

WISCONSIN



DWD

Workplace Safety: Reporting, Investigations, Penalties

DAVE LEIX

Safety and Risk Manager

DWD Division of Worker's Compensation


Topics for Review & Discussion

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



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

WISCONSIN.GOV Jobs at DWD Agency Directory Online Services



Department of Workforce Development

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

Home 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.

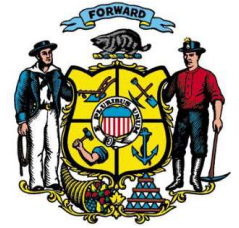
Dave brings forty (40) plus years of professional safety and health (EHS) consulting and managerial experience to a wide variety of customers and clients. This has included working as a Safety Director in private industry; and, progressively responsible IL, IA, MN and WI customer field service consulting 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.





Dave Leix, CSP, Safety & Risk Manager

State of Wisconsin
Department of Workforce Development
Worker's Compensation Division



Speaker Bio



New Orleans Hard Rock Hotel Collapse While Under Construction

October 12, 2019

Dave – on vacation - 7/01/2020



DWD WC Division – Website Workplace Safety

“Safety Works for Everyone”



Safety Program

Safety Works For Everyone



Worker's Compensation

For Workers
Help assessing options for workers filing a Worker's Compensation claim

Workers

- How do I file a claim?
- Injured worker's rights

For Employers
Resource info helping employers understand legal obligations

Employers

- Independent Contractors
- Workplace Safety

For Insurers
Guidance for initial and carrier- and self-insured employers

Insurers

- LWC for WC Internet Applications
- LWC Report User

For Medical Providers
Helping medical provider providers with the required information

Medical Providers

- Partial Disability Schedule
- Determining Permanent Partial Disability



- Resources**
- Basic Facts
 - Legal Resources
 - Councils and Committees
 - Pending Reports Log In
 - Look Up Employer's Insurance Carrier
 - Wage Reimbursement Rates for Claimants
- Insurance**
- Benefit and Wage Computations
 - Calculation of PFD and Wage Rate
- Documents**
- Insurance Letters and Standard Letters
 - Forms and Publications
- Need Assistance?**
- How to Report Fraud
 - Contact Us

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

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

The screenshot shows a navigation menu with four main categories: For Workers, For Employers, For Insurers, and For Medical Providers. Each category has a sub-menu button and a list of links. A green arrow points from the URL above to the 'For Employers' category.

For Workers	For Employers	For Insurers	For Medical Providers
Help answering questions for workers filing a Worker's Compensation claim	Insurance info helping employers understand legal obligations	Guidance for insurance carriers and self-insured employers	Helping medical services providers with the required information
Workers	Employers	Insurers	Medical Providers
<ul style="list-style-type: none">> How do I file a claim?> Injured worker's rights	<ul style="list-style-type: none">> Independent Contractors> Workplace Safety	<ul style="list-style-type: none">> LMS for WC Internet Applications> LMS Report User	<ul style="list-style-type: none">> Partial Disability> Evaluating Permanent Disability



- Resources
 - Basic Facts
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This block provides a detailed view of the 'For Employers' category. It includes the title 'For Employers', the description 'Insurance info helping employers understand legal obligations', a button labeled 'Employers', and a list of links: '> Independent Contractors' and '> Workplace Safety'. A green arrow points from the 'For Employers' category in the navigation menu to this detailed view.



DWD WC Division – Website Workplace – Safety

“Accident Investigations”

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

Wisconsin.gov
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DWD
Department of Workforce Development

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

Worker's Compensation > Safety Program

Safety Program
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.

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.

NEW COVID-19 Information

Workers who are concerned their employer is not keeping their workplace safe from COVID-19 should first consult with their employer. Employees should also consult with their union representative, Occupational Safety and Health Administration (OSHA), Wisconsin's one of four state safety centers whose jurisdiction over workplace safety compliance and enforcement systems are under the federal government's jurisdiction.

Filing a Complaint

- Occupational Safety and Health Administration (OSHA)
- File a Complaint
- How to File a Whistleblower Complaint

Health-related questions in Wisconsin generally are covered under state and health professions regulatory board through its partnership with the state Department of Safety and Professional Services and Department of Administration.

COVID-19 Guidance

WI Department of Health Services (DHS)

- COVID-19 Coronavirus Disease
- COVID-19 Business, Employment, and Visitor

Wisconsin Research Development Corporation (WRDC)

- Response Guidelines

Centers for Disease Control (CDC)

- Coronavirus (COVID-19)
- Business and Workplace
- Health Guidance for Businesses and Employers

Occupational Safety & Health Administration (OSHA)

- COVID-19
- Guidance on Preparing Workplaces for COVID-19
- Poster: Don't Drop It! Workplace Case Title to Reduce Risk of Exposure to Coronavirus
- Poster: Seven Steps to Correctly Wear a Respirator at Work
- Work: Putting On and Taking Off a Respirator Mask Correctly

Safety Corner Blog

- November: NIOSH Autumn Safety, The Halloween Daylight Saving Time, HSEI Driving, Thanksgiving and Holiday Fall - October 27, 2018
- October: Highlight to Don Safety, Business Calendar, Accident Awareness Safety Culture & Benefit Career Assessment - October 16, 2018
- OSHA National Fall Prevention (Don't-Cover) Week, Ag. Farm Safety Week, COVID-19 - Recognition, Business Association - September 15, 2018
- COVID-19 National Summer Safety: Safe & Sound Campaign: Ag. Farm Safety Week - August 03, 2018
- Putting Together a Safe Workplace - March 02, 2018
- Wisconsin Safety Center - February 22, 2018

Resources

- Small Business Safety Checklist
- Health Statistics
- Putting Together a Safe Workplace
- Worker's Compensation Law
- OSHA Occupational Safety and Health Administration
 - COVID-19 FAQs
- Don't Drop It - OSHA Safety & Health Message
- Department of Administration - Safety and Loss Control
 - We work in conjunction with the Wisconsin Department of Administration for Health and Safety Programs
- Wisconsin Safety Council
 - Publications: Returning to Work - Do you to Save Employees' Safe

Wisconsin.gov
Jobs at DWD Agency Directory Online Services

DWD
Department of Workforce Development

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“Proactive” Safety vs “Reactive”

DWD.WISCONSIN.GOV

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

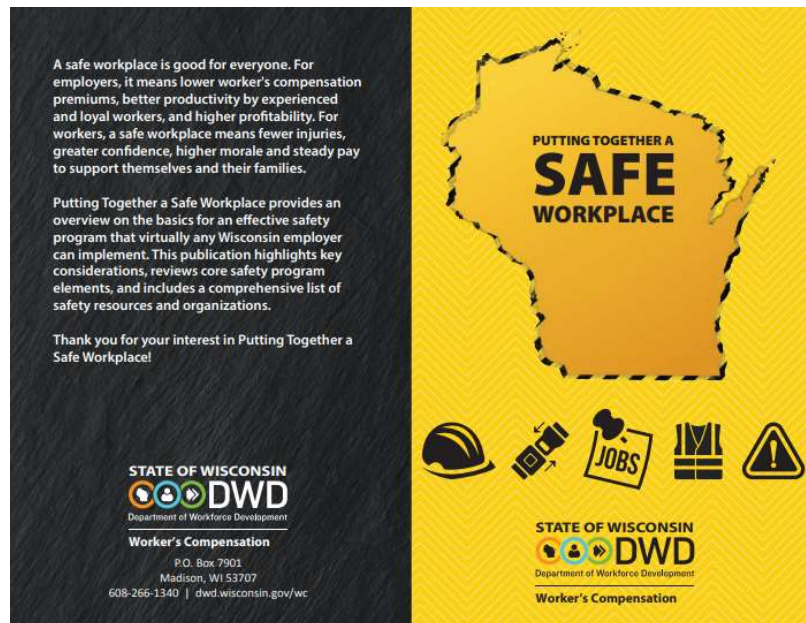


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The Five W's

Be flexible. Job redesign can be a major step toward a safe workplace. Employers 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.

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 form 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 WKC-12 "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.

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. Remember, the more information is gathered, 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.

