Note:** When requesting a Federal Employer Identification Number (FEIN) from the IRS, you must inform the IRS that you are **required by Wisconsin Worker's Compensation law** to obtain a FEIN. A social security number cannot be substituted for a FEIN and does not meet the legal burden of s. 102.07(8).  
Definition of an Independent Contractor  
[Independent Contractor Definition Under s. 102.07\(8\), Wis. Stats.](#)

**DWD WC – UEF's Role (Uninsured Employer's Fund)**  
<https://dwd.wisconsin.gov/wc/employers/uef-info.htm>

**DWD WC – Worker's Compensation Fraud Reporting**  
<https://dwd.wisconsin.gov/wc/fraud/>

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UNITED STATES  
DEPARTMENT OF LABOR

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Occupational Safety and Health Administration

OSHA -  
Self-employed person(s)

- Part Number:** 1904
- Part Number Title:** Recording and Reporting Occupational Injuries and Illness.
- Subpart:** 1904 Subpart D
- Subpart Title:** Other OSHA Injury and Illness Recordkeeping Requirements
- Standard Number:** [1904.31](#)
- Title:** Covered employees.
- GPO Source:** [e-CFR](#)

[https://www.osha.gov/laws-regs/regulations/  
standardnumber/1904/1904.31](https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904.31)

**1904.31(a) Basic requirement.** You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

**1904.31(b) Implementation.**

**1904.31(b)(1)** *If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness? No, self-employed individuals are not covered by the OSH Act or this regulation.*

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UNITED STATES  
DEPARTMENT OF LABOR

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Occupational Safety and Health Administration

Self-employed person(s)  
(cont.)

## Temporary – Contract Workers

**1904.31(b)(2)** *If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?* You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.

**1904.31(b)(3)** *If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?* If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

**1904.31(b)(4)** *Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I supervise on a day-to-day basis?* No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

[66 FR 6131, Jan. 19, 2001]

<https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904.31>

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## DWD WC Division – Website \*\*\* Employers \*\*\*

### Worker’s Compensation Fraud



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#### DWD WC – Worker's Compensation Fraud Reporting <https://dwd.wisconsin.gov/wc/fraud/>

#### Avoiding Questionable Worker's Compensation Claims

Following are some basic elements of a good accident response program. These tips came from the suggestions of experienced worker's compensation claims personnel and defense attorneys.

1. Policy Statement
2. Knowledgeable Managers
3. Effective Communications
4. Obtain Accurate Information
5. Establish Preventive Practices
6. Prompt Reporting
7. Obtain Medical Attention
8. Return to Work Options
9. Value the Employee
10. Maintain A Safe Workplace



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**STATE OF WISCONSIN DWD**  
Department of Workforce Development

**WISCONSIN DEPARTMENT OF ADMINISTRATION**  
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**DWD WC Division – Website Workplace Safety**

**Other State of Wisconsin Agencies – Safety Resources & Assistance**

**Wisconsin State Laboratory of Hygiene**  
UNIVERSITY OF WISCONSIN - MADISON

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**

**Wisconsin.gov**  
State of Wisconsin Department of Administration

**Wisconsin.gov**  
State of Wisconsin Department of Safety and Professional Services

**WisCon**

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<https://dwd.wisconsin.gov/wc/safety/pdf/safe-workplace.pdf>

### State Safety Consultation and Inspection Programs

There are three state agencies in Wisconsin that offer free pre-OSHA safety consultations and inspections: the Department of Safety and Professional Services (DSPS), the Department of Health Services (DHS) and the Wisconsin State Laboratory of Hygiene. These state offices only focus on prevention and education. Inspection findings are confidential. They are not connected to OSHA enforcement activity.

