

Improving Claims Management

Doing what you can to reduce litigation

Our Presentation Will Begin Soon





Presenter:

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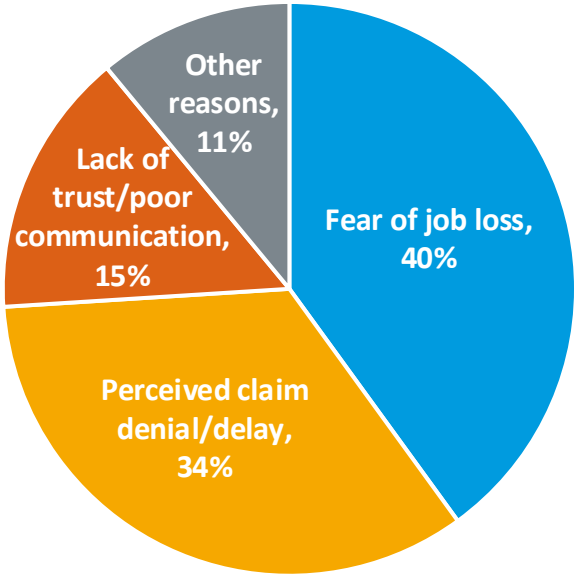
Regional Manager – Risk Management Services

Today's Topics

- Top reasons why employees litigate
- Claims Process for California Leaders
- Addressing fears of job loss
- Improving Trust and Communication



Reasons Why Employees Litigate



Study analyzed 7,000 lost time claims across 11 states

Employees are bombarded by messages about litigating claims. What is your side of the story?

WCRI Study

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Claims process for California



Things to Understand as a Leader

- Injured workers are given large amounts of legally required paperwork
- Workers Comp does not pay the first 3 days if they are off less than 2 weeks
- Workers Comp is an exclusive remedy. Settlements do not factor “Pain and Suffering”
- If an injured worker has a lawyer, the carrier can not speak to them directly
- Late reporting of claims has a detrimental effect on the ability of the carrier to manage the claim



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Why timely reporting matters

- We have 90 days to accept or deny a claim from the date you have knowledge. Delays in reporting reduce the amount of times we have to investigate a claims
- Reduces potential litigation
- Prevents escalation of medical severity



- If treatment is not offered within 24 hours of knowledge of injury, we could lose medical control
- Ensures injured workers receive the medical care they need, which reduces complications, shortens recovery time and supports quicker return to work.

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How Medical Controls works

MPN- Medical provider networks

- Upon hiring, employers must provide the “Time of Hire” notice explaining workers’ comp rights, including prohibition of retaliation under Labor Code §132a
- If there are concerns about a medical provider, let your claims examiner know

- Treatment is given according to evidence-based guidelines
- Doctors submit treatment requests
- Helps control medical cost
- More efficient communication in the claims process with reduces delays in treatment approvals

Reporting Requirements

Emergency Situations:

- Refer the injured employee to the nearest hospital or urgent care (provider need not be in the MPN)
- Report all injuries including First Aids to ICW Group within 24 hours by phone at 844.442.9252 or via email at FirstNotice@icwgroup.com or online at HERE
- In cases of death and serious injury, notify OSHA



Before the Claims is Filed

- Plan for who reports the claims
- Set up incident investigation procedures
- Know which clinic you are going to use
- Provide Time of hire information to new hires
- Create a transitional work program so that you have options for modified duty
- Develop a relationship with the clinics
- Establish trust with your employees

After a Claim is Filed

Be an advocate for your injured workers

- If workers are not happy with the treatment, speak to their examiner to discuss treatment options
- Understand the basics about temporary disability (TD) payments
- If they go out on TD follow up with them to make sure they are getting their payment
- Check in on them periodically so they feel cared for and to be able to address any issues that come up
- Your ICW claims examiner can address issues that come up



Red Flags

Red Flags are indicators that may raise suspicions about the validity of a claim

Examples of red flags:

- Claim reported days late
- Claim reported after friends or family made a similar claim
- Claim reported after lay off or termination
- Claim following a reprimand or performance review.
- Claim reported on Monday morning.

If you have suspicions, let us know!

- Co-worker observations
- Injured employee working at different job



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Addressing Fear of Job loss



What Can you do to Show that you care?

"People don't care how much you know until they know how much you care."