Follow-up with the Injured Employee

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

For serious lost-time injuries, the employer may wish to communicate with the employee's treating physician to discuss the demands of the employee's job as well as 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.



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



<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.

- Who and what was involved?
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- Was the employee performing his/her assigned work tasks?

1. Who?
2. What?
3. When?
4. Where?
5. Why?

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



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

EMPLOYER'S FIRST REPORT OF INJURY OR DISEASE

Fatal Injuries: Employers subject to ch. 102, Wis. Stats., must report injuries resulting in death to the Department and to their insurance carrier. If insured, within one day after the death of the employee.
Non-Fatal Injuries: If the injury or occupational illness results in disability beyond the three-day waiting period, the employer, if insured, must notify its insurance carrier within 7 days after the injury or beginning of disability. Medical-only claims are to be reported to the insurance carrier only, not the Department.
Electronic Reporting Requirement: All work-related injuries and illnesses resulting in compensable lost time, with the exception of fatalities, must be reported electronically to the Department via EDI or internet by the insurance carrier or self-insured employer within 14 days of the date of injury or beginning of disability. Employer may fax claims for fatal injuries to (608) 267-0384.
 Department of Workforce Development
 Worker's Compensation Division
 201 E. Washington Ave., Rm. C100
 P.O. Box 7501
 Madison, WI 53707
 Inquiring Service Fax: (608) 260-2500
 Telephone: (608) 265-1340
 http://www.dwd.wisconsin.gov/wc
 e-mail: DWD@DWD.wisconsin.gov

Provision of your Social Security Number (SSN) is voluntary. Failure to provide it may result in an information processing delay. Personal information you provide may be used for secondary purposes (Privacy Law, s. 19.44 (1)(m), Wisconsin Statutes). Please read the instructions on page 2 for completing this form.

EMPLOYER INFORMATION

Employee Name (First, Middle, Last) Social Security Number* Sex M F Employee Home Telephone No. _____

Employee Street Address City State Zip Code Occupation _____

Birthdate Date of Hire County and State Where Accident or Exposure Occurred? _____

Employer Name WI Unemployment Ins. Act No. Self-insured? Yes No Nature of Business (Specific Product) _____

Employer Mailing Address City State Zip Code Employer FEIN _____

Name of Worker's Compensation Insurance Co. or Self-Insured Employer Insurer FEIN _____

Name and Address of Third Party Administrator (TPA) Used by the Insurance Company or Self-Insured Employer TPA FEIN _____

Wage at Time of Injury Specify per hr., wk., mo., yr., etc. In Addition to Wages, Check Boxes if Employee Received: Meals Room No. of Meals/wk. No. of Days/wk. Tip Avg. Weekly Amt. \$ _____

Is Worker Paid for Overtime? Yes No If Yes, After How Many Hours of Work Per Week? _____

For the 52 Week Period Prior to the Week the Injury Occurred, Report Below the Number of Weeks Worked in the Same Kind of Work, and the Total Wages, Salary, Commission and Bonus or Premium Earned for Each Week:

No. of Weeks	Gross Amount Excluding Tips: \$	If Piece-Work, No. of Hrs. Excluding Overtime:

Employer's Usual Work Schedule When Injured: Start Time _____ Hours Per Day _____ Hours Per Week _____ Days Per Week _____

Employer's Usual Full-Time Schedule for This Type of Work at Time of Employee's Injury: Start Time _____ Hours Per Day _____ Hours Per Week _____ Days Per Week _____

Part-Time Employment Information: Are there Other Part-Time Workers Doing the Same Work With the Same Schedule? Yes No If yes, how many? _____ Number of Full-Time Employees Doing the Same Type of Work: _____

INJURY INFORMATION

Injury Date Time of Injury Last Day Worked Date Employer Notified Date Returned to Work _____ _____ _____ _____

Did Injury Cause Death? Yes No Date of Death _____ Was This a Lost Time or Other Compensable Injury? Yes No 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 Practitioner and Hospital: _____

Case Number from the OSHA Log: _____

Injury Description - Describe Activities of Employee When Injury or Illness 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

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Did Injury Cause Death? Yes No Date of Death _____ Was This a Lost Time or Other Compensable Injury? Yes No Did Injury Occur Because of: Substance Abuse Failure to Use Safety Devices Failure to Obey Rules

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Injury Description - Describe Activities of Employee When Injury or Illness 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



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 (2011 & 2012) with the maximum weekly benefit rate increased 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)



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



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DWD Department of Workforce Development

Search DWD's Website

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

Worker's Compensation > Employers > Worker's Compensation and Process for Handling Work Injuries and Illness

Worker's Compensation and Process for Handling Work Injuries and Illness

When one of your employees is injured on the job, first make sure that he or she receives any necessary medical attention.

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.

7 days after injury

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

More than 3 days lost time from work?

Self-insured employers and insurance carriers must report injuries which result in more than 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 as well as final payment reports may be required as well.

Failure to Report

If an employer intentionally fails to file a report of injury, the employer may be assessed a penalty for bad faith up to \$30,000 or 200 percent of compensation due.

An employer may be assessed a 10 percent penalty for delay in reporting an injury with the delay causing an untimely payment to the employee. If the penalty amount is not paid by the designated date, a default order may be issued.

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.



<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.



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

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

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



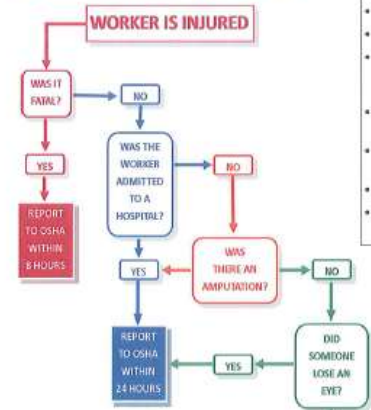
<https://www.osha.gov/recordkeeping2014/OSHA3745.pdf>

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



DWD.WISCONSIN.GOV

1. Private Sector EE's Only



Employers reporting a fatality, inpatient hospitalization, amputation or loss of an eye to OSHA must report the following information:

- Establishment name
- Location of the work-related incident
- Time of the work-related incident
- Type of reportable event (i.e., fatality, inpatient hospitalization, amputation, or loss of an eye)
- Number of employees who suffered the event
- Names of the employees who suffered the event
- Contact person and his/her phone number
- Brief description of the work-related incident

How Do I report?
 Milwaukee: 414-297-3315
 Madison: 608-441-5388
 Eau Claire: 715-833-9019
 Appleton: 920-734-4521
 OFF HOURS: 800-321-6742

For any inpatient hospitalization, amputation, or eye loss employers must report the incident within 24 hours of learning about it. Employers only have to report an inpatient hospitalization, amputation or loss of an eye that occurs within 24 hours of a work-related incident.

Visit OSHA's recordkeeping and reporting page for more information and updates.
<http://www.osha.gov/recordkeeping2014/index.html>

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://dsps.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>



DSPS – Website

Department of Safety & Professional Services (DSPS)

Public Sector Workers - Workplace Safety

“Accident Investigations”

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

DSPS - Public Sector Employee Safety

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



STATE OF WISCONSIN
 Department of Safety and Professional Services
 4822 Madison Yards Way, Madison WI 53705
 Web: dsps.wi.gov

Public Sector Safety
 Program
 Web: [Public Sector Safety](https://dsps.wi.gov)



Chapter SPS 332 PUBLIC EMPLOYEE SAFETY AND HEALTH

Subchapter I — Scope, Application and Definitions

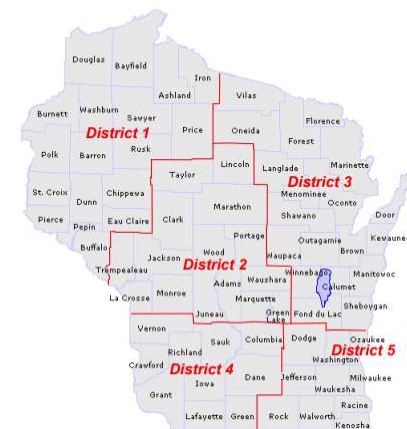
- SPS 332.001 Purpose.
- SPS 332.002 Scope.
- SPS 332.003 Application.

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.





