

# Eye on SAFETY



Risk control news and safety tips for HISIG members

## SERIOUS AND WILLFUL MISCONDUCT CLAIMS

*What you need to know and how to protect yourself and your business*

Did you know that most employers are unaware that their workers compensation insurance guidelines contain special clauses regarding claims arising out of serious and willful misconduct on the part of the employer? California Labor Code section 4553 states that an employer who is found to have caused an employee's injuries by its 'serious and willful misconduct' will be ordered to pay an amount equal to half of the value of the amount of compensation paid to the injured worker. While difficult to prove, the claim liability is often uninsurable through the workers compensation system and must therefore be paid from the employer's own funds.

An employer can be found liable for serious and willful misconduct based upon violation of Cal/OSHA regulations. Labor Code section 4553.1 provides that an employee can prove serious and willful liability based upon a violation of one of these regulations if they can prove all of the following:

1. The specific manner in which the order was violated.
2. The violation of the regulation was the proximate cause of the injury.

3. The regulation was known by, and violated by, the employer or the managing representative. This can also be established by showing that the condition was obvious, created a probability of serious injury, and the failure to fix the condition constituted a reckless disregard for the employee's well being.

Fortunately, the Marketing Team of HISIG can help you to obtain additional coverage to cover defense costs for serious and willful misconduct claims.

## BEATING THE SUMMER HEAT

*Heat Precautions for Employees*

The combination of heat and humidity can be a serious health threat to outdoor workers during the summer months. In fact, workers are susceptible to heat stroke, heat exhaustion and sun poisoning when they are exposed to excessive amounts of sun. To beat the heat:

- Drink plenty of water before you get thirsty.
- Wear light, loose-fitting, breathable clothing such as items made of cotton.
- Eat smaller meals before work activity.
- Ask your doctor if the heat will aggravate your body because of any medications you are taking, and take the proper precautions.
- Be aware that equipment such as respirators or work suits can increase heat stress.



# DO YOU KNOW THE WARNING SIGNS OF DEHYDRATION?

You can lose up to 10 cups of water a day by sweating, breathing and eliminating waste. This is potentially harmful to your body since water and electrolytes are essential for proper body functions. To combat heat-related illnesses, re-hydrate when you experience one or more of these symptoms:

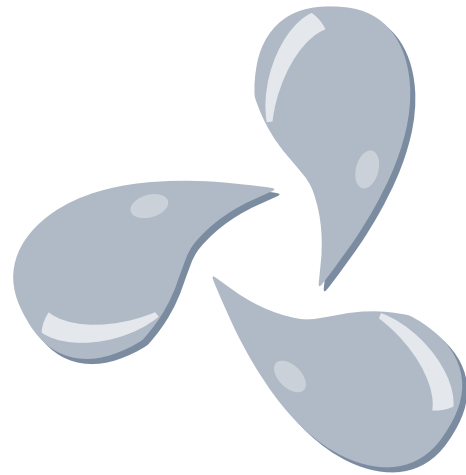
- Excessive thirst
- Sleepiness or tiredness
- Dry mouth
- Muscle weakness
- Headache
- Dizziness or lightheadedness



## DID YOU KNOW?

- Roughly 70 percent of your body is made up of water.
- A healthy person can drink up to three gallons (48 cups) of water per day!

In warm weather, skip the soda or coffee, which contain caffeine, and go straight for H<sub>2</sub>O!



## HISIG MEMBER SPOTLIGHT

HISIG extends a warm welcome to our newest members:

**Bloem Hardware, San Diego**  
**DeCou Lumber Company, Atascadero**  
**High Country Lumber, Bishop & Mammoth Lakes**  
**Plumbing City True Value, Canoga Park**  
**Verdugo Hardware, Los Angeles**

Welcome to the group!