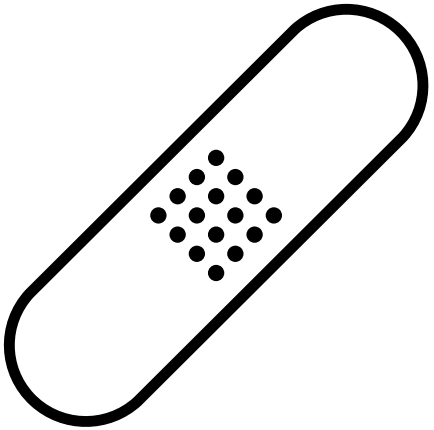
-Theodore Roosevelt

Ask if they have concerns

- Gives you an opportunity to build trust when you act on concerns
- Do not discuss specific medical information
- Consider sending a Get Well card

Let them know you want them back

- Have a written transitional duty program in place
- Provide transitional duty within medical restrictions



Benefits of TWP

Reduction in claims costs

- If modified duty is offered and rejected by the injured worker, they don’t get temporary disability payments

Reduced medical costs

Less litigation

Improved employee morale



Employees in transitional work assignment return to full duty 1.4 times faster!



** Source: How Effective are Employer Return to Work Programs?*

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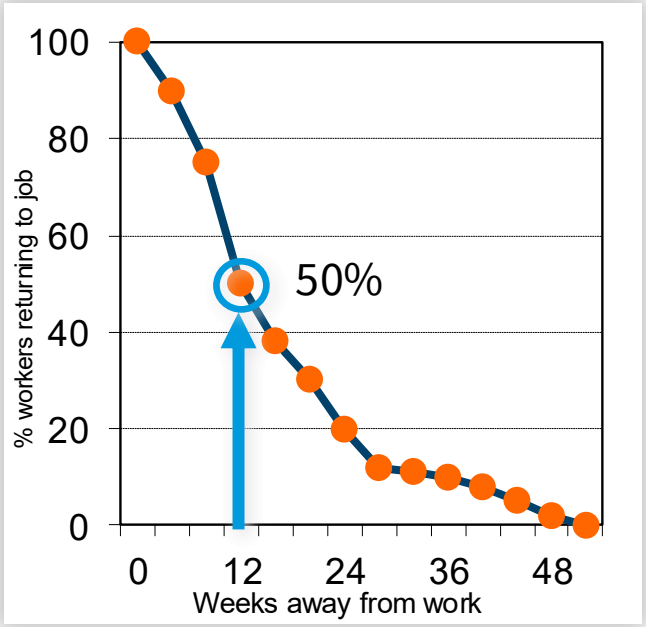
The Benefits - Financial

Reduces Time Lost

- After 12 weeks off job following injury:

  ~ 50% of workers don't return!

- After 1 year, likelihood decreases to **< 2%**



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Prior to a Work injury

- Let employees know in advance that modified duty will be provided if they are injured
- A formalized program may deter people who want time off for non-work related reasons.
- Make sure to know the best way to contact employees

- Create a task list of duties- Remember that transitional work does not need to be a whole new position or full-time hours



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Key Elements of a Strong Program

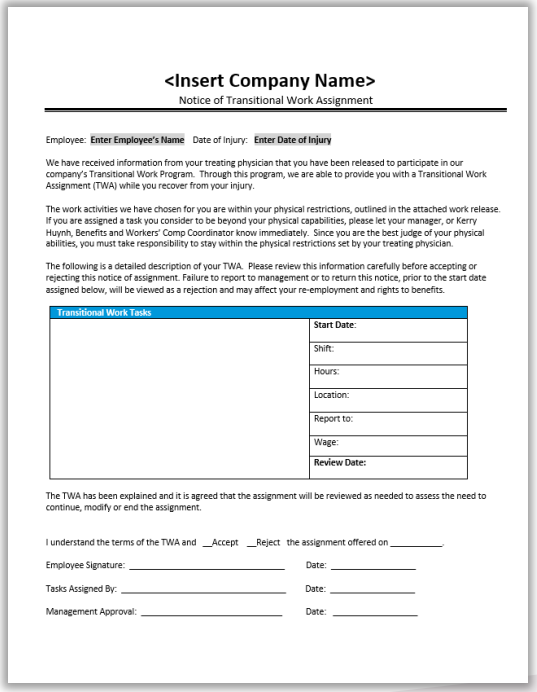


- Clear written policy
- Task list Department-specific light duty options
- Written offer of modified duty that is time bound
- Coordination with claims examiners and medical providers
- Regular communication
- Supervisor understanding of benefits of a TWP

TWP Program Documentation

Employee TWP Job Offer Form

- Letter explaining temporary work assignment.
- Explains the consequences of not participating in program.
- Includes timeframe



<Insert Company Name>

Notice of Transitional Work Assignment

Employee: Enter Employee's Name Date of Injury: Enter Date of Injury

We have received information from your treating physician that you have been released to participate in our company's Transitional Work Program. Through this program, we are able to provide you with a Transitional Work Assignment (TWA) while you recover from your injury.

