

## Topics for Review & Discussion

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



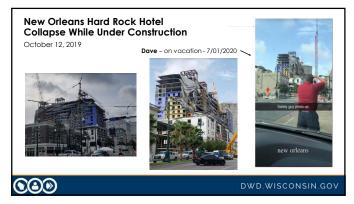
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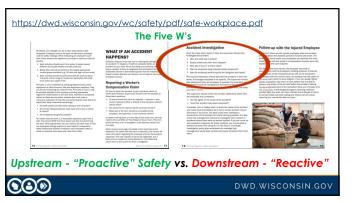












The Five W's...

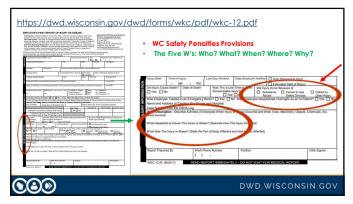
The Five W's...

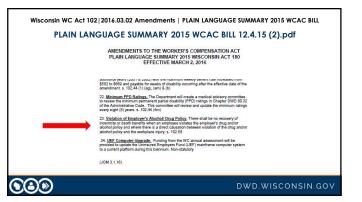
1. Who?

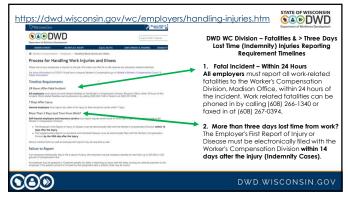
Accident Investigation
Once the initial claim report is filed, the supervisor should then investigate the accident.

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

\*\*Root Cause(s) + Fact Finding" = Prevention ... not affixing blame







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

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

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within seven (7) days.

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

More than 3 days lost time from work?

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

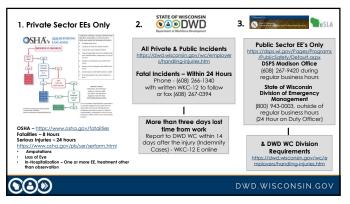
- The Employer's First Report of Injury or Disease must be electronically filed with the Worker's Compensation Division within 14 days after the injury.
- The Supplementary Report on Accidents and Industrial Diseases must be electronically filed with the Worker's Compensation Division by the 30th day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

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

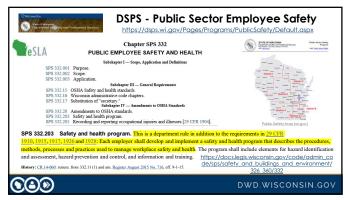


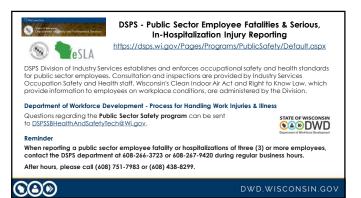
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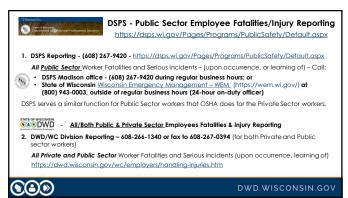