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

<https://dps.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 DSPSSBHealthAndSafetyTech@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.



DWD.WISCONSIN.GOV



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>



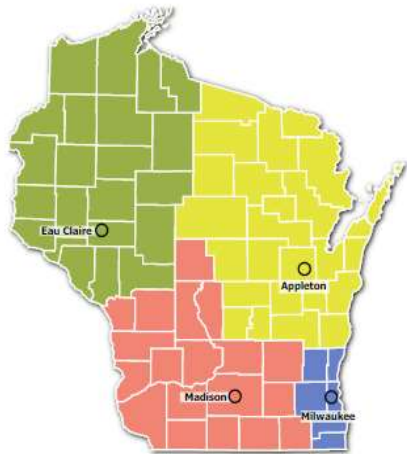
OSHA – Wisconsin Four Area Offices / County Assignments

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 Tri Park Way
 Appleton, WI 54914
 ☎ (920) 734-4521
- Eau Claire Area Office**
 1310 W. Clairemont
 Avenue
 Eau Claire, WI 54701
 ☎ (715) 832-9019
 📠 (715) 832-1147
- Madison Area Office**
 1402 Pankratz Street, Suite
 #114
 Madison, WI 53704
 ☎ (608) 733-2822
 📠 (608) 733-2823
- Milwaukee Area Office**
 310 West Wisconsin
 Avenue, Room 1180
 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>

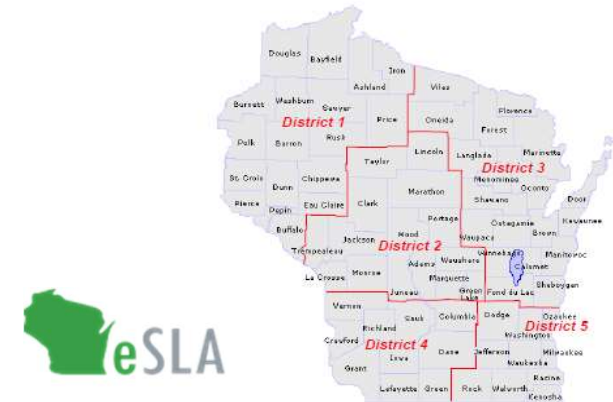


DSPS - Public Sector Safety Five Wisconsin Districts Inspectors Map January 2020 (r 5/1/20)



STATE OF WISCONSIN
 Department of Safety and Professional Services
 4822 Madison Yards Way, Madison WI 53705
 Web: dps.wis.gov

Public Sector Safety
 Program
 Web: [Public Sector Safety](http://PublicSectorSafety)



	Phone	Fax
1 – Breanna Rheinschmidt	Breanna.Rheinschmidt@Wisconsin.gov	608-225-6520
2 – Jane Dienger	Jane.Dienger@Wisconsin.gov	715-538-3308
3 – Tim Condon	Timothy.Condon@Wisconsin.gov	414-852-3660 608-283-7495
4 – Andrew Amacher	Andrew.Amacher@Wisconsin.gov	608-438-6081 608-283-7489
5 – Jim Creegan	James.Creegan@Wisconsin.gov	608-219-7185
Supervisor – Dennis Beggs	DennisM.Beggs@Wisconsin.gov	608-266-3723
Submit general questions	CSPS@HealthandSafetyTech@Wisconsin.gov	
All State Government Buildings Ann Jurkowski – Industrial Hygiene	Ann.Jurkowski@Wisconsin.gov	608-438-6331

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



DWD.WISCONSIN.GOV

DWD WC Division – Website Workplace Safety

Wisconsin WC Act 102 - Safety Violations



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

The screenshot shows the top portion of a web browser displaying the Wisconsin State Legislature website. The address bar shows the URL <https://docs.legis.wisconsin.gov/statutes/statutes/102/57>. The browser's tab bar includes several open tabs such as 'Suggested Sites', 'MapQuest_2016.08.1...', 'Google Maps_2016.0...', 'Dictionary.com_2016...', 'Wisconsin Safety Cou...', 'OSHA', 'Imported From IE', and 'Other bookma...'. The website header features the Wisconsin State Capitol dome on the left, the text 'WISCONSIN STATE LEGISLATURE' in the center, and a search bar on the right containing the text 'Search statutes: '19.92' or 'public parks'' and a 'Search' button. Below the header is a dark navigation bar with links for 'HOME', 'SENATE', 'ASSEMBLY', 'COMMITTEES', 'SERVICE AGENCIES', 'DOCS', 'OPTIONS', and 'HELP'. There are also small icons for a printer and a social media link.

Menu » Statutes Related » Statutes » Chapter 102

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.



<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.



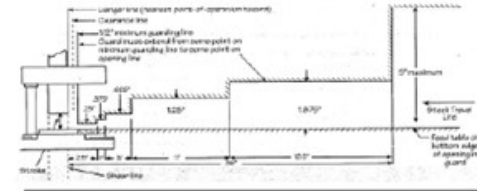
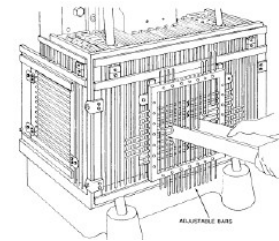
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Safety Violation – Example #1 – Power Press Amputation



- [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](#)

By Standard Number / 1910.217 - Mechanical power presses.



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**



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



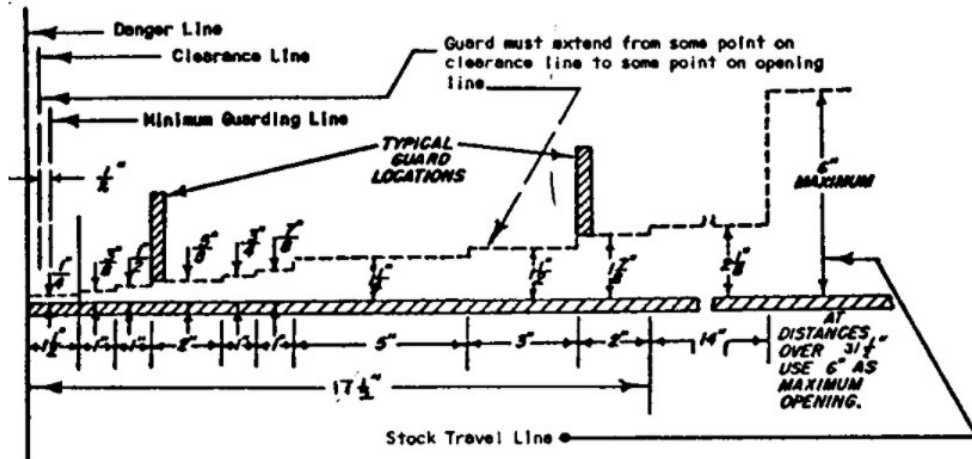
UNITED STATES
DEPARTMENT OF LABOR



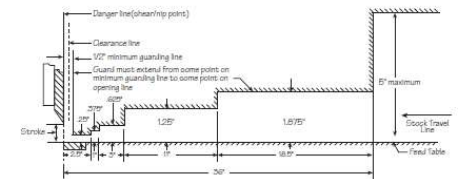
Occupational Safety and Health Administration

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

OSHA Table O-10

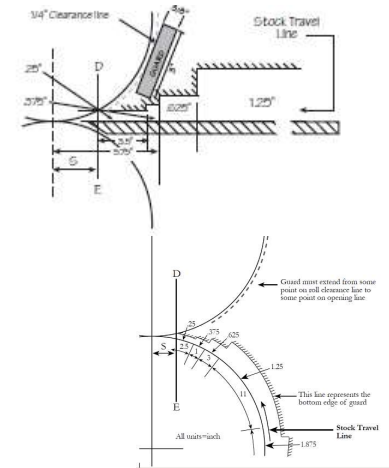


Fixed Barrier Guard on a Power Press



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/SLTC/machineguarding/new-grinder-checklist.html>

Checklist for Abrasive Wheel Equipment Grinders

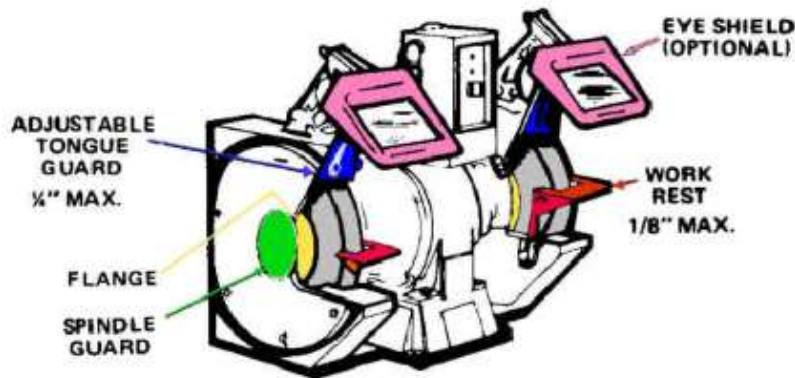


Photo courtesy US Naval Safety Center

UNITED STATES DEPARTMENT OF LABOR
Occupational Safety and Health Administration
OSHA ▾ STANDARDS ▾ TOPICS ▾ HELP AND RESOURCES ▾

By Standard Number / 1910.215 - Abrasive wheel machinery.



