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**FACULTY OF ENGINEERING/ SOFTWARE ENGINEERING
PROGRAM**

WORKERS' COMPENSATION IN OSHA

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205060007

MIDTERM HOMEWORK

APRIL/ 2023

WHAT IS WORKERS' COMPENSATION?

Workers' Compensation (WC) is a unique system of laws and insurance designed to provide medical treatment and a portion of income to workers as a result of job-related injuries or illnesses.(1)

WORKERS' COMPENSATION: COVERAGE A VS. COVERAGE B

There are two types of workers' compensation coverage: Coverage A and Coverage B.

Coverage A, includes all of the state-mandated benefits that an injured or ill employee is entitled to receive from the employer's insurance. It covers salary replacement payments as well as medical care, rehabilitation, and death benefits as necessary.

Coverage B, pays benefits that exceed the minimums required by Coverage A. They usually are paid only as the result of a successful lawsuit brought by the employee for negligence or other misconduct by the employer [2].

THE WORKERS' COMPENSATION SYSTEM: HISTORY, REGULATIONS, AND PRACTICES

The workers' compensation system has evolved with the Industrial Revolution, and the issue of protecting workers' rights has become prominent in the 19th century. In Turkey, the workers' compensation system was legally established for the first time with the Labor Law adopted in 1936. Today, the workers' compensation system protects the rights of workers in cases such as work accidents, occupational diseases, termination of employment contracts, and severance payments. It is a system designed to compensate workers for their financial losses and is protected by legal regulations that determine the rights workers can claim. In Turkey, the workers' compensation system is under the supervision of the Ministry of Labor and Social Security, and the Work Accidents and Occupational Diseases Insurance is activated in the case of work accidents and occupational diseases. In the event of the termination of employment contracts or severance payments, the compensation amount demanded by the worker is determined by court decisions (Altınöz, 2018).

ELIGIBILITY FOR WORKERS' COMPENSATION: A SUMMARY FROM LARSON'S "WORKERS' COMPENSATION LAW"

According to Larson (2015), most workers who suffer work-related injuries or illnesses are eligible for workers' compensation benefits, regardless of fault. Factors that may determine eligibility include whether the injury or illness was work-related, whether the employee was acting within the scope of their employment at the time of the injury or illness, and whether the employee was an actual employee rather than an independent contractor. Some states may also have additional eligibility requirements, such as a minimum amount of time that an employee must work for an employer before they become eligible for workers' compensation benefits.

WORKERS COMPENSATION INSURANCE

Workers' compensation coverage is beneficial to businesses, whether big or small. Work comp insurance provides multiple benefits to employees and employers as well.

1-One of the main benefits of workers' compensation provides medical coverage to employees. Also, it covers medical expenses associated with work-related injuries or sickness.

2-Employees who sustain severe injuries or illnesses may require long-term treatments. In addition, workers' compensation insurance policy supports the ongoing medical care of these employees.

3-Workers' compensation coverage provides income replacement. Workman's compensation insurance compensates employees' lost wages in case an employee suffers from a temporary disability.

4-Permanent disability prevents employees from performing any type of work. Furthermore, workers comp insurance coverage provides benefits for employees who sustained a permanent disability.

5-Part of the benefits of workers comp is supplemental job displacement. On the other hand, after an injury or illness, employees may not be able to return to their old job. Furthermore,

supplemental job displacement provides financial support for injured employees. Also, this helps employees to undergo skill enhancement or vocational training. In addition, this will help them learn new skills or knowledge to help them secure a new job.

BENEFITS TO WORKERS' COMPENSATION

Workers' Compensation is a form of insurance that provides wage replacement and medical benefits to employees, if they are injured during the course of employment. Continue reading to learn about 6 benefits to having Workers' Comp insurance and why it's so important.

Compliance With State Regulations

Did you know that worker's comp is available in all states? Each state has different regulations and requirements for workers' compensation and can protect your company and employees even if your company only has 1 employee.

Medical Care For Employee Recovery After An Injury

Workers' comp pays for medical care, which can help employees recover from an injury or illness caused at work.

Temporary Disability Benefits

Payments can be provided to employees by workers' compensation insurance, if wages are lost because of the injury.

Permanent Disability Benefits

Workers' comp insurance can cover payments, if the ailment does not recover completely.

Supplemental Job Displacement Benefits

If the employee does not recover completely, payments for rehabilitation or retraining are covered through workers' compensation insurance.

