

# SHIELD

a quarterly publication from Protective Insurance

**Reducing Workers' Compensation  
Claims Costs**

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**Addressing Depression on the Road:  
Steer Employees to Help**

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***It's No Deadliest Catch* but  
Trucking Tops List of Deadliest  
Jobs in the U.S.**

**WORKPLACE  
VIOLENCE**  
**Security & Safety**

WINTER 2020

 **PROTECTIVE  
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# NEWS & NOTES

## CALIFORNIA AB 5 - CALIFORNIA'S NEW GIG ECONOMY LAW

By Kate Ciravolo | Senior Compliance Council  
Protective Insurance

*Current status: On Jan. 16, 2020, California Federal District Judge Roger Benitez granted a preliminary injunction in California Trucking Association v. Beccera. The order enjoins the State from enforcing AB 5 as to any motor carrier operating in California pending entry of final judgment in the Case by the District Court. An order granting or denying a motion for preliminary injunction is appealable as a matter of right.*

Under California Assembly Bill 5 (AB 5), starting Jan. 1, 2020, a worker would be considered an employee for all purposes under the law unless the hiring entity establishes that:

(A) the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;

(B) the worker performs work that is outside the usual course of the hiring entity's business; and

(C) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

This is commonly referred to as the ABC test.

### BACKGROUND

Before AB 5, deciding whether a worker was an independent contractor or an employee was based on a legal test for classifying workers as independent contractors. The test depended on the type of claim or worker right at issue. Known as the Borello<sup>1</sup> test, there are 11 factors, primarily focusing on whether a company has control over the means and manner of performing contracted work, and additional factors, such as who provides work tools and the individual's opportunity for profit or loss, to determine contractor status.

In *Dynamex Operations West, Inc. v. The Superior Court of Los Angeles County*<sup>2</sup> (Dynamex), the California Supreme

Court revisited whether Borello was the proper legal test to determine employment for purposes of wage order claims. The Court concluded that Borello was not the proper test, ruling that an ABC test should be used to determine whether a worker is properly classified as an employee or an independent contractor. The ABC test was subsequently codified under AB 5.

Beginning on Jan. 1, 2020, the ABC test would be the test used to determine whether a worker providing services in California is an “employee” for purposes of the California Wage Orders, the Labor Code, and the Unemployment Insurance Code. As a result, companies and employers must now classify many of its workers as employees rather than independent contractors, paying minimum wage and provide sick time, meal and rest periods, and health insurance. While many occupations are carved out of the ABC test, other occupations such as truck drivers that often in the past were treated as independent contractors would be covered under AB 5 pending the outcome of the court’s decision(s). On July 1, 2020, the ABC test is schedule to apply for purposes of workers’ compensation.

### WHAT'S NEXT?

On Jan. 16, 2020, California Federal District Judge Roger Benitez granted a preliminary injunction in California Trucking Association v. Beccera. The order enjoins the State from enforcing AB 5 as to any motor carrier operating in California pending entry of final judgment in the Case by the District Court. An order granting or denying a motion for preliminary injunction is appealable as a matter of right. Parties can then be expected to gear up for a larger legal fight over whether the injunction would be rendered permanent, and if so, the extent and scope of such an injunction.

### LOOKING AHEAD

State legislatures and industry advocacy groups are expected to remain active, pushing legislation aimed at either expanding or limiting worker rights across the country. Other states considering similar legislation to AB 5 include New Jersey and New York. New Jersey Senate Bill 853 was introduced in mid-January 2020. New York proposed legislation in both the Senate and Assembly but is having some study groups review the proposals.

We therefore expect more court and legislative activity in 2020, and encourage you to monitor developments as they may relate to your business.

### HOW WE CAN HELP

Protective’s trucking heritage means we have the expertise to help our customers navigate the AB 5 dilemma. While recent developments have introduced uncertainty into the future of AB 5, we remain ready to assist fleets that have decided to transition from the use of Independent Contractors to registered Motor Carriers in California and countrywide.

- **Sponsored NTL, Physical Damage and Occupational Accident:** for fleets maintaining an Independent Contractor network, we offer sponsored programs that include Non-Trucking Liability, Physical Damage and Occupational Accident. We can also offer individual Workers’ Compensation policies to residents of states where Occupational Accident is not allowed.
- **Primary Auto Liability:** for fleets transitioning from Independent Contractors to registered Motor Carriers, our Protective Advantage product (offered in conjunction with AmWINS) provides tailored coverage solutions for fleets with 1 – 24 units.
- **Brokerage Coverage:** the use of third party motor carriers instead of Independent Contractors may open fleets up to new exposures that aren’t adequately covered by their current Auto Liability program – specifically, the vicarious liability associated with those third parties. For fleets with 25+ units, ask about our brokerage coverage endorsement.
- **Workers’ Compensation:** we offer Workers’ Compensation coverage on trucking fleets of all sizes, through multiple underwriting companies.