**The Department of Safety and Professional Services (DSPS)** performs inspections on buildings and equipment to evaluate compliance with state and federal laws.  
dpsps.wis.gov  
For information on a safety inspection, call 608-266-2112 or visit: [dpsps.wis.gov/Pages/Programs/PublicSafety](https://dpsps.wis.gov/Pages/Programs/PublicSafety)

**The Department of Health Services (DHS)** performs inspections for occupational diseases and health hazards. For occupational health surveillance, call 608-266-2865 or 608-266-1120 or visit: [dhs.wisconsin.gov/occupational-health](https://dhs.wisconsin.gov/occupational-health)  
[dhs.wisconsin.gov/occupational-health/workers.htm](https://dhs.wisconsin.gov/occupational-health/workers.htm)  
[dhs.wisconsin.gov/occupational-health/employers.htm](https://dhs.wisconsin.gov/occupational-health/employers.htm)

The Department of Workforce Development encourages you to take positive steps to reduce your company's injury rate by reducing the number of lost-time work injuries. We suggest that you give immediate attention to this issue and utilize one or more of the resources identified in this publication. If you have further questions about setting up a good safety program, contact us at:

**STATE OF WISCONSIN DWD**  
Department of Workforce Development  
**Worker's Compensation**  
P.O. Box 7901  
Madison, WI 53707  
608-266-1340  
[dwd.wisconsin.gov/wc](https://dwd.wisconsin.gov/wc)

### WisCon - Onsite Safety & Health Consultation in Wisconsin

The Wisconsin State Laboratory of Hygiene's WisCon Program, as part of the University of Wisconsin-Madison and in conjunction with the U.S. Department of Labor, currently offers on-site consultation services to assist small businesses in meeting their obligations and responsibilities under the federal Occupational Safety and Health Act (OSHA).

[slh.wisc.edu/occupational/wiscon/safety-and-health-wiscon-training](https://slh.wisc.edu/occupational/wiscon/safety-and-health-wiscon-training)

An on-site consultation visit can help:

- identify workplace hazards
- conduct industrial hygiene monitoring
- assist with OSHA formal complaint responses
- assist in developing and assessing controls for OSHA citation abatement
- conduct limited ergonomic assessments
- recommend and assist in developing controls
- evaluate and assist in developing and implementing necessary programs
- evaluate and assist in developing and implementing a comprehensive safety and health management program
- conduct limited training and education

For more information: [slh.wisc.edu/occupational/wiscon](https://slh.wisc.edu/occupational/wiscon), 608-226-5240 or 800-947-0553.

The mailing address is:  
Wisconsin State Laboratory of Hygiene  
2810 Walton Commons W  
Madison WI 53718

**26** Putting Together a Safe Workplace

**27** State of Wisconsin

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**

About DHS | Data & Statistics | Diseases & Conditions | Health Care & Coverage

Topics A-Z: A B C D E F G H I J

<https://www.dhs.wisconsin.gov/occupational-health/workers.htm>

Prevention & Healthy Living | Occupational Health | Workplace Safety and Health Information for Workers

Occupational Health Home | Adult Lead Program | For Workers | For Employers

**Workplace Safety and Health Information for Workers**

<https://www.dhs.wisconsin.gov/occupational-health/employers.htm>

Prevention & Healthy Living | Occupational Health | Workplace Safety and Health Information for Employers

Occupational Health Home | Adult Lead Program | For Workers | For Employers

**Workplace Safety and Health Information for Employers**

<http://www.slh.wisc.edu/occupational/wiscon/>

**WisCon**  
Onsite Safety & Health Consultation in Wisconsin

**Safety and Health Training (WisCon)**

In addition to the assistance for individual workers, the WisCon program also provides personalized services and webinars for Occupational Health and Safety teams from Wisconsin small business community. The Wisconsin SH provides topics, modules, as well as a free on-line program page. Topics include: Occupational Safety and Health (OSHA) - Office of OSHA-Health Safety Training for OSH Enforcers and Industrial Hygienists. Other projects include the multitechnical website throughout the state.

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# Thank You! Questions?



## Dave Leix, CSP, Safety & Risk Manager

State of Wisconsin

Department of Workforce Development  
DWD – Worker's Compensation Division

(608) 266-1340, DWD WC Switchboard

(608) 266-4541, Direct #

[David.Leix@dwd.wisconsin.gov](mailto:David.Leix@dwd.wisconsin.gov)



*"Building the Workforce to Move Wisconsin Forward"*



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