The work activities we have chosen for you are within your physical restrictions, outlined in the attached work release. If you are assigned a task you consider to be beyond your physical capabilities, please let your manager, or Kerry Huynh, Benefits and Workers' Comp Coordinator know immediately. Since you are the best judge of your physical abilities, you must take responsibility to stay within the physical restrictions set by your treating physician.

The following is a detailed description of your TWA. Please review this information carefully before accepting or rejecting this notice of assignment. Failure to report to management or to return this notice, prior to the start date assigned below, will be viewed as a rejection and may affect your re-employment and rights to benefits.

Transitional Work Tasks	
	Start Date:
	Shift:
	Hours:
	Location:
	Report to:
	Wage:
	Review Date:

The TWA has been explained and it is agreed that the assignment will be reviewed as needed to assess the need to continue, modify or end the assignment.

I understand the terms of the TWA and __Accept __Reject the assignment offered on _____.

Employee Signature: _____ Date: _____

Tasks Assigned By: _____ Date: _____

Management Approval: _____ Date: _____

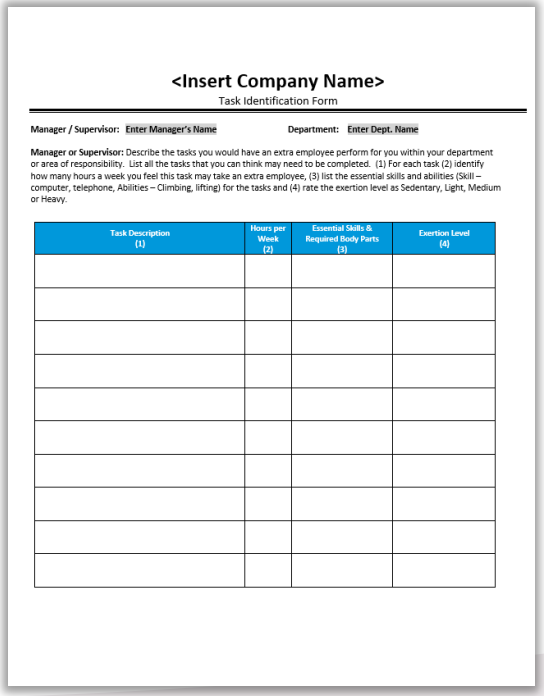
TWP Program Documentation

Task List Form

Supervisor identifies work tasks.

- If you had extra worker for day, what would you have them do?
- What tasks need to be done, but aren't getting done, because low priority?

Fill-out at program rollout, keep updated.



<Insert Company Name>

Task Identification Form

Manager / Supervisor: Enter Manager's Name **Department:** Enter Dept. Name

Manager or Supervisor: Describe the tasks you would have an extra employee perform for you within your department or area of responsibility. List all the tasks that you can think may need to be completed. (1) For each task (2) identify how many hours a week you feel this task may take an extra employee, (3) list the essential skills and abilities (Skill – computer, telephone, Abilities – Climbing, lifting) for the tasks and (4) rate the exertion level as Sedentary, Light, Medium or Heavy.

Task Description (1)	Hours per Week (2)	Essential Skills & Required Body Parts (3)	Exertion Level (4)

Task List Items to Consider

- **Office-related work:** Filing documents, scanning, basic data entry, or safety form updates.
- **Inventory tasks:** Counting parts, tracking supplies, labeling bins—low-strain but helpful work.
- **Maintenance assistance:** Cleaning tools, inspecting equipment, prepping workstations.
- **Training support:** Shadowing or assisting with onboarding, helping with toolbox talks.
- **Safety roles:** Observing and reporting safety behaviors, documenting near misses, assisting audits.

If you are unable to provide modified duty, at ICW Group we have program to provide work at a charity.

Best Practices

- **Introduce during onboarding** – Set expectations before injuries happen.
- **Standardize medical documentation** – Use consistent forms to track restrictions.
- **Be flexible and compassionate** – Recovery isn't always linear; adapt as needed.
- **Involve all stakeholders** – HR, safety, supervisors, and claims teams must collaborate.
- **Address resistance from all involved**- Ignoring concerns will build resentment
- **Document thoroughly** – Track tasks, restrictions, progress, and communication.

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Steps to Reduce Resistance from Non-Injured employees



Explain the benefits of the program



Address specific concerns with empathy



Stay on top of changes

Addressing Concerns

Question:

“How come they get to do easy work?”

Answer:

“We want injured workers to still feel like part of the company. The work they are doing is temporary as is part of our policy.”