<sup>1</sup> *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal. 3d 341.

<sup>2</sup> *Dynamex Operations West, Inc. v. The Superior Court of Los Angeles County* (2018) 4 Cal. 5th 903.

# OSHA OVERVIEW

## OSHA Injury and Illness Recordkeeping and Reporting Requirements

Many employers with more than 10 employees are required to keep a record of serious work-related injuries and illnesses. Minor injuries requiring first aid only do not need to be recorded.

This information helps employers, workers and OSHA evaluate the safety of a workplace, understand industry hazards, and implement worker protections to reduce and eliminate hazards – preventing future workplace injuries and illnesses.

### Maintaining and Posting Records

The records must be maintained at the worksite for at least five years. Each February through April, employers must post a summary of the injuries and illnesses recorded the previous year. Also, if requested, copies of the records must be provided to current and former employees, or their representatives.

Find the forms and instructions here: <https://www.osha.gov/recordkeeping/RKforms.html>

## OSHA Penalties

Below are the maximum penalty amounts, with the annual adjustment for inflation, that may be assessed in 2020.

Type of Violation	Penalty
Serious Other-Than-Serious Posting Requirements	\$13,494 per violation
Failure to Abate	\$13,494 per day beyond the abatement date
Willful or Repeated	\$134,937 per violation



## Winter Weather Driving

Resources for winter weather safety are available on the Protective website.

Visit [protectiveinsurance.com](https://www.protectiveinsurance.com) and search WINTER WEATHER.

ARTICLES INCLUDE **TIPS FOR WINTER WEATHER PREPARATION AND DRIVING!**

# It's No *Deadliest Catch*, but Trucking Tops List of Deadliest Jobs in the U.S.

By Jason Cannon | Commercial Carrier Journal

The Discovery Channel has convinced me of two things: You can erect Xanadu in an Alaskan wilderness without electricity, and that catching crabs in the ocean somewhere between Alaska and Russia will get you killed.

But, according to statistics released this week by the Bureau of Labor Statistics (BLS), producers of Discovery's hit show *Deadliest Catch* should consider climbing off the F/Vs (fishing vessel) and into a B/R (big rig).

There were 5,250 fatal work injuries, according to the BLS, recorded in the U.S. in 2018 – a 2% increase from the 5,147 recorded in 2017. Transportation incidents remained the most frequent type of fatal event at 2,080, accounting for 40% of all work-related fatalities.

Driver/sales workers and truck drivers accounted for the most fatalities of any broad occupation group at 966. Among all detailed occupations, heavy and tractor-trailer truck drivers had the most fatalities at 831 – ten times more than drivers in “light truck or delivery services.”

In 2018, there were 621 fatal injuries to independent workers – a category which includes owner operator truckers. That figure is up from 613 in 2017. Independent workers made up 12% of all fatal injuries in 2018 and the occupation with the most fatal work injuries to independent workers last year was, you guessed it, “heavy and tractor trailer-truck drivers” with 96.

If you add the independent group and the occupation group together, 927 “heavy and tractor-trailer truck drivers” were lost in the line of duty last year.

Obviously, traffic accidents aren't helping here. The number of crash fatalities involving large trucks increased slightly in 2018 from 2017 with 46 more fatalities in 2018 than the previous year, according to numbers released by the National Highway Traffic Safety Administration (NHTSA) in October.

According to NHTSA, there were 4,951 people killed in crashes involving large trucks in 2018, up from 4,905 in 2017 (a 0.9% increase). Of those fatalities, 885 were large truck occupants.

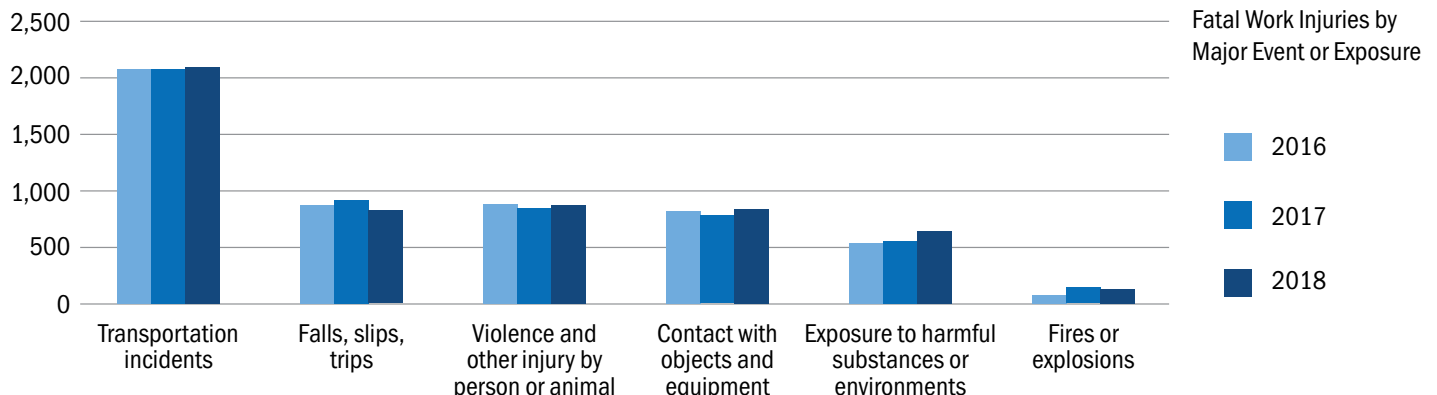
Rubbing the NHTSA data against that from BLS, you can derive that the cause of 95% of fatal work injuries to truck drivers were crashes.