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



UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety & Health Administration - www.osha.gov

https://www.osha.gov/pls/oshweb/owadisp.show_document?p_table=OSHACT&p_id=8368

[OSH Act of 1970 - Table of Contents](#)

29 USC 654

OSHA General Duty Clause

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.



DWD.WISCONSIN.GOV

CHAPTER 347
EQUIPMENT OF VEHICLES

	SUBCHAPTER I		
	GENERAL PROVISIONS		
347.01	Words and phrases defined.	347.28	Certain vehicles to carry flares or other warning devices.
347.02	Applicability of chapter.	347.29	Display of warning devices for certain vehicles when standing on highway.
347.03	Sale of prohibited equipment unlawful.	347.30	Penalty for violating lighting equipment requirements.
347.04	Owner responsible for improperly equipped vehicle.		SUBCHAPTER III
347.05	Reciprocity agreements as to equipment.		OTHER EQUIPMENT
	SUBCHAPTER II		
	LIGHTING EQUIPMENT		
347.06	When lighted lamps required.	347.35	Brakes.
347.07	Special restrictions on lamps and the use thereof.	347.36	Performance ability of brakes.
347.08	Determining the visibility distance and mounted height of lamps.	347.37	Brake fluid, sale regulation.
347.09	Headlamps on motor vehicles.	347.38	Horns and warning devices.
347.10	Headlamp specifications for motor vehicles other than mopeds and motor bicycles.	347.385	Auxiliary lamps on emergency vehicles; traffic control signal emergency preemption devices.
347.11	Headlamp specifications for mopeds and motor bicycles.	347.39	Mufflers.
347.115	Modulating headlamps for motorcycles, motor bicycles or mopeds.	347.40	Mirrors.
347.12	Use of multiple-beam headlamps.	347.41	Speed indicators.
347.13	Tail lamps and registration plate lamps.	347.413	Ignition interlock device tampering; failure to install.
347.14	Stop lamps.	347.415	Odometer tampering.
347.145	Deceleration warning lights for motorcycles, motor bicycles, mopeds or motor buses.	347.417	Immobilization device tampering.
347.15	Direction signal lamps or devices.	347.42	Windshield wipers.
347.16	Clearance lamps and reflectors.	347.43	Safety glass.
347.17	Color of clearance and marker lamps and reflectors.	347.44	Painting requirements for school buses; restrictions as to painting of other vehicles.
347.18	Mounting of clearance lamps and reflectors.	347.445	Crossing gates for school buses.
347.19	Visibility of clearance lamps and reflectors.	347.447	Additional safety mirrors on school buses.
347.20	Lamp or flag on projecting load or fixture.	347.45	Tire equipment.
347.21	Lamps and flags on trains of agricultural vehicles.	347.455	Modifications to height of vehicle.
347.22	Lamps on farm tractors, self-propelled farm implements, and lightweight utility vehicles.	347.46	Fenders and mudguards.
347.23	Lamps on highway maintenance equipment.	347.47	Drawbars, trailer hitches and mobile home couplings.
347.24	Lamps and reflectors on nonmotor vehicles and equipment.	347.475	Airbags, prohibited practices.
347.245	Identification emblem on certain slow moving vehicles.	347.48	Safety belts and child safety restraint systems.
347.25	Special warning lamps on vehicles.	347.485	Protective headgear for use on Type 1 motorcycles.
347.26	Restrictions on certain optional lighting equipment.	347.486	General requirements.
347.27	When lighted lamps required on parked vehicles.	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.



<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.



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.



DWD WC Division – Website Workplace Safety

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



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

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 • iifstaff@bls.gov • www.bls.gov/iif
 Media contact: (202) 691-5902 • PressOffice@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

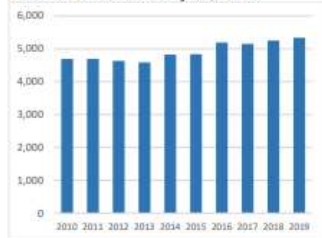
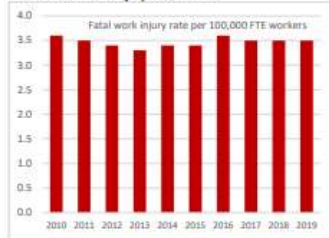


Chart 2. Fatal work injury rate, 2010-19



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 (307) and unintentional overdoses (313) increased slightly in 2019.
- Fatalities in the private construction industry increased 5 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/>



U.S. BUREAU OF LABOR STATISTICS

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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



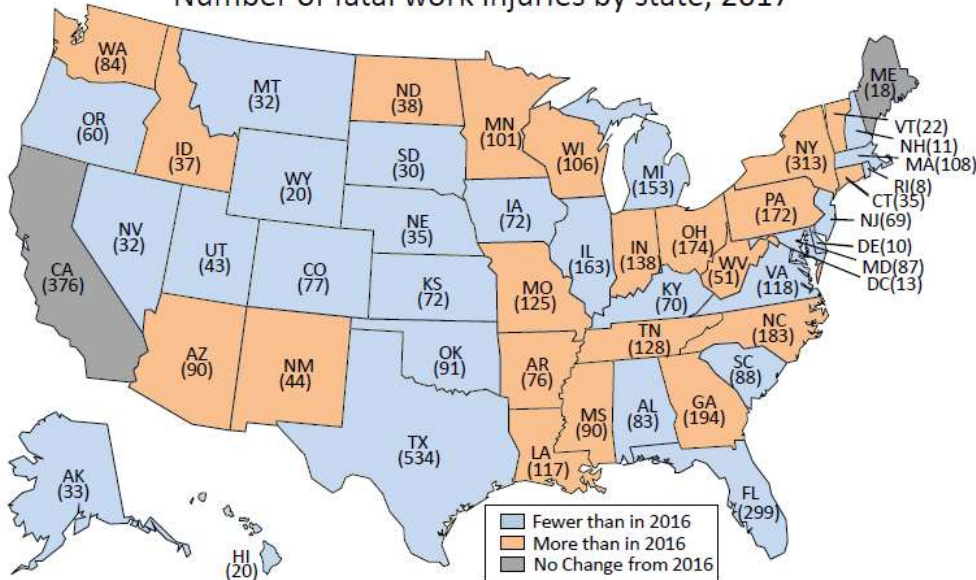
<https://www.bls.gov/iif/oshstate.htm>



DWD.WISCONSIN.GOV

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

Number of fatal work injuries by state, 2017

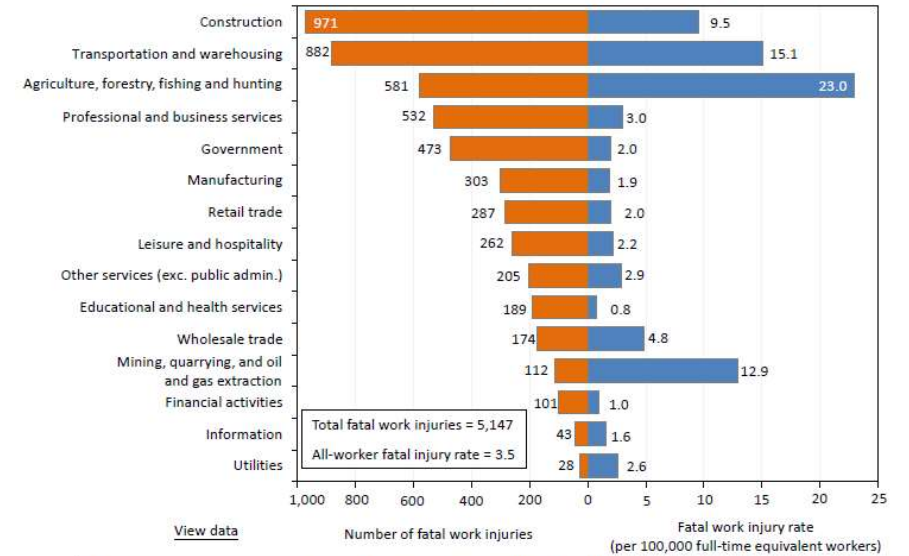


• Twenty-one states and the District of Columbia had more fatal injuries in 2017 than in 2016; twenty-seven states had fewer. California and Maine had the same total for both years.