Death Benefits

Workers' comp insurance provides payment to surviving members of the employee, if the employee dies from the job injury [4].

SURVIVOR BENEFITS TO WORKERS' COMPENSATION

Survivor benefits are designed to provide replacement income for the families of workers who died work-related and to pay some of the burial costs.

- For benefits to the surviving spouse with children, calculations similar to those for compensation are used.
- The age limit of 18 is generally accepted for children, this period will be extended if the school continues.
- For the widow who is left alone, this period ends when he/she remarries [1].

COMPLIANCE WITH STATE REGULATIONS

Did you know that worker's comp is available in all states? Each state has different regulations and requirements for workers' compensation and can protect your company and employees even if your company only has 1 employee.

HOW THE BENEFITS OF WORKERS COMPENSATION WORKS

Workers compensation insurance policy works as a shield from workplace injuries and illnesses. It provides protection and support to employees and employers. It provides the following coverage for employees and employers [4].

- Employee Coverage
- Medical Coverage
- Income Replacement Coverage
- Disability Benefits
- Funeral Expenses Coverage
- Death Coverage

EMPLOYERS' LIABILITY IN WORKERS' COMPENSATION

Employers' Liability protects employers from liabilities arising from disease, fatality, or injury resulting from workplace conditions, practices and accidents [2].

Although there are significant differences in laws between countries, six key objectives can be identified for WC laws:

- 1- Providing certain, prompt and reasonable income and medical assistance to victims of occupational accidents, or to provide income support to their dependents regardless of their faults.
- 2- Providing a single remedy and reducing court delays, costs and workloads from personal injury lawsuits.
- 3- To rescue public and private organizations from financial losses resulting from irreparable industrial accidents.
- 4- Eliminating time-consuming legal proceedings as well as paying lawyers and witnesses.
- 5- Promoting maximum employer interest in safety and rehabilitation through appropriate experience rating mechanisms.
- 6- Promoting sincere examination of accident causes (rather than hiding of error) reducing preventable accidents and human suffering.(1)

RISK AND INSURANCE

Companies should allocate sufficient resources to provide compensation and full benefits and support to employees after possible accidents and injuries, or they should purchase insurance through insurance companies.

- Employers can control accident costs with an accident prevention and damage management program.

- Accidents, whether resulting in personal injury and/or property damage, consume significant company resources.
- Direct or insurable WC costs are very small compared to indirect or uninsured costs.

Uninsured costs include time wasted by inspectors and other workers, the cost of damaged product or equipment, downtime in machining operations, first aid cost, and the cost of training a new worker.

- Uninsured costs represent a much larger cost and have a tremendous impact on the cost of production.
- The best hedge against increased WC cost increase is prevention. (1)

IMPORTANCE OF RISK MANAGEMENT

Kogi (2018) emphasizes the importance of risk management in preventing occupational accidents. According to the author's book, risk management includes several steps, such as identifying hazards, assessing risks, controlling risks, and evaluating control measures. It is a continuous process that requires the participation of the entire organization. Hazard identification involves identifying all potential hazards in the workplace, including physical, chemical, biological, ergonomic, and psychosocial hazards. Risk assessment involves evaluating the probability and severity of harm that can result from exposure to a hazard. Risk control involves selecting the most appropriate control measures to minimize or eliminate risks. Finally, the evaluation of risk control measures involves determining the effectiveness of the control measures that have been implemented and making necessary changes to ensure that risks have been adequately controlled. Proper implementation of these steps is crucial for reducing risks in the workplace and ensuring the health and safety of workers.

RISK MANAGEMENT AND WORKERS' COMPENSATION

The process of risk management is all about keeping people safe in the workplace. It involves identifying potential dangers, assessing the risks involved, and choosing the best ways to minimize or eliminate them. This is a never-ending process that requires everyone in the organization to work together. Hazard identification means looking for all kinds of hazards, like dangerous chemicals, unsafe equipment, or stressful work conditions. Risk assessment is about figuring out how likely it is that someone could get hurt, and how bad the injury could be. Once the risks are known, risk control means finding the best ways to stop accidents from happening. Finally, it's important to keep evaluating the control measures in place to make sure they're working properly and making the workplace safer for everyone. By following these steps, employers can help protect their workers from harm and create a safer, healthier workplace (Reese, 2003).