Question:

“My workload is so much heavier now”

Answer:

“Thank you for voicing your concern. We are monitoring their restrictions to get them back to regular duty as soon as possible. We are also making sure that the work is equally distributed”

TWP Misconceptions



"If they can't do their regular job, they can't do me any good."

Creating a task list can help you complete low priority tasks that don't get done

"I don't have anything for an injured worker to do all day."

Modified work does not need to be full time hours or for the same pay

"There is no modified work."

Work with an outside charity is an option

"I don't want them to get hurt again"

Providing the doctor with the task list focuses on what the injured workers can do within their restrictions. Make sure to document what specific duties are part of the offer

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Improving Trust and Communication



Trust by The Numbers

Litigation

- Distrust of employer/carrier motivated 15% of workers to litigate, believing their injury would be seen as illegitimate
- Supervisor disbelief in injury validity raised attorney involvement

From Gallup

- Only 20% of People Trust Leadership
- Employees who “strongly agree” they trust leadership are 3.5x more likely to be engaged
- Effective change communication was linked to 57% reduction in employee burnout.

Before there is a Claim

Examine your company culture

- Do employees feel comfortable voicing concerns?
- What happens when an employee makes a mistake?
- How do you show that you value your employees?

Create a culture of trust

- Do what you say you are going to do
- Lead by example
- Communicate directly
- Listen actively



Benefits of Trust in the Workplace



Improved company culture

- Less Claims
- Less absenteeism

Lower turnover

- Replacing employees costs 33-200% of there salary (SHRM, Gallup)
- Less time spent onboarding

Improved communication

- Problems are identified
- Perspective from line employees can help the business

Better job performance

- Stronger health of the company
- Employees more likely to be vested in company results

Ways to Build Trust

Value Employee Input

- When employees voice concerns, listen without interrupting
- Invite feedback on policies, procedures and workplace changes
- Act on suggestions and communicate how employee input influenced decision



Recognition

- Make employees feel valued
- Acknowledge achievement
- Be mindful of the ratio of positive to negative interactions

Positive vs Negative Interactions

- Positive interactions are an integral part of any relationship
- If the only time you talk to employees is to critique performance, there is an opportunity for more positive interactions

Simple positive interactions

- Say “Hello”
- Smile
- Wave
- Ask about the weekend
- Use their name
- Acknowledge them when they speak to you

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Trust and Leadership

"Trust is built with consistency"
– Lincoln Chafee

"When the trust account is high, communication is easy, instant, and effective."
-Stephan R. Covey

"Great leaders build trust not by demanding it, but by earning it through their actions"
-Anonymous

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Having Difficult Conversations is part of being a leader

“People will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

-Maya Angelou



Having Difficult Conversations

- Be aware of your own state of mind when speaking with employees
- Your thoughts impact your actions. Make a conscious effort to think positively about employees
- Avoid using words like “always” or “never”
- Have difficult conversations in private
- Don’t use personal language
- Focus on solutions moving forward



Be as objective as possible



Instead of saying	Try
“You always come to work late. Get here on time.”	“Over the last week you showed up to work 20 minutes late 3 times. What do you think you can do differently to make it on time?”
“You are doing this wrong.”	“The blue button needs to be pushed before the red button. Can I see you try it this way?”
“Your performance is bad.”	“The expectation is to complete 2 documented inspections a month. You are currently doing only 25% of the required inspections. What habits can you work on so that you meet the expectation?”



Difficult Responses

When a team member is:

- **Angry** – Allow them to vent
- **Tearful** – Give them time
- **Frustrated** – Acknowledge and empathize
- **Resistant** – Empathize, focus on facts, offer evidence
- **Passive** – Ask questions



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Closing and Next Steps

- Make sure you both understand the issue
- See it from their point of view
- Avoid letting the conversation drag out
- Look for ways to end on a positive note
- Identify what is non-negotiable
- Have a collaborative attitude
- Clarify next steps and actions that each of you can agree to take.



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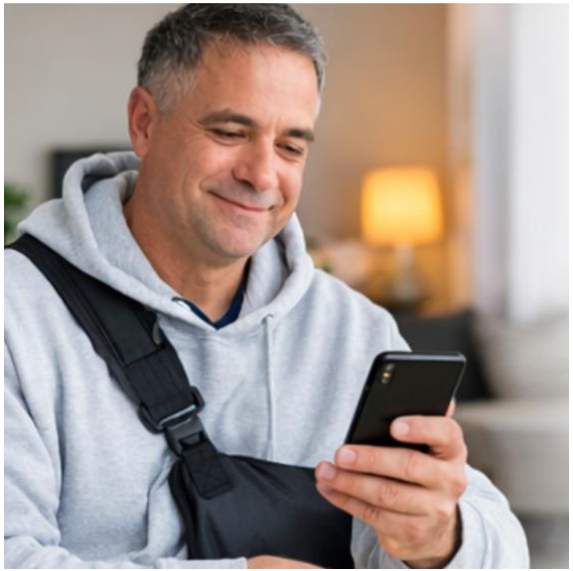
Summary