[View data](#)

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

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/oshnotices10.htm. Source: U.S. Bureau of Labor Statistics, Current Population Survey, Census of Fatal Occupational Injuries, 2018.



Injuries, Illnesses, and Fatalities

2019



Get detailed statistics for occupational fatal

OTHER AVAILABLE STATES GO

Fatal occupational injuries in Wisconsin

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

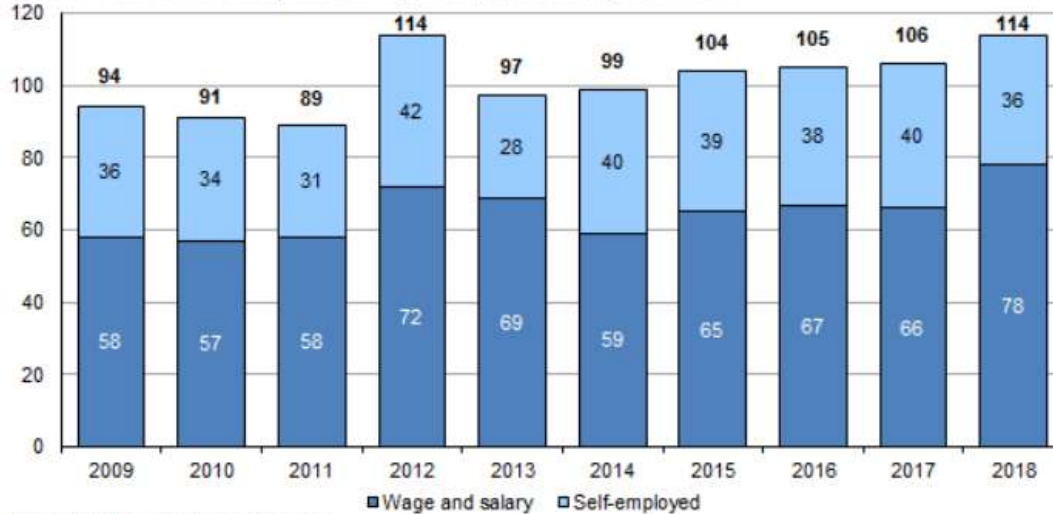
2019		2019						
		Total fatal injuries	Event or exposure ⁽¹⁾					
Characteristic	Violence and other injuries by persons or animals		Transportation incidents	Fires and explosions	Falls, slips, trips	Exposure to harmful substances or environments	Contact with objects and equipment	
Total	113	15	41		23	14	17	
Employee status								
Wage and salary ⁽²⁾	77	8	31		15	10	11	
Self-employed ⁽³⁾	36	7	10		8	4	6	
Gender								
Women	13	3			3	4		
Men	100	12		3	20	10		
Age								
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	3	4		4	
65 years and over	18		4		10			
2018		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	



%s

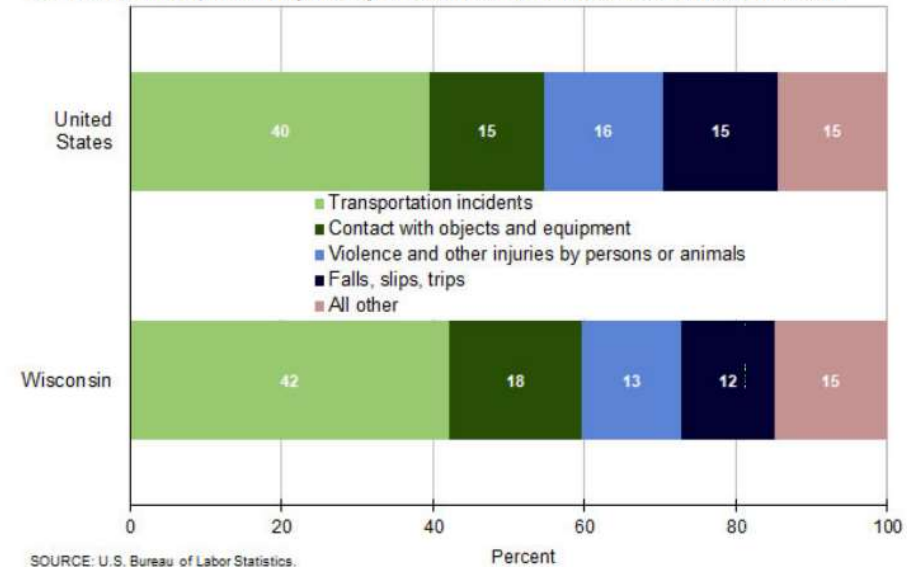
www.slh.wisc.edu/bls/

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



SOURCE: U.S. Bureau of Labor Statistics.

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



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

<http://www.slh.wisc.edu/wp-content/uploads/2020/06/CFOI-WI-2018-BLS-Press-Release.pdf>





Occupational Health and Safety Division
 2810 Walton Commons Lane, Suite 200
 Madison, WI 53718
 Phone: (800) 894-1273
www.slh.wisc.edu/bls

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

www.slh.wisc.edu/bls/

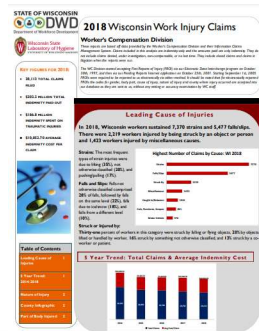
Wisconsin SOII/CFOI
 Jameson Bair
 Phone: 608-221-6292
 Fax: 608-221-6297
 Mailing address:
 Wisconsin State Laboratory of Hygiene
 Occupational Safety & Health Division
 2810 Walton Commons Lane Suite 200
 Madison, WI 53718
 Internet:
www.slh.wisc.edu/bls/

Nonfatal occupational injuries and illnesses data by industry (SOII)
 (Please contact the State for additional data.)
 - *2019 Incidence rates (XLSX) Case counts (XLSX)
 - *2018 Incidence rates (XLSX) Case counts (XLSX)
 - *2017 Incidence rates (XLSX) Case counts (XLSX)

Fatal occupational injuries (CFOI) data
 (Please contact the State for additional data.)
 - 2019 Fatal injury counts (HTML) rates (HTML)
 - 2018 Fatal injury counts (HTML) rates (HTML)
 - 2017 Fatal injury counts (HTML) rates (HTML)

[Archived State Tables](#)

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



DWD
 Department of Workforce Development

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

Worker's Compensation > Statistics

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Research Statistics Overview

Worker's Compensation provides data in order to facilitate a variety of research, resulting in statistical information on workers injuries, illnesses and fatalities. This research is used in a myriad of ways by various audiences, including State and Federal agencies.

Partnership with Wisconsin State Laboratory of Hygiene

The WC Division has partnered with the Wisconsin State Laboratory of Hygiene since 2009, and the Division of Public Health Informatics and Surveillance, in order to produce new Annual Reports on Injury and Illness Claims. Using data provided by the WC Division, these new reports present detailed information on the nature and types of injuries and illnesses for compensable claims by year of injury, starting with 2006. They summarize indemnity due (average, minimum, median and maximum) broken out by gender, body part, cause of injury, nature of injury and county where the injury occurred. The reports do not include claims marked as denied, under investigation, non-compensable or no lost time, but they do include closed claims and claims that were either litigated at one time or in litigation when the reports were run. An exciting addition is the break out of injury and illness claims by North American Industry Classification System (NAICS) codes.