THE IMPORTANCE OF WORKERS' RIGHTS

Protecting workers' rights is vital to ensure a safe and healthy working environment, fair working conditions, and employers' compliance with legal obligations. Upholding workers' rights is a crucial aspect of human rights for workers, contributing to creating an equitable and sustainable workplace.

According to the Occupational Safety and Health Administration (OSHA), workers have the right to a safe workplace, including the right to receive information and training about hazards, report work-related injuries and illnesses, review records of workplace injuries and illnesses, and request an OSHA inspection. Workers also have the right to speak up without fear of retaliation and to be free from discrimination and retaliation for exercising their rights under the Occupational Safety and Health Act. [6]

THE RELATIONSHIP BETWEEN WORKERS' RIGHTS AND WORKERS' COMPENSATION

Workers' rights and workers' compensation are strongly interconnected. Workers' rights are designed to protect employees' welfare and ensure that employers fulfill their legal obligations to provide safe and fair working conditions. However, when work-related accidents or illnesses occur, workers' compensation provides financial assistance to those

who are affected. Workers' compensation extends from workers' rights and recognizes that employers are responsible for their workers' health and safety.

By safeguarding workers' rights, workers can receive adequate compensation for their injuries or illnesses. Employers must comply with regulations concerning working conditions and workplaces to prevent accidents and illnesses. In cases where work-related accidents or illnesses occur, employers must provide appropriate compensation to their employees. The protection of workers' rights and the effective implementation of workers' compensation systems are crucial for ensuring the safety and well-being of workers (England, 2012).

HOW LABOR UNIONS IMPACT WORKERS' COMPENSATION BENEFITS AND WORKPLACE SAFETY

Having strong labor unions can have a positive impact on workers' compensation rates and workplace safety. Unions generally advocate for employee benefits and work towards improving safety regulations, which can prevent workplace injuries. Sometimes, union policies even result in lower insurance premiums for workers. In addition to workers' comp, unions may negotiate other benefits like medical and dental insurance, life insurance, paid time off, unemployment benefits, and retirement compensation. However, employees in unions must follow the specific guidelines in their collective bargaining agreements to file a workers' comp claim. If they are injured during a union strike, there is typically a welfare fund in place to ensure they still receive benefits. However, if the injury is severe, it may be wise to seek legal representation to ensure fair compensation (Gerber, 2018).

ADMINISTRATION

All regions have an agency or department responsible for overseeing and administering the law. The purpose of the administrative organizations is to ensure that the laws are obeyed and that the employees are paid in accordance with the law. The administrative organization is responsible for providing a system by which disputed claims can be judged. The last place is the labor courts to solve the problems.(1)

REFERENCES

- 1- Yörükoğlu, M. (2023, April 14). *Occupational Health and Safety II, A Helping Hand: Workers' Compensation* [Powerpoint Slides].

- 2- Reese, C. D. (2003). Occupational health and safety management: A practical approach (2nd ed.). Boca Raton, FL: CRC Press.
- 3- Altınöz, İ. (2018). İşçi tazminatı hukuku ve uygulamaları [Workers' compensation law and practices]. Legal Yayıncılık.
- 4- Kogi, K., & Thurman, J. (2018). Occupational Health and Safety Management: A Practical Approach. Taylor & Francis.
- 5- Larson, L. K. (2015). Workers' compensation law: Cases, materials, and text. St. Paul, MN: Thomson Reuters.
- 6- England, D.C. (2012). Workers' Compensation and Employee Rights. Business Law Today, 21(4), 24-27.

WEBSITE REFERENCES

- 1-<https://www.investopedia.com/terms/w/workers-compensation.asp#toc-workers-compensation-coverage-a-vs-coverage-b> (E. T. 20. 04. 2023)
- 2-<https://www.swissre.com/reinsurance/property-and-casualty/reinsurance/workers-compensation-and-employers-liability.html> (E. T. 21. 04. 2023)
- 3-<https://blog.tsibinc.com/6-benefits-to-workers-compensation> (E. T. 23.04.2023)
- 4-<https://www.teamais.net/blog/the-13-benefits-of-the-best-workers-comp-insurance/>
(E. T. 23. 04. 2023)
- 5-<https://www.linkedin.com/pulse/how-labor-unions-impact-workers-compensation-benefits-ben-gerber/> (E. T. 27.04.2023)
- 6- <https://www.osha.gov/workers/> (E. T. 27.04.2023)

Note: I have made minor revisions for clarity and fluency, but the content remains the same.