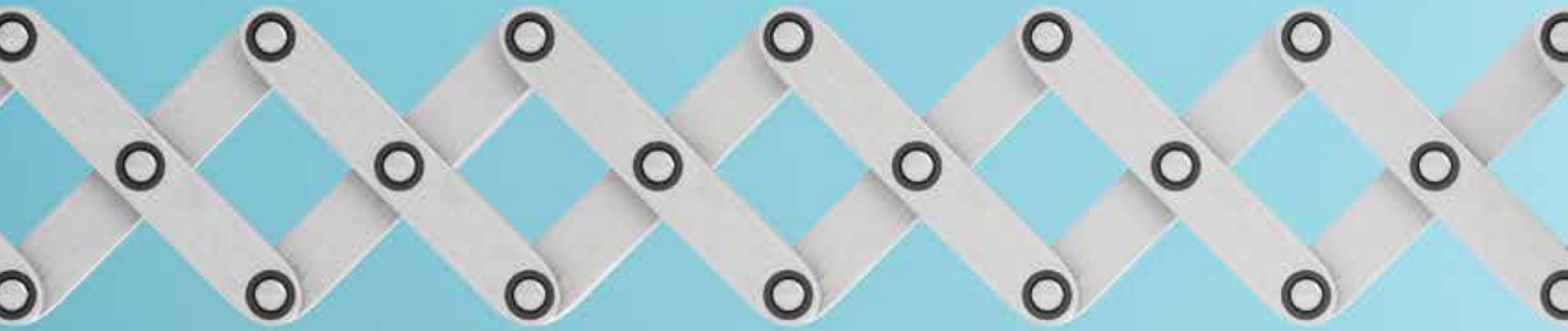
Trucking's fatal injury rate of 28.3 – a rate that represents the number of fatal occupational injuries per 100,000 full-time equivalent (FTE) workers, according to the BLS – accounts for nearly 4.3 billion hours worked, but ranks behind fisherman and loggers – another Discovery Channel show, briefly.

While truck drivers had the highest fatality rates in 2018, the death rate rose more among the loggers, fishing industry, pilots and flight engineers and roofers, which each had fatality rates more than 10 times the all-worker rate of 3.5 fatalities per 100,000 FTE workers.

Driving on the highway and loading/unloading in the yard may not get the same primetime TV play as logging in the Yukon or crabbing in the Arctic Circle, but trucking certainly holds the dubious distinction as America's deadliest job without ever setting a tire on an ice road.

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# WORKPLACE VIOLENCE, SECURITY & SAFETY

By Michael J. Smith | Deputy Sheriff, Fort Bend County, Texas

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Workplace violence is a growing problem in the U.S. Every year there are more than two million workplace violence incidents, costing Americans \$36 billion annually. A large portion of workplace violence takes the form of psychological bullying and assaults, such as pushing or grabbing.



**R**oughly one-fifth of workplace violence incidents end with a serious bodily injury or death. The number of active shooter events has dramatically increased over the past decade and most of those incidents occur in the workplace. Workplace violence continues to be a leading cause of death in the American workplace.

OSHA breaks down workplace violence into four categories:

1. Violence by strangers: This criminal intent, such as robbery and burglary, is the leading cause of workplace violence in the U.S.
2. Violence by customers or clients: A customer or a client attacks an employee.
3. Violence by coworkers: Coworkers fighting with each other. This is what most people traditionally associate with workplace violence.
4. Violence by personal relations: Domestic disputes that follow an employee to the workplace or are started in the workplace. Domestic disputes are some of the most dangerous calls a police officer can respond to.

An unofficial fifth category is terrorism or a politically driven active shooter.

## Simple Physical Security Solutions

- Lock doors (add anti-kick strike plate and deadbolts, under \$100).
- Limit areas of access to a few entrances. Exits are important in facilitating employee escape during emergencies such as fires and workplace violence episodes.
- Cameras (install wireless cameras, under \$500).
- Have areas with good lighting (lights prevent people from hiding, under \$500).
- Keep only small amounts of cash (prevents the motive for robbery).