Notes on data in general:

The WC Division started accepting First Reports of Injury (FRO) via our Electronic Data Interchange program on October 30th, 1997, and then via our Pending Reports internet application on October 25th, 2001. Starting September 1st, 2005 FROs were required to be reported to us electronically via either method. It should be noted that for electronically reported FROs the codes for gender, body part, cause of injury, nature of injury and county where injury occurred are accepted into our database as they are sent to us, without any vetting or accuracy examination by WC staff.

Notes on Hygiene Lab reports:

The codes themselves have been given a rudimentary analysis on their validity by comparisons of the distribution of the number of claims by category with Bureau of Labor Statistics - Survey of Occupational Injuries and Illness data. All categories, except Unknown, with ten cases or less, have been suppressed for confidentiality reasons. The reports were run off of a dataset given to the Hygiene Lab by the WC Division in early October 2008, and therefore reflect the state of WC databases at that time.

Hygiene Lab Annual Reports on Injury and Illness Claims - Year of Injury

By gender, body part, cause of injury, nature of injury and county code:

- 2018 Highlights and 2018
- 2017 Highlights and 2017
- 2016 Highlights and 2016
- 2015 Highlights and 2015
- 2014 Highlights and 2014
- 2013 Highlights and 2013
- 2012 Highlights and 2012
- 2011 Highlights and 2011
- 2010 Highlights and 2010
- 2009 Highlights and 2009
- 2008
- 2007
- 2006

By NAICS code:

- 2008
- 2007
- 2006

WC Division Annual Report on Injury and Illness Claims--Year of Injury (historic)

The reports below were run on January 1st 2008 and will not be run again, therefore reflecting a snapshot of the WC Division database



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KEY FIGURES FOR 2017:

- 20,752 TOTAL CLAIMS FILED
- \$212.5 MILLION TOTAL INDEMNITY PAID OUT
- \$146.9 MILLION INDEMNITY SPENT ON TRAUMATIC INJURIES
- \$10,240.63 AVERAGE INDEMNITY COST PER CLAIM



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- Leading Causes of Injuries 1
- 5 Year Trend: 2013-2017 1
- Nature of Injury 2
- County Infographic 2
- Part of Body Injured 2

2017 Wisconsin Work Injury Claims
Worker's Compensation Division

These reports are based off data provided by the Worker's Compensation Division and their Information Claims Management System. Claims included in this analysis are indemnity-only and the amounts paid are only indemnity. They do not include claims denied, under investigation, non-compensable, or no lost time. They include closed claims and claims in litigation when the reports were run.

The WC Division started accepting First Reports of Injury (FROs) via our Electronic Data Interchange program on October 30th, 1997, and then via our Pending Reports Internet application on October 25th, 2001. Starting September 1st, 2005 FROs were required to be reported to us electronically via either method. It should be noted that for electronically reported FROs the codes for gender, body part, cause of injury, nature of injury and county where injury occurred are populated into our database as they are sent to us, without any vetting or accuracy examination by WC staff.

Leading Cause of Injuries

In 2017, Wisconsin workers sustained 7,881 strains and 5,433 falls/slips. There were 2,332 workers injured by being struck by an object or person and 1,555 workers injured by miscellaneous causes.

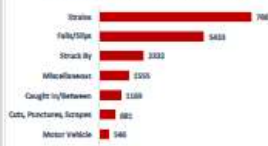
Strains: The most frequent types of strain injuries were due to lifting (34%), not otherwise classified (19%), and pushing/pulling (17%).

Falls and Slips: Falls not otherwise classified comprised 28% of falls, followed by falls on the same level (21%), falls due to ice/snow (17%), and falls from a different level (11%).

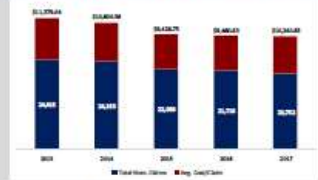
Struck or Injured by: Thirty-two percent of workers in this category were struck by falling or flying objects, 19% by objects lifted or handled by worker, 15% struck by something not otherwise classified, and 14% struck by a co-worker or patient.

Miscellaneous: This category includes 11 subcategories, such as repetitive motion, foreign body in eye, or electrocution. Thirty-five percent of miscellaneous injuries were caused by repetitive motion, followed by "other" injuries (21%), and cumulative injuries (8%).

Highest Number of Claims by Cause: WI 2017



5 Year Trend: Total Claims & Average Indemnity Cost



- NUMBER OF CLAIMS**
- 7,814 STRAINS
 - 2,325 FRACTURES
 - 1,848 SPRAINS
 - 477 HERNIAS
 - 352 CONCUSSIONS
 - 350 DISLOCATIONS
 - 246 HEARING LOSS
 - 219 CARPAL TUNNEL
 - 211 AMPUTATIONS



Part of Body Injured
Injuries to the upper extremities were most frequent (39%), with shoulders accounting for over one-third of that category, followed by lower extremities (25%), and trunk (21%). Neck injury was the most expensive category, averaging \$21,150.49 per claim, with disc injuries averaging \$39,430.04 as the highest subcategory.

For more information visit our website: www.dwd.wi.gov/wc/

Nature of Injury

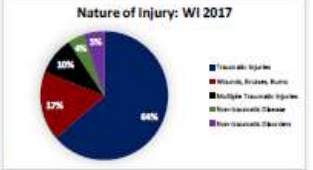
Traumatic Injuries: Of the 20,752 total claims filed, 18,817 were noted as traumatic injuries and 70% of those traumas were to bones, nerves, spinal cord, muscles, joints, etc. in 2017. 59% of these traumatic injuries were strains, 18% were fractures, and 14% were sprains. There were also 211 amputation claims.

Wounds, Bruises, and Burns: Approximately 49% of workers in this category suffered contusions, 28% sustained lacerations, 8% sustained crushing injuries, and 8% sustained burns.

Multiple Traumatic Injuries: There were 2,001 workers with multiple injuries and disorders; 41% were not otherwise classified.

Non-Traumatic Disorders and other: There were 1,072 non-traumatic disorders; 59% of injured workers in this category suffered from carpal tunnel syndrome or cumulative disorders.

Non-Traumatic Disease: Out of 863 claims filed in this category, 85% were diagnosed with hernias, and 29% suffered hearing loss.



County of Injury





KEY FIGURES FOR 2018:

- 20,113 TOTAL CLAIMS FILED
- \$202.2 MILLION TOTAL INDEMNITY PAID OUT
- \$184.8 MILLION INDEMNITY SPENT ON TRAUMATIC INJURIES
- \$10,052.70 AVERAGE INDEMNITY COST PER CLAIM



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- Leading Cause of Injuries 1
- 5 Year Trend: 2014-2018 1
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- County Infographic 2
- Part of Body Injured 2

2018 Wisconsin Work Injury Claims

Worker's Compensation Division

These reports are based off data provided by the Worker's Compensation Division and their Information Claims Management System. Claims included in this analysis are industry-only and the amounts paid are only indemnity. They do not include claims denied, under investigation, non-compensable, or no lost time. They include closed claims and claims in litigation when the reports were run.

The WC Division started accepting First Reports of Injury (FROI) via an Electronic Data Interchange program on October 20th, 1997, and then via our Pending Reports Inmate application on October 25th, 2001. Starting September 1st, 2005 FROIs were required to be reported to us electronically via either method. It should be noted that for electronically reported FROIs the codes for gender, body part, cause of injury, nature of injury and county where injury occurred are accepted into our database as they are sent to us, without any testing or accuracy examination by WC staff.

Leading Cause of Injuries

In 2018, Wisconsin workers sustained 7,370 strains and 5,477 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 (35%), not otherwise classified (20%), and pushing/pulling (17%).

Falls and Slips: Falls not otherwise classified comprised 28% of falls, followed by falls on the same level (22%), falls due to ice/snow (18%), and falls from a different level (10%).

