



WORKPLACE SAFETY

As Heatwaves Intensify, Protect Outdoor Workers

FED-OSHA is getting closer to releasing proposed language for a heat illness prevention standard for indoor and outdoor workers.

Text of the proposal, sent in mid-June to the White House's Office of Information and Regulatory Affairs, hasn't been made public.

As our summers get hotter and more parts of the country regularly battle sweltering heatwaves, it's imperative that employers take steps to protect their outdoor workers.

Between 2011 and 2021, there were 436 work-related deaths caused by environmental heat exposure, according to the Bureau of Labor Statistics. In 2022, there were 43 work-related fatalities, up from 36 in 2021, but down from 56 in 2020.

While the proposed language of the heat illness prevention standard has not yet been introduced, but it will likely be similar to what the agency recommends on a section of its website dedicated to heat illness prevention. The web page contains a number of resources, including a manual for preparing a prevention plan, and training documents and information for workers. Here's what it recommends.

OSHA previously said protection mandates would kick in any time the heat index reaches 80 degrees Fahrenheit.

SIGNS OF HEAT ILLNESS AND RESPONSE

If worker has the following signs:

- Headache or nausea
- Weakness or dizziness
- Elevated body temperature
- Thirst
- Decreased urine output

If worker has the following signs:

- Abnormal thinking or behavior
- Slurred speech
- Seizures
- Fainting
- Heavy sweating or hot, dry skin

Take these actions

- Move to a cooler area.
- Give cool water to drink.
- Remove unnecessary clothing.
- Cool with water, ice or a fan.
- Do not leave them alone.
- Seek medical care if needed.

Take these actions

- Call 911 immediately.
- Cool the worker right away with water or ice.
- If possible, move the person to a cooler or shaded area.
- Stay with the worker until help arrives.

Planning and training

To ensure an organized approach, you should start by putting a prevention plan together and designating someone in your organization to be in charge of it. They should be trained in heat hazards, heat illness symptoms and heat controls.

Workers should be trained on heat illness risks, symptoms and response procedures, as well as prevention methods. Train workers in a language and format they understand.

Acclimatization

Most deaths occur in the first week of work.

Allow new or returning workers to gradually increase duration of exposure to high heat and take more frequent breaks during the first week as they build a tolerance.

Designate a shaded break area

Designate a shady or cool area for breaks and provide drinking water. Natural shade is best, but portable tents and shelters will do.

Encourage workers to drink 1 liter per hour (about one cup every 15 to 20 minutes).

See 'Plan' on page 2

If you have any questions regarding any of these articles or have a coverage question, please call us at:

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NEW RULEMAKING

EEOC Issues Updated Workplace Harassment Guidance

THE EQUAL Employment Opportunity Commission has issued updated workplace harassment guidance for employers, increasing possible exposure to employee-initiated lawsuits.

These are federal guidelines, meaning that they open a new avenue for potential employment practices liability exposure. Employers should understand this new guidance to ensure they don't run afoul of the law and risk being sued by a worker.

The guidance includes the following:

Sex-based harassment

The guidance expands the definition of sex-based harassment to include harassment related to breastfeeding, morning sickness, contraception and decisions to obtain — or not obtain — an abortion.

It also expands protections to include harassment based on sexual orientation and gender identity.

An example of the latter would be an employer intentionally and repeatedly using a name or pronoun that is inconsistent with the worker's gender identity, or denying access to bathrooms that are consistent with their identity.

Virtual harassment

The guidance states that harassment can occur in the "virtual work environment," such as through the firm's e-mail system, electronic bulletin boards, instant message systems, videoconferencing technology, intranet or official social media accounts.

The EEOC stated that while off-duty offensive social media posts sent on work systems generally don't constitute harassment, they may if they impact the workplace, such as if the postings are directed at a particular employee or employer and are referenced at work.

The agency also stated that even if offensive material is sent while off-duty on non-work systems, like using personal phones or tablets to text harassing messages or making derogatory posts on their own social media accounts, it could be considered illegal.

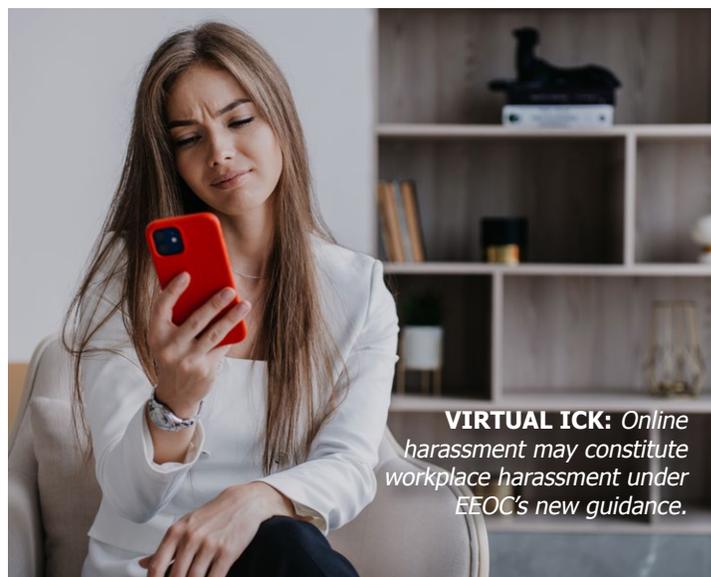
The takeaway

The EEOC has designated workplace harassment as an enforcement priority.