Three simple actions that someone can take during a workplace violence episode to save his/her life are run, hide, fight. Many programs to teach these steps have existed for years; yet, employees still do not receive training. With the increasing violence in the workplace over the past decade, employees should receive workplace violence and active shooter training in whatever program employees respond well to, whether it is run, hide, fight or avoid, deny, defend. Employees should also be trained to look out for other warning signs and security measures to prevent workplace violence. A little training, prevention and planning can make the difference to prevent a tragedy.

Benjamin Franklin said, "An ounce of prevention is worth a pound of cure." Prevention is the best approach to dealing with workplace violence and safety. Simple prevention techniques can stop a tragedy from occurring.

## SECURITY SOLUTIONS

Security is a good place to start with workplace violence prevention. Security can deter criminals, protect offices, buildings, equipment, customers and employees. Simple physical security solutions can make criminals and active shooters choose another location. Note that good physical security will help employees with run, hide, fight.

Another good security solution is conducting background checks. Performing background checks on prospective employees is becoming a common practice. Background checks can reveal an employee's criminal records, substance abuse problems and past violent issues. A background check is an effective way of avoiding violent people in the workplace.

Recently, I was conducting a safety inspection for a corporation, and I observed an employee making an offensive gesture to a driver. I asked why he did that. He said the Dodge Charger was an undercover police car and he was flipping him off, not me. Then I asked why he was flipping off the cop. He responded that he was recently arrested for selling meth to an undercover cop. Needless to say, at the end of my inspection, I notified management that they might want to start doing background checks on employees, especially since the person driving the Dodge Charger was not an undercover cop but a potential client.

Performing a threat and security assessment can improve an employee's chances of surviving in a violent incident. I recommend looking for areas that are vulnerable to attack and asking what employees would do during an assault. Employers should determine and locate weak areas in the workplace and determine which areas can be improved.



## RED FLAGS & THREATS

Paying attention to red flags, threats and warnings is an important step in preventing workplace violence. Warnings can come in many forms: physical, verbal and action. Body language accounts for 50% to 70% of communication. Most people display several physical signs of aggression before engaging in an overt act of violence.

We naturally recognize many of these signs such as jaw or fist clenching, sweating, flushed or pale face, glaring or avoiding eye contact, or a change in voice. It is important to train employees to recognize signs of aggression so they can try to de-escalate the situation or run, hide, fight.

Other warning signs of impending aggression:

- resistant to or upset about change in the workplace;
- substance abuse;
- violent outbursts;
- emotionally charged over issues or criticism.

Many violent people will subconsciously warn people before they act: "I am going to punch you in the face if you don't . . ." Many have heard things like this. Threats should be taken seriously, and procedures should be in place for employees and managers to follow in the event that a threat is made in the workplace. Three things to consider when evaluating threats:

1. Severity of the threat (e.g., kill, shoot, punch, blow up).
2. Likelihood of threat. Is this something that s/he can likely do? In what time frame?
3. Capability of the threat. Does s/he have a weapon?

Employees should be trained on how to handle and react to threats and red flags, and on how to calm people who are upset. A key element of calming people is showing respect. Respect and communication can go a long way in preventing violence. Disrespect almost always leads to something bad. Employees who feel threatened should notify law enforcement before it becomes a violent incident. Also, managers and supervisors must develop procedures on how to deal with violent people. Responses can vary from dismissal, suspension, counseling, write-up, trespass warning, law enforcement action or even a restraining order for an employee, client or customer.

Having a written antiviolence program can help set procedures and guidelines for everyone.

## RUN, HIDE, FIGHT/AVOID, DENY, DEFEND

The key ingredient is to have a simple program that employees can remember and follow. It should cover the basic elements of what to do if a company's security and prevention techniques fail. Once law enforcement is notified, the average response time for them to arrive at a violent incident is five minutes in urban areas with good police departments. That is not the amount of time it takes to solve the problem, only to show up on the scene. Security, red flags and run, hide, fight techniques are designed to help employees survive long enough for the first responder to stop the attack. That time frame could be 10 or 60 minutes or more after an attack has started.

### Run/Avoid

During a workplace violence attack, it is best if people can run away from the dangerous area. The farther away from the attack, the better. Instead of reacting with fight or flight, many people freeze during high-stress incidents and can become easy targets for attackers. If an employee has an easy exit from the facility, that is his/ her best chance of survival. Good training could help employees make better decisions during a crisis.