Struck or Injured by:

Thirty-one percent of workers in this category were struck by falling or flying objects, 20% by objects lifted or handled by worker, 16% struck by something not otherwise classified, and 13% struck by a co-worker or patient.



5 Year Trend: Total Claims & Average Indemnity Cost



- 7,374 STRAINS
- 2,417 FRACTURES
- 1,884 SPRAINS
- 551 RUPTURES
- 452 HERNIAS
- 382 CONCUSSIONS
- 302 DISLOCATIONS
- 192 HEARING LOSS
- 192 CARPAL TUNNEL



Part of Body Injured
Injuries to the upper extremities were most frequent (39%), 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 \$16,444 per claim, with disc injuries averaging \$22,719 as the highest subcategory.

For more information visit our website: www.dwd.wi.gov/wc/

Nature of Injury

Traumatic Injuries: Of the 20,113 total claims filed, 18,167 were noted as traumatic injuries and 69% of those traumas were to bones, nerves, spinal cord, muscles, joints, etc. in 2018: 57% of these traumatic injuries were strains, 19% were fractures, and 15% were sprains. There were also 199 amputation claims.

Wounds, Bruises, and Burns: Approximately 50% of workers in this category suffered contusions, 26% sustained lacerations, 8% sustained burns, and 8% sustained crushing injuries.

Multiple Traumatic Injuries: There were 2,012 workers with multiple injuries and disorders; 43% 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.

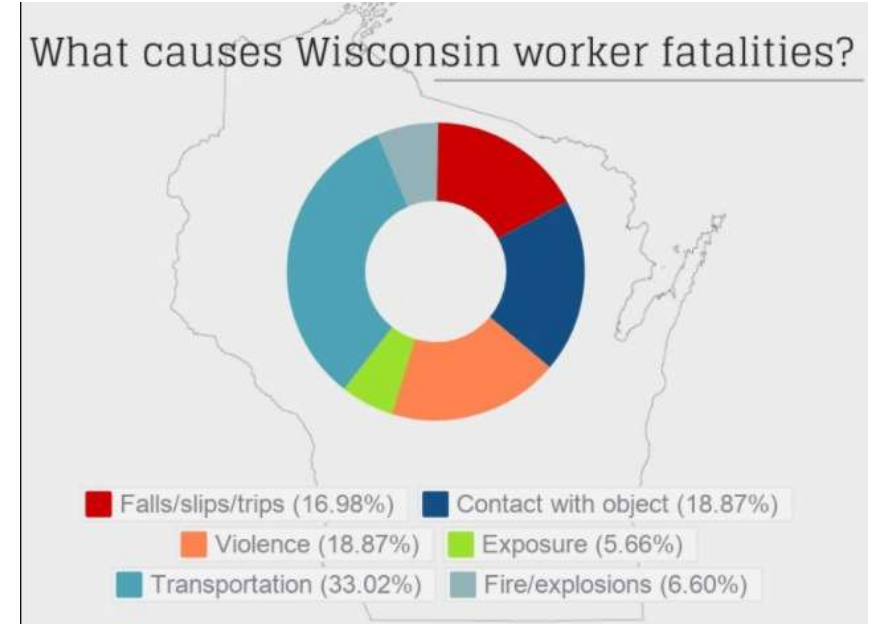
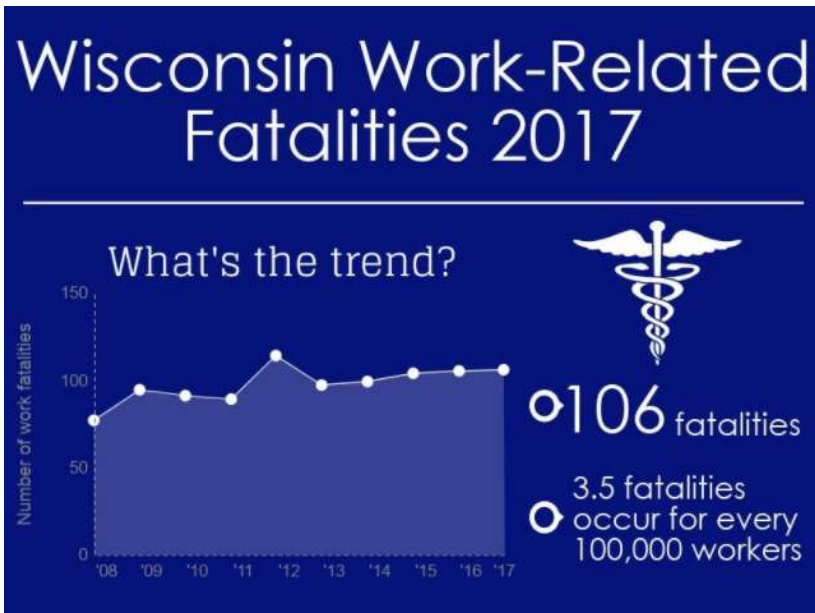
Non-Traumatic Disease: Out of 815 claims filed in this category, 55% were diagnosed with hemias, and 24% suffered hearing loss.



County of Injury



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

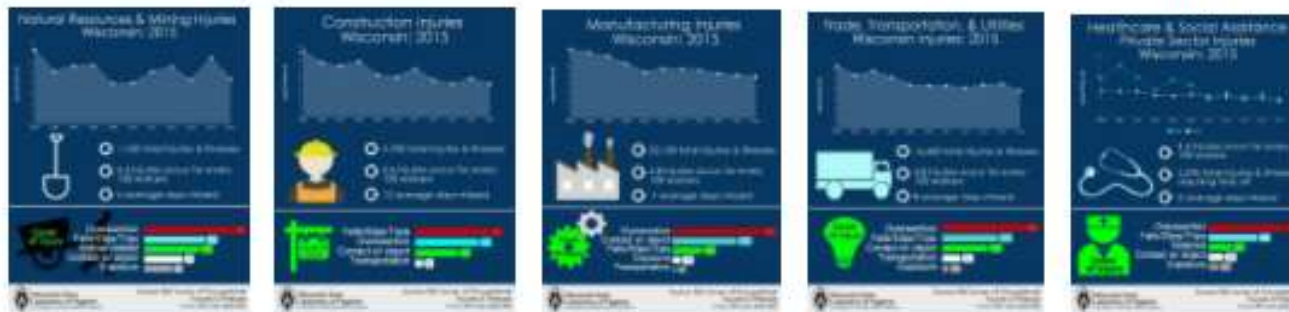


<http://www.slh.wisc.edu/occupational/bls/data/>



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)



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	\$56,720,297.98	\$10,540.85
FALL, SLIP OR TRIP NOC.	1,497	\$15,091,479.20	\$10,081.15
FROM DIFFERENT LEVEL	640	\$8,367,752.05	\$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	\$3,194,598.93	\$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
EYE(S)	130	\$750,502.91	\$5,773.10
FACIAL BONES	37	\$311,440.01	\$8,417.30
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	\$200,250.78	\$2,442.08
HIP	191	\$3,155,060.43	\$16,518.64
KNEE	2,553	\$27,037,232.30	\$10,590.38
LOWER LEG	451	\$4,217,911.55	\$9,352.35
UPPER LOWER EXTREMITIES	227	\$1,076,636.66	\$4,742.90

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	\$142,857,255.75	\$10,160.54
AMPUTATION	221	\$3,141,994.19	\$14,217.17
DISLOCATION	302	\$4,877,909.23	\$16,152.02
FRACTURE	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
SPRAIN	2,088	\$19,153,989.48	\$9,173.37
STRAIN	8,543	\$83,443,350.05	\$9,767.45
WOUNDS, BRUISES, AND BURNS	3,612	\$21,897,869.05	\$6,062.53
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
BARRON	178	\$1,656,476.37	\$9,306.05
BAYFIELD	34	\$240,927.01	\$7,086.09
BROWN	1,005	\$9,790,643.58	\$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	\$1,523,922.67	\$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



Wisconsin OSHA – Fatalities Data Analysis

OSHA – Compliance Assistance Consultations



OSHA – Focus Four – Fatalities Priorities

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

A SAFE WORKPLACE IS SOUND BUSINESS



In 2017, the Wisconsin OSHA offices received 103 reports of workers dying on the job. We had jurisdiction over 29 of these 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.