- Litigation often stems from fear, distrust, and lack of clarity
- Proactive communication, empathy, and efficient claims handling reduce risk
- An active transitional duty program can help alleviate the fear of losing jobs
- Investing early in trust and clarity yields both reduced litigation and benefits to the business



Claims Center

Modern claims communication—designed around injured workers, backed by ICW Group care



Centralized Claim Access

The portal offers injured workers a single, secure location to view claim details, reducing stress and uncertainty during recovery.

24/7 Mobile Accessibility

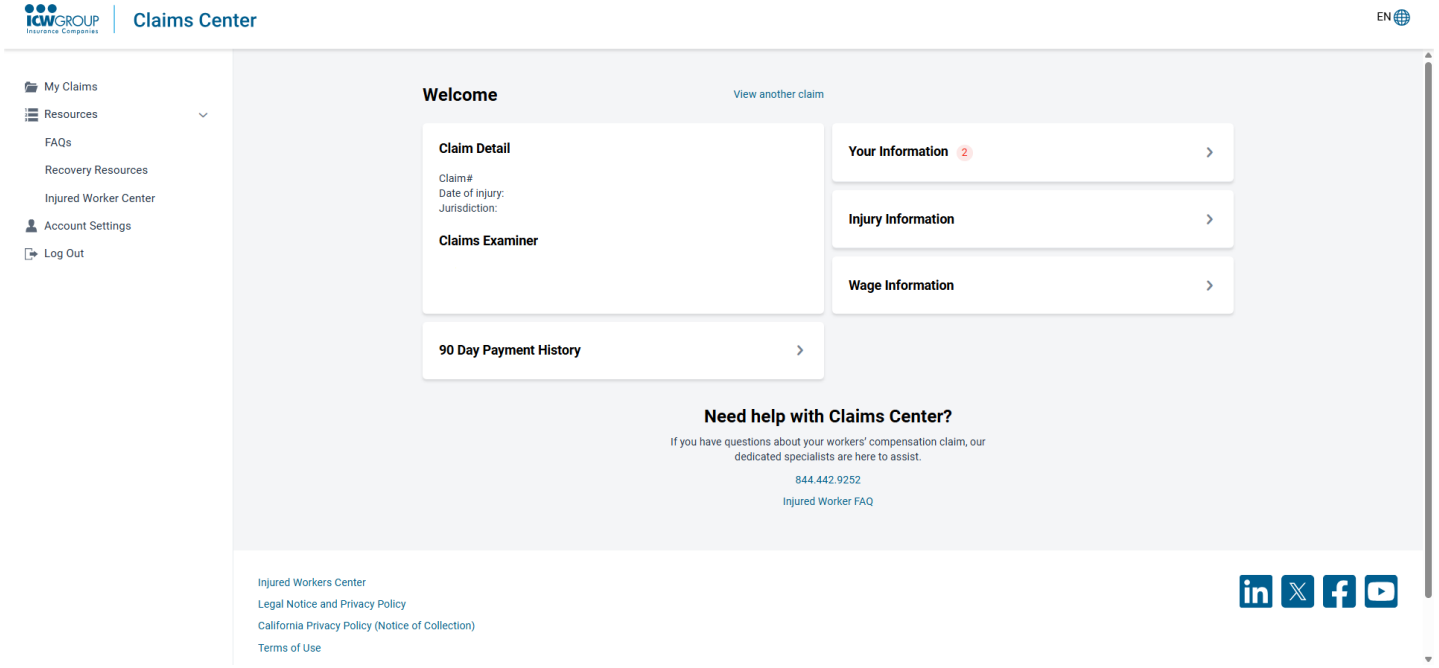
Mobile-first design allows workers to review claim status anytime on phones, tablets, or desktops, meeting modern digital expectations.

Improved Communication and Updates

Digital notifications streamline communication, reducing delays and enhancing transparency throughout the claim process.

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Claims Center



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Resources

https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2020.579459/full#B41

Develop Leaders and Managers at all Levels - Gallup

Microsoft Word - avoiding_litigation_0517.llc-typeset-2nd rev.doc

https://www.wcirb.com/research-and-education/research-studies-and-reports/2025-state-system



QUESTIONS?



THANK YOU