### Hide/Deny

If employees are unable to run, the next best chance of survival is to hide from their attacker. The children's game hide-and seek is survival training for adults. Employees should hide away from the main walkways, open areas and areas with good lighting. Staying quiet, still and concealed are also crucial factors in hiding from attackers. Employees must also barricade while hiding. Good barricading techniques can include locking doors, placing chairs or heavy items in front of the door to prevent opening, or even bracing the door with objects against walls. Barricading makes it difficult for the attacker to proceed with his/her course of action and slows the attacker down in order to give employees more time for a police response.

### Fight/Defend

Last but not least, if an employee must fight, s/he must fight hard and smart.

Buildings are full of items that can be used as weapons. Be creative, throw heavy objects, spray fire extinguishers; in a fight, everything is fair game. It is critical for employees to open their minds to the options around them. In law enforcement and military training, instructors teach "violence of action." Being aggressive and dominating the area is sometimes what it takes to win the fight. Many active shooters have been stopped by people rushing and fighting the shooter.

If every person attacks the shooter, it is unlikely that s/he can kill everyone. Fighting does not have to be the last option, in some cases it should be the first option. Law enforcement instructors teach a 30-ft rule that says a person armed with a knife can attack and cover a distance of 30 ft before the victim can respond to the threat. An employee who is inside that 30-ft space has a slim chance of running or hiding, and the best chance s/he has of survival is to attack the attacker. On the other hand, an employee should not get hero syndrome and seek out the attacker, even if the employee has a concealed handgun license. Sadly, many off-duty police officers have been mistaken as the active shooter and were killed by responding officers. If an employee cannot run or hide when being attacked, then s/he must fight and fight hard.

## WORKING WITH LAW ENFORCEMENT

Employees must understand that the roles s/he plays can assist police officers. Before a violent incident occurs, it is important for police officers to get the facts. Knowing who, where and what was said or how the individuals involved acted can give the police the information they need to prevent an incident, or help police stop an attack. During a violent episode, police will be responding to the attacker, not helping employees. Employees must understand the importance of not

rushing to the police officers for help. Employees should keep their hands empty and in the air so that police officers can quickly identify that they are not a threat. Police officers will likely be giving commands verbally or with their hands. Employees should pay attention to the police officers and follow their commands. Not following police commands could be perceived as threatening to responding officers.

## FINAL THOUGHTS

Dealing with workplace violence can be a scary, complex and uncomfortable issue to discuss; however, it is important for employees, supervisors and managers to be trained in workplace violence. Run, hide, fight or avoid, deny, defend are both good programs with essentially the same useful information. Either program should be taught to employees. Another innovative idea is to have local law enforcement visit a workplace to give security tips and workplace violence training. It gives police a chance to become familiar with that location if they ever have to respond to a call there.

Violence in the workplace is a recurring and growing problem. A little time dedicated to training, planning, and prevention can make all the difference in a workplace tragedy and lead to another day at work.

### Author bio:

Michael J. Smith is a deputy sheriff for Fort Bend County, TX, and a safety manager for Southern Methodist University. Smith holds a B.S. in Criminal Justice from Sam Houston State University, a graduate certification in Internal Affairs and Intelligence from Texas A&M University and an M.S. in Security Studies from Sam Houston State University. He is a Certified Safety and Health Official and a member of the Southwest Chapter of the American Society of Safety Professionals.

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### References

Advanced Law Enforcement Rapid Response Technology (ALERRT) Center at Texas State University. (2014, July 29). Avoid/deny/defend. Retrieved from [www.avoiddenydefend.org](http://www.avoiddenydefend.org)

ALERRT. (2016, June 20). ALERRT active shooter data. Retrieved from [www.activeshooterdata.org](http://www.activeshooterdata.org)

ALERRT. (2017, Apr. 2). Advanced law enforcement rapid response training. Retrieved from <https://alerrt.org>

Federal Bureau of Investigation (FBI). (2018, Jun. 5). Graphics from 2000-2013 active shooter incidents report. Retrieved from [www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-report](http://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-report)

OSHA. (2011, Sept. 9). Workplace violence. Retrieved from [www.osha.gov/SLTC/workplaceviolence](http://www.osha.gov/SLTC/workplaceviolence) Ready Houston. (2012). Run. Hide. Fight. Surviving an active shooter event, English. Retrieved from [www.youtube.com/watch?v=5VcSweJU2D0](http://www.youtube.com/watch?v=5VcSweJU2D0)

Romano S., Levi-Minzi, M., Rugala, E., et al. (2011, Jan. 1). Workplace violence prevention: Readiness and response. Retrieved from <https://leb.fbi.gov/2011/january/workplace-violence-prevention-readiness-and-response/view>

Thompson, G.J. (2013). Verbal judo. New York, NY: HarperCollins.