DWD WC Division – Website

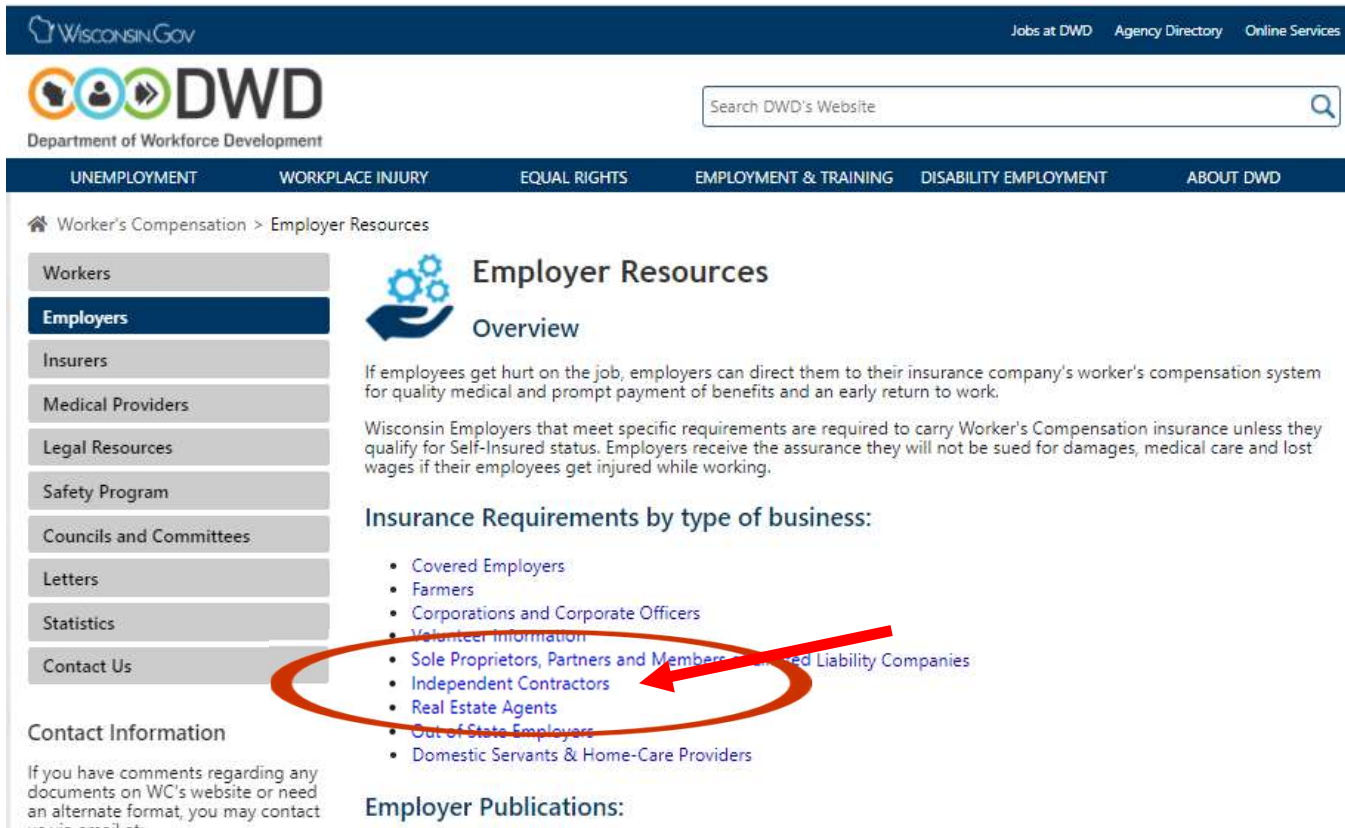
***** Employers *****

Independent Contractors & Self-Employed Workers

Independent Contractors – Self-Employed” Workers

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

Independent Contractor – The Nine Part Test



WISCONSIN.GOV Jobs at DWD Agency Directory Online Services

DWD
Department of Workforce Development

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

Worker's Compensation > Employer Resources

Workers
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Insurers
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Legal Resources
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Councils and Committees
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Statistics
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Employer Resources Overview

If employees get hurt on the job, employers can direct them to their insurance company's worker's compensation system for quality medical and prompt payment of benefits and an early return to work.

Wisconsin Employers that meet specific requirements are required to carry Worker's Compensation insurance unless they qualify for Self-Insured status. Employers receive the assurance they will not be sued for damages, medical care and lost wages if their employees get injured while working.

Insurance Requirements by type of business:

- Covered Employers
- Farmers
- Corporations and Corporate Officers
- Volunteer Information
- Independent Contractors**
- Sole Proprietors, Partners and Members of Limited Liability Companies
- Real Estate Agents
- Out of State Employers
- Domestic Servants & Home-Care Providers

Employer Publications:

Contact Information
If you have comments regarding any documents on WC's website or need an alternate format, you may contact

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.



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.

DWD WC – UEF's Role (Uninsured Employer's Fund)

<https://dwd.wisconsin.gov/wc/employers/uef-info.htm>

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.](#)

Printable [Independent Contractor Definition Under s. 102.07\(8\), Wis. Stats.](#) (PDF)

DWD WC – Worker's Compensation Fraud Reporting

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



DWD.WISCONSIN.GOV



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>

[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.***





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>



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

Worker's Compensation Fraud

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

The screenshot shows the DWD website's 'How To Report Worker's Compensation Fraud' page. The page includes a search bar, navigation tabs for 'UNEMPLOYMENT', 'WORKPLACE INJURY', 'EQUAL RIGHTS', 'EMPLOYMENT & TRAINING', 'DISABILITY EMPLOYMENT', and 'ABOUT DWD'. The main content area is titled 'How To Report Worker's Compensation Fraud' and provides instructions on how to report fraud, including a list of required information: 1. The name of person committing fraud, 2. The person's address (at least the municipality), 3. A description of the alleged fraudulent activity in as much detail as you can provide, and 4. The employer at the time of the injury (if you know who it is). It also notes that reporters can remain anonymous and provides contact information for the Workers' Compensation Division. A list of 'Fraud Statutes and Rules' is provided at the bottom, including sections on reporting, criminal fraud, theft, forgery, fraudulent wage, fraudulent data, and fraudulent insurance.





DWD WC Division – Website Workplace Safety

Other State of Wisconsin Agencies – Safety Resources & Assistance



<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.
dps.wi.gov

For information on a safety inspection, call 608-266-2112 or visit:
dps.wi.gov/Pages/Programs/PublicSafety

The Department of Health Services (DHS) performs inspections for occupational diseases and health hazards. For occupational health surveillance, call 608-266-1865 or 608-266-1120 or visit:
dhs.wisconsin.gov/occupational-health
dhs.wisconsin.gov/occupational-health/workers.htm
dhs.wisconsin.gov/occupational-health/employers.htm

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

An on-site consultation visit can help:

- identify workplace hazards
- conduct industrial hygiene monitoring
- assist with OSHA informal 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, 608-226-5240 or 800-947-0553.

The mailing address is:

Wisconsin State Laboratory of Hygiene
2810 Walton Commons W
Madison WI 53718

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

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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 on-site assistance for individual employers, the WisCon program also provides presentations, seminars, and workshops on Occupational Health and Safety topics to the Wisconsin small business community. The following list provides Topics available, as well as a link to the event registration page. These presentations occur throughout Wisconsin, often at UW-Madison facilities including the UW Extension, and Agriculture Research Stations, as well as other UW System Campuses. Other partners include the local technical colleges throughout the state.

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

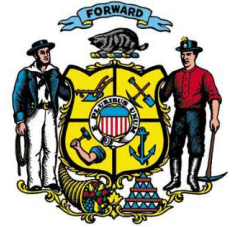
26 Putting Together a Safe Workplace



27 Safety Programs

DWD.WISCONSIN.GOV

Thank You! Questions?



State of Wisconsin

Dave Leix, CSP, Safety & Risk Manager

State of Wisconsin

Department of Workforce Development

DWD – Worker's Compensation Division

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"Building the Workforce to Move Wisconsin Forward"