You should update your anti-harassment policies and procedures in your employee handbooks to reflect the changes to EEOC guidance. Managers and supervisors should be trained in the new guidance as well. ❖

Policies the EEOC Recommends

- Define what conduct is prohibited.
- Be comprehensible to workers, including those whom you have reason to believe might have barriers to comprehension, such as limited literacy skills or proficiency in English.
- Require supervisors to report harassment incidents.
- Offer multiple ways to report harassment.
- Identify points of contact to whom reports of harassment should be made, including contact information.
- Explain your firm's complaint process, including the anti-retaliation and confidentiality protections.



VIRTUAL ICK: Online harassment may constitute workplace harassment under EEOC's new guidance.

Continued from page 1

If You Have Outdoor Workers, You Can Take Action Now

Modify work schedules

You can:

- Reschedule non-essential to days with a reduced heat index.
- Shift physically demanding work to cooler times of the day.
- Rotatate workers, add extra workers, or split shifts.

Emergency response procedures

Have an emergency plan in place for each worksite that includes:

- What to do when someone is showing signs of heat illness.

- How to contact emergency services.
- Appropriate first aid measures until medical help arrives.

The takeaway

While OSHA's final heat illness prevention standard has yet to be finalized, you can take action now.

If you have outdoor workers and do not already have a heat illness prevention plan, you should create one immediately. The consequences are too great in our increasingly hotter summers. ❖

CYBERATTACK STUDY

Business E-Mail Compromise Scams Top Threat

BUSINESS E-MAIL compromise scams are now the most common type of cyberattack companies face, and all types of these attacks are showing no signs of letting up, according to a new report.

Nearly three out of every four businesses were targets of these attacks and 29% of those firms became victims of successful attacks, according to the report by Arctic Wolf, a cyber-security firm.

While this has become the most common type of attack, a number of other schemes like ransomware attacks and data breaches continue growing in number.

Any of these attacks can drain a company's finances and result in tricky legal and possibly reputational issues that take time and money to resolve.

The trends

The main threats businesses face, according to the report, are:

Business e-mail compromise (BEC) – Seven in 10 organizations surveyed said they had been targeted by these types of scams.

Some examples of BEC attacks include impersonating company executives to request wire transfers, falsifying invoice payment details, and tricking employees into revealing sensitive information. These scams can result in significant financial losses for businesses.

CAUTION: For businesses that use cloud-based e-mail services like Microsoft 365, these attacks are hard to detect since they don't reside on company servers.

With many organizations moving to cloud-based e-mail services, these types of attacks can be difficult to identify with traditional security tools and may go undetected until they have successfully executed their objectives.

Data breaches – Nearly half (48%) of organizations surveyed reported that they'd found evidence of a breach in their systems. The authors said that does not mean that the other 52% didn't suffer a breach; it means they failed to find evidence of one.

Ransomware – Some 45% of organizations surveyed admitted to being the victim of a ransomware attack within the last 12 months. These attacks usually involve criminals gaining access to a company's system by getting an employee to click on a malicious link, after which they lock down the system and demand a ransom to unlock it.

Increasingly, perpetrators are also stealing data and demanding a second ransom to give it back and not release the data to others.