Wood, M. (2016, June 15). Why “run, hide, fight” is flawed. Retrieved from [www.policeone.com/active-shooter/articles/190621006-Why-Run-Hide-Fight-is-flawed](http://www.policeone.com/active-shooter/articles/190621006-Why-Run-Hide-Fight-is-flawed)

# Addressing Depression on the Road: Steer Employees to Help

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In the United States, depression affects more than 18 million adults (one in ten) in any given year. It is the primary reason someone dies of suicide every 12 minutes.

Think about that for a minute. Ten percent of the people around you could be experiencing depression right now and thinking about suicide.

In business terms, depression causes 490 million disability days from work each year. It accounts for \$23 billion in lost work days each year. The economic toll? More the \$100 billion each year.

Depression is a very real disorder. The National Institute of Mental Health defines depression this way: “Depression (major depressive disorder or clinical depression) is a common but serious mood disorder. It causes severe symptoms that affect how you feel, think, and handle daily activities, such as sleeping, eating, or working.”

## **SIGNS AND SYMPTOMS INCLUDE:**

- Persistent sad, anxious, or “empty” mood
- Feelings of hopelessness, or pessimism
- Irritability
- Feelings of guilt, worthlessness, or helplessness
- Loss of interest or pleasure in hobbies and activities
- Decreased energy or fatigue
- Moving or talking more slowly
- Feeling restless or having trouble sitting still
- Difficulty concentrating, remembering, or making decisions
- Difficulty sleeping, early-morning awakening, or oversleeping
- Appetite and/or weight changes
- Thoughts of death or suicide, or suicide attempts
- Aches or pains, headaches, cramps, or digestive problems without a clear physical cause and/or that do not ease even with treatment

Depression among truck drivers is gaining attention. The causes or triggers for depression in this group are understandable. Trucking is a stressful job. Drivers encounter difficult situations daily. From unpredictable weather and traffic conditions to the pressure of their

schedule to changing regulations, there are many aspects of the job that can wear on a driver physically, mentally and emotionally.

Trucking is often a solo occupation. Truckers spend a great deal of time alone. They spend a lot of time thinking – and possibly overthinking – the situations around them.

Long haul drivers have additional stressors. The very nature of the job limits the ability to maintain any sort of regular schedule. They must to be away from home for long periods and away from family life. Sleeping in the truck can be difficult and may result in drivers not receiving adequate amounts of sleep. Their diet is at the mercy of what is offered on the road. Quick options are not always the healthiest options.



In addition to the unique characteristics of a trucking lifestyle, other factors can trigger depression.

**Health issues:** Chronic pain, thyroid disorders, low vitamin B12, heart conditions and type 2 diabetes can make you feel lethargic and depressed. It's hard to feel mentally healthy when you don't feel physically healthy.

**Medications:** Addressing our physical health may require medications. Talk with your physician about all side effects to make sure those prescribed won't trigger other issues such as depression.

**Family:** Are you part of the sandwich generation – taking care of children, aging parents, your relationship and your job? Or have you entered the empty nest after your children have left home? Both situations can cause feelings of guilt, loneliness and depression.

are offering healthy options or drivers can keep a cooler on hand for healthy snacks. Exercise helps to improve strength and endurance, and the hormones released during a workout act as an instant mood boost to fend off stress and depression.

**Use your ears:** Listening to music, humor or inspirational programs can help keep your spirits high. If you're alone in your vehicle, no one knows if you can't keep a tune – sing along with your favorite songs! Laughter really is great medicine. It decreases stress hormones and increases your body's ability to fight disease. Inspirational programming can help you focus your energy on the positive to get through tough times. There is a podcast available on just about every subject out there. Explore your options and find some interesting listening!

**When you stop for a break, interact with other drivers.**

**Be sociable & build connections.**

## Addressing Depression

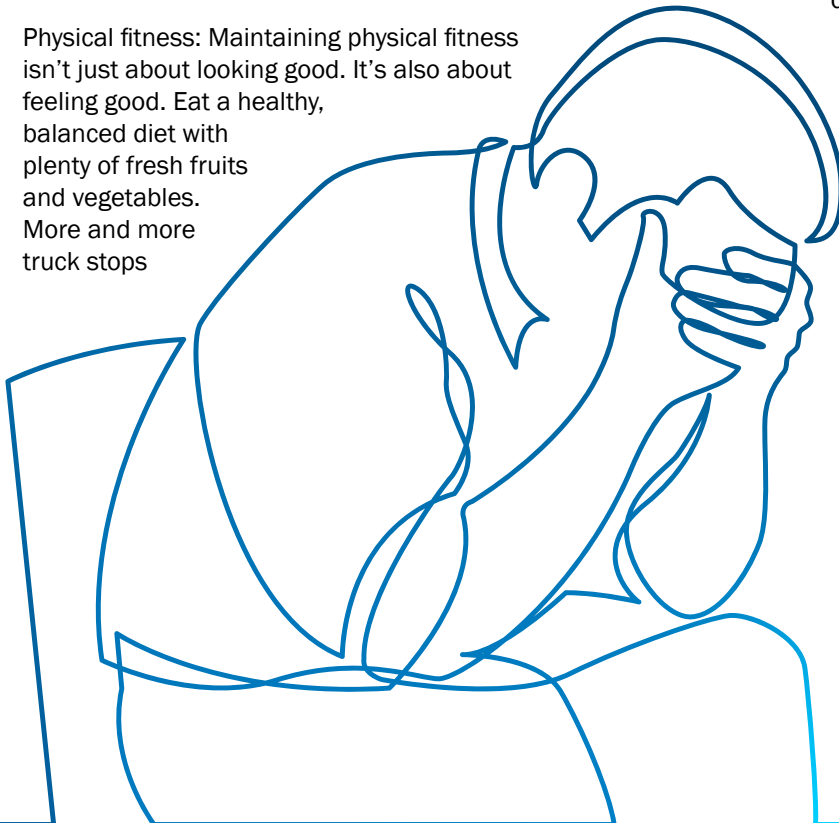
Thankfully, there are ways for drivers – and all of us – to address and combat depression.