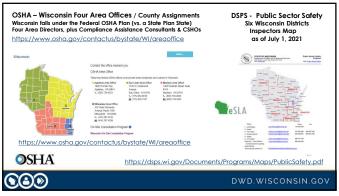


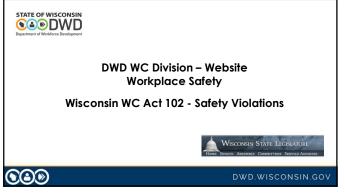






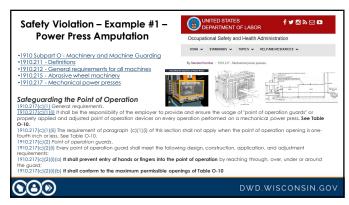


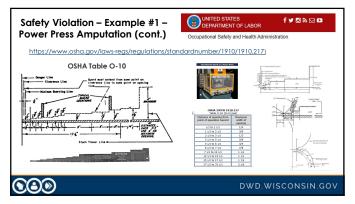




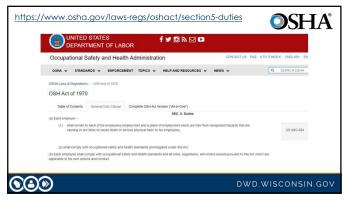


https://docs.legis.wisconsin.gov/statutes/statutes/102/57	
102.57 Violations of safety provisions, penalty. If injury is caused by the failure of the employer to comply with	
any statute, rule, or order of the department of safety and professional services, compensation and death benefits provided in 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.	
Hallory: 1981. C. 92: 1983. n. 98: 2001. a. 37: 2015. n. 55. This section and S. 102.5 in the papel copilization in the same case if the negligence of both the employer and employee are causes of the employee's Injury. Nitwoukse Fague v. DLIHF. 56. Wis. 24. 08. 25. S. 10. 24. (1975). Death benefit for dependent infolliation are not increased by this section. Schwarts v. DLIHF. 72. Wis. 24.217, 240.1.W.24.173 (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 reaction of this section is that "of the department managing" and not "statute." That was not managing statute." In the	
Institutentence of the section is "any." This section allows an administrative low judge to increase worker's compensation benefits if If Iffind that the employer fished to comply with any statute. A violation of a feeter of 16% standard avaisant of violation of 3 statute, rule, or colder of the department" but was evidence of a violation of a Wisconsin statute, the safe place statute, s. 101.11. Sohn Manufacturing inc. v. URC, 2013 WI App. 112, 350 Wisc. 244 99, 888 NVJ. 4311, 122564.	
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 injuictes, diseases, or death of employees arising out of, or in the course of, employment" exempted from preemption under 20 U.S.C. § 453 (b) (4). Sohn	-
Manufacturing Inc. v. LIRC, 2013 WI App 112, 350 Wis. 2d 449, 838 N.W.2d 131, 12-2566.  WISCONSIN STATE LEGISLATURE	
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https://docs.legis.wisconsin.gov/statutes/statutes/102/58	
102.58 Decreased compensation. (1) 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 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.	
(2) 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 and no payment under s. 102.49 (5) (b) or (c) shall be payable. Nothing in this subsection shall reduce or eliminate an	
employer's liability for incidental compensation under s. <u>102.42 (1)</u> to <u>(8)</u> or drug treatment under s. <u>102.425</u> .	-
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https://docs.legis.wisconsin.gov/statutes/statutes/102/58	
Requesting WC Division Authorization for	
15% Safety Reduction	
Copy of safety rule that was violated	
There must be a rule in order for one to be violated	
Employee must have been trained on rule before	
injury date	
<ul> <li>Proof of rule enforcement</li> <li>Documented consequence for similar violations</li> </ul>	
Evidence of causation	
Medical opinion that violation caused injury	
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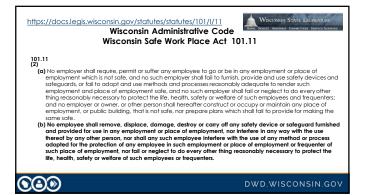


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## Misconsin Administrative Code Wisconsin Safe Work Place Act 101.11 101.11 Employer's duty to furnish safe employment and place. (1) Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for the employees therein and shall furnish and later 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 now or hereafter constructed shall so construct, repair or maintain such place of employment or public building st or render the same safe.



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DWD WC Division – Website Workplace Safety

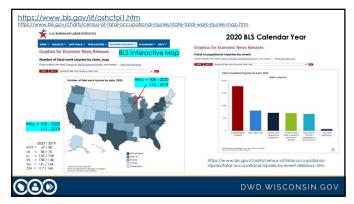
Bureau of Labor Statistics (BLS) – DWD WC Division – Data Capture & Analysis



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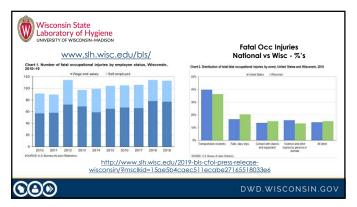
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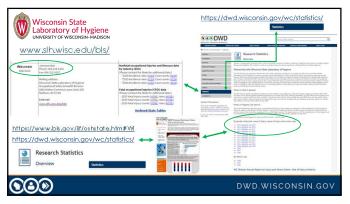


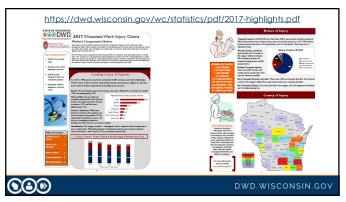


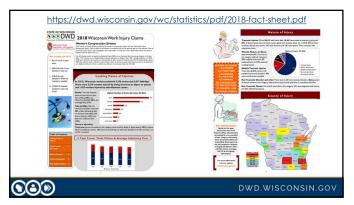


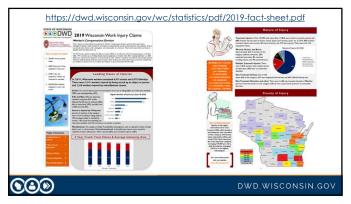


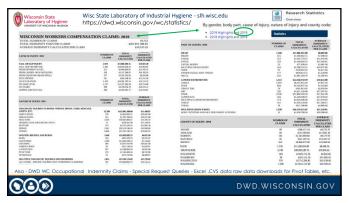


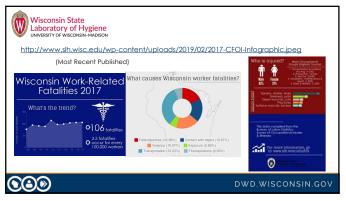


















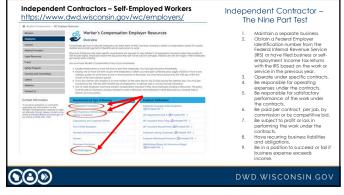
DWD WC Division – Website
\*\*\* Employers \*\*\*

Independent Contractors & Self-Employed Workers



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