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## **Employer Silence is Root of Many Workers Comp Problems**

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Amaxx Risk Solutions, Inc.

Workers Compensation Research Institute (WCRI) has published a most welcome study into the reasons that workers get compensation lawyers. The most disturbing reason, cited by 46% of workers surveyed, was that they thought their claims had been contested, even though the paperwork had just begun and no decisions had yet been made.

People working with claims, any kind of claims, understand that there is an initial lag, ranging from days to months, before an administrative agency becomes active on a claim. An insurance company usually, but certainly not always, is quicker to respond, but “quick” might mean weeks, and a family suddenly without a weekly check and little or no savings will be on the verge of panic.

### **Lawyer Should Not Be One Communicating with Worker**

If they consult a lawyer, they will quickly learn that the resolution is inevitably going to take time. But why must they hear that from a lawyer? Every risk manager or human resources chief could tell them that a lot faster (and cheaper!)

But there is something else your personnel can tell a worker who has just filed a comp claim – how to receive information and, if necessary, some form of income continuation. (A lawyer could tell them the same, but many don’t and it isn’t nearly as comforting as hearing it from the employer.)

The study mentioned another fact. When an employer is small enough to know everyone in the workplace (say 200 employees or so) comp problems grow more slowly than when the employee has no one in charge who knows them. (Julius Caesar was famed as a military leader because he could address all centurions in his army by their names—over 500. If he could do it, with a bit of effort you can do it with 200.)

### **It is Your Responsibility**

Finally, there is the old problem of “falling between two stools”, meaning that there is always help at hand, but everyone assumes that someone else will provide it. Rather than rely on a disastrous assumption, just reach out and communicate. An employer that stays in continuous touch during the month or two following a reported injury will be the first to learn of a problem, and the first to propose a solution. And somewhere, a lawyer won’t get that first phone call.

If a worker (and the spouse!) is aware that the employer will nudge a silent bureaucracy with a call, the comp problems will start small and grow smaller.

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