What you can do

How to Protect Against BECs

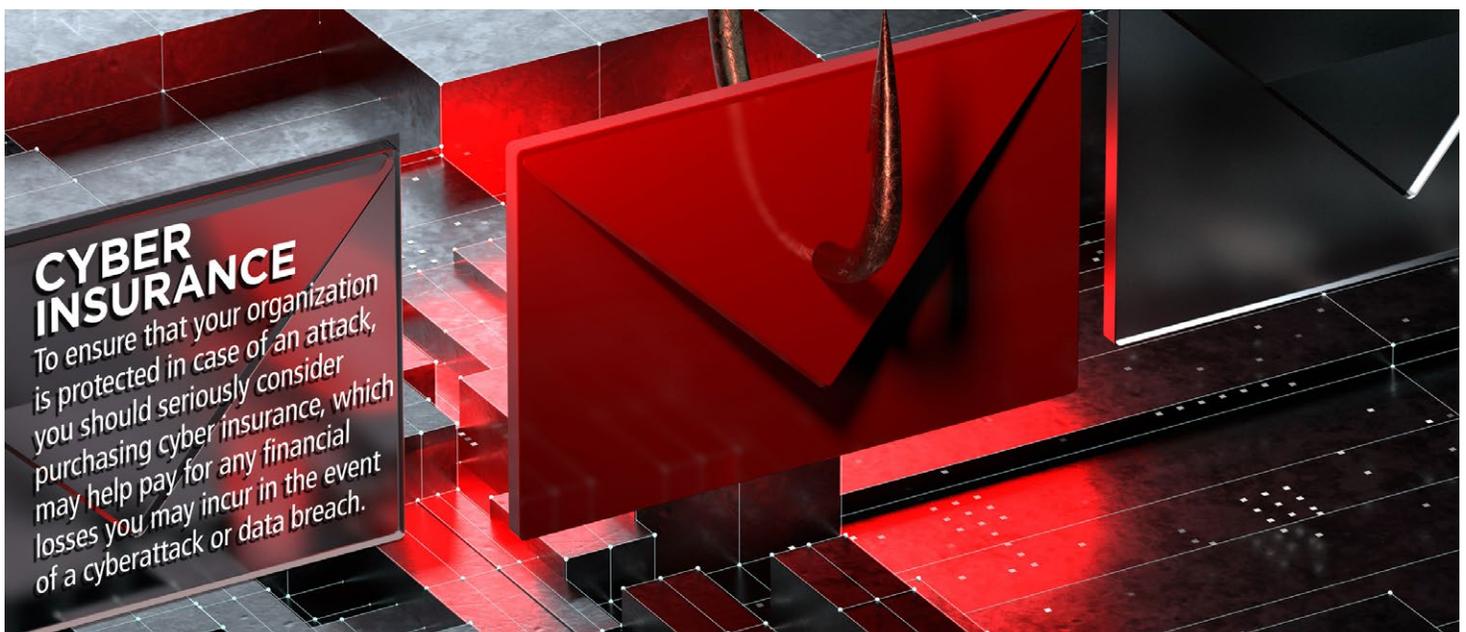
- Register all domain names that are similar to the business's legitimate website and can be used for spoofing attacks.
- Create rules that flag e-mails received from unknown domains.
- Monitor and/or restrict the creation of new e-mail rules on your servers.
- Enable multi-factor authentication.
- Conduct BEC drills, similar to anti-phishing exercises.
- Companies that use Microsoft 365 or other cloud-based e-mail services, should employ detection tools or services specifically designed to monitor for threats related to BEC scams.

To combat ransomware:

Regularly back up system. Verify your backups regularly. This way you can restore functions if hit by ransomware.

Store backups separately. In particular, store backups on a separate device that cannot be accessed from a network, such as on an external hard drive.

Train your staff. Teach them how to spot possible phishing e-mails that are designed to convince an employee to click on a malicious link that will release the ransomware. ❖



WORKPLACE SAFETY

A New Approach to Preventing Injuries

WHILE OVERALL workplace injuries have been falling for years, the number of deadly and catastrophic injuries is climbing.

A new report recommends that employers focus their injury prevention efforts on reviewing accidents that could have resulted in serious injury or death, as well as when potentially serious incidents were narrowly avoided.

To identify events that can lead to serious injury, the report recommends analyzing:

- Precursors to accidents
- Near misses
- All recordable injuries.

By identifying potential precursors to accidents and near misses, employers can educate their workers to recognize those precursors so they can take corrective action to avoid an incident. One key component of this method is to identify which smaller accidents or near misses had the most potential to inflict serious injury or death.

Report Recommendations

- Focus on internal processes (rather than human error) that could lead to serious injuries.
- Focus on identifying and fixing holes in your safety management system.
- Examine your workplace culture in regards to safety.
- Change or modify work processes to reduce the chances of human error affecting safety.
- Do not blame the injured worker.

Source: "Serious Injury and Fatality Prevention: Perspectives and Practices" report, by the Campbell Institute

Reporting near misses

- Establish a system for reporting near misses.
- Address issues such as workers being afraid of the consequences for reporting a near miss. Try to instill trust among your workers that they won't be punished for a near miss, and that reporting them can help prevent future serious injuries.
- Define what constitutes a near miss.
- Get buy-in from management to foster a culture of reporting near misses.
- Make reporting simple.
- Make sure that your investigation includes a precise log of what led up to the near miss, as well as the root cause.
- Take corrective action after conducting the investigation.

Rolling out the plan

When rolling out the plan, hold a safety meeting explaining to employees why the company is focusing on the smaller incidents and near misses, and how a minor incident can turn major.

Be innovative in how you tackle workplace safety. For example, *Risk and Insurance* magazine reported that some large employers have worked with the criminology departments of local colleges to analyze injuries and near misses, in order to help identify what they could have done to prevent them.

The report found that employers using this method enjoyed significant reductions in workplace injuries. ❖