**Physical fitness:** Maintaining physical fitness isn't just about looking good. It's also about feeling good. Eat a healthy, balanced diet with plenty of fresh fruits and vegetables. More and more truck stops

**Communicate:** Keep in touch with your family, friends and coworkers while on the road. Today's technology offers many options for sharing stories and photos. If you see and hear about what is happening at home, it will help you reconnect when you're back with your family. Of course, driver safety is paramount so make sure the use of technology is limited to when you're pulled over or parked for the night. When you stop for a break, interact with other drivers. Be sociable and build connections.

Most importantly, contact your physician and/or a mental health professional to receive care. Depression is serious, but treatable. Take care of yourself and those around you exhibiting the signs of depression.

Sources: National Institute of Mental Health, WebMD, smart-trucking.com.



# MYTH



# FACT

about depression

## Hard Work Beats Depression

Folk remedies and half-truths about depression abound. One such idea: throw yourself into work and you'll feel better. For a mild case of the blues, this may indeed help, but depression is different. Overworking can be a sign of clinical depression, especially in men.

## It's Not a Real Illness

Depression is a serious medical condition. Biological evidence of the illness comes from studies of genetics, hormones, nerve cell receptors, and brain functioning. Nerve circuits in brain areas that regulate mood appear to function abnormally in depression.

## Depression Is Just Self-Pity

People who have clinical depression are not lazy or simply feeling sorry for themselves. Nor can they "will" depression to go away. Depression is a health problem related to changes in the brain. It usually improves with appropriate treatment.

## Help Means Drugs for Life

Medication is only one of the tools used to lift depression. Studies suggest that "talk" therapy works as well as drugs for mild to moderate depression. Even if you do use antidepressants, it probably won't be for life. Your doctor will help you determine the right time to stop your medication.

## Depressed People Cry a Lot

Not always. Some people don't cry or even act terribly sad when they're depressed. Instead they are emotionally "blank" and may feel worthless or useless.

## Depression Is Part of Aging

Most people navigate the challenges of aging without becoming depressed. But when it does occur, it may be overlooked. Older people may hide their sadness or have different, vague symptoms: food lacks taste, aches and pains worsen, or sleep patterns change. Medical problems can trigger depression in seniors, and depression can slow recovery from a heart attack or surgery.

## Anyone Can Get Depressed

Anyone from any ethnic background can develop depression. It's often first noticed in the late teens or 20s, but an episode can develop at any age. Tough personal experiences can sometimes trigger depression in people who are at risk for the illness. Or it may develop out of the blue.

## It Can Sneak Up Slowly

Depression can creep up gradually, which makes it harder to identify than a sudden illness. A bad day turns into a rut and you start skipping work or social occasions. One type, called dysthymia, can last for years as a chronic, low-level illness – a malaise that silently undermines your career and relationships. Or depression can become a severe, disabling condition. With treatment, many feel substantial relief in 4 – 6 weeks.

## Family History Is Not Destiny

If depression appears in your family tree, you're more likely to get it too. But chances are you won't. People with a family history can watch for early symptoms of depression and take positive action promptly, whether that means reducing stress, getting more exercise, counseling, or other professional treatment.

## Positive Thinking May Help

The old advice to "accentuate the positive" has advanced into a practice that can ease depression. It's called cognitive behavioral therapy (CBT). People learn new ways of thinking and behaving. Distorted negative self-talk and behavior is identified and replaced with more accurate and balanced ways of thinking about yourself and the world. Used alone or with medication, CBT works for many people.

## Exercise Is Good Medicine

Very good studies now show that regular, moderately intense exercise can improve symptoms of depression and work as well as some medicines for people with mild to moderate depression. Exercising with a group or a good friend adds social support, another mood booster.

# Reducing Workers' Compensation Claims Costs

An on-the-job injury is a scary thing for both the employee and the company. Both are concerned about the extent of the injury and the costs. There are actions a company can take to not only assist their employee, but also keep costs as low as possible. Those actions are important so that the injured party doesn't feel the need to engage the services of a lawyer.


When an attorney becomes involved in a workers' compensation claim, costs go up. For example, benefit and expense payments for temporary disability claims with an attorney average \$30,319 versus \$5,598 for those without. Payments for permanent disability claims with an attorney average \$66,208 versus \$25,300 for those without.

Attorneys will usually take home 30 percent of the settlement paid to the claimant. Inflating the value of the claim means an increase in pay. The attorney may direct a patient

to a specific doctor in order to influence treatment or extend the length of medical treatment. The attorney's preferred doctor may increase work restrictions making return-to-work more difficult. Additionally, there are legal costs associated with representation including travel, time, court reporters, mediators, subpoenas and more.

Why do workers feel the need for an attorney? They are anxious, afraid and don't know who to trust. Those feelings arise because the injured party may think no one is working on their claim or that their claim will be denied. They are concerned about receiving medical treatment or medications, possible surgery and mounting medical bills. They may be afraid of being terminated by their employer or being so injured they cannot return to work. That leads to fear of not being able to pay their bills.

Most concerns come down to a lack of communication between the worker and the employer. Other issues can be tied to behaviors of the employer which create an adversarial relationship between the employer and the employee.



**“ The likelihood that an employee will ever return to work decreases with the length of time off of work.**

## ***If one of your workers is injured you can help the process by:***

- Promptly reporting the claim with your insurance carrier
- Sharing insurance information with the injured employee
- Maintaining consistent behavior towards the employee after reporting a claim
- Letting your insurance carrier determine if the claim is valid
- Bringing the employee back to work following a claim
- Offering light or modified duty for your employees

Protective has processes in place to help employers maintain a good relationship with their injured employee. Each claim is put through an internal triage process to make sure the most appropriate adjuster is assigned to that claim. We take into consideration the type of injury, jurisdiction and any red flag indicators such as potential fraud and pre-existing conditions. Once assigned, three-point contact with the claimant, employer and medical provider is made within 24 hours. From there, Protective provides:

- **CUSTOMER COMMUNICATION** on a regular basis to provide proactive status reports, modified duty opportunities, litigation plans, surveillance consideration and claim resolution.
- **CLAIMANT CONTACT** on a weekly basis for the first eight weeks of disability, biweekly during weeks nine through 16 and monthly contact until a successful return to work is achieved or the claim is settled.
- **SUPERVISORS REVIEW CLAIMS** on day seven to confirm that three-point contact has been made and on day 15 to verify compliance with state filing and disability payment requirements. To ensure the claim is moving toward resolution, it is reviewed every 30 to 45 days thereafter by the adjuster and the unit supervisor.
- **A NURSE CASE MANAGER** triages all indemnity claims on day 14 to ensure medical management is progressing and every 30 days thereafter depending on the severity of the injuries.
- **COMPENSABILITY** will typically be determined within 14 days.

## ***Alternative Return-to-Work Program***

Many employers either do not have light or modified duty available or do not want to bring claimants back into the workplace. Return-to-work programs benefit everyone involved through:

- Keeping employee's active and more engaged
- Maintaining communication with the claimant and employer
- Reducing claim duration and costs

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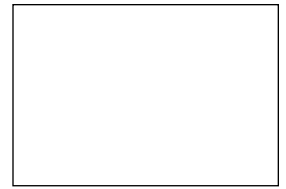
- Off one month = **90%** likelihood of return
- Off six months = **50%** likelihood of return
- Off 12 months = **5%** likelihood of return

One option for a return-to-work program is available through ReEmployAbility and its Transition2Work Program. ReEmployAbility's Transition2Work Program provides transitional employment with a nonprofit agency for an injured employee when the employer is unable to accommodate a temporary light duty work release. The Program:

- Bridges the gap between injured employees' capabilities and employer's ability to accommodate modified duty on-site
- Encourages faster recuperation and return to work while potentially reducing medical costs
- Promotes social responsibility, community outreach, and goodwill while exposing employee to meaningful work
- Helps avoid 'disability syndrome,' improves workplace morale, and retains a valuable employee
- Improves employee's sense of value and self-esteem by reintroducing employee to work routine
- Reduces claim duration and costs which can significantly impact experience modification, reserves, and future premiums

Learn more about their Program at [www.reemployability.com](http://www.reemployability.com).

*Sources: California Workers' Compensation Institute, Bureau of Labor Statistics, American Society of Safety Engineers, A Physicians Guide to Return to Work*



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