

# Litigation Avoidance

Taking steps to avoid litigation will help control medical expenses and eliminate costly attorney's fees. The vast majority of work related injuries are concluded without the injured worker seeking representation by an attorney. The main reasons given by injured workers for seeking attorney representation are lack of information regarding benefits and confusion as to how and when those benefits will be provided. What can an employer do to lessen the incidence of costly litigation?

## CREATE OPEN ATMOSPHERE FOR REPORTING INJURIES

Make it easy for your injured worker to talk to you and don't treat an injured employee like an enemy. If the injury was caused by the employee's violation of a safety rule, save the counseling or disciplinary action until after the employee returns to work.

## SHOW COMPASSION AND EMPATHY

Ask for suggestions to prevent similar injuries in the future.

## ASSURE YOUR INJURED EMPLOYEE THAT MEDICAL EXPENSES AND DISABILITY ARE COVERED

Be sure the employee understands that he or she will be receiving quality medical care and all workers' compensation benefits will be provided in a timely manner from CompWest.

## GIVE YOUR EMPLOYEES ALL THE REQUIRED INFORMATION PAMPHLETS AND WORKERS' COMPENSATION CONTACT INFORMATION

Encourage them to be informed about their benefits and to ask questions when indicated.

## DIRECT YOUR INJURED EMPLOYEE TO YOUR DESIGNATED NETWORK MEDICAL PROVIDER

This will insure proper and timely care. The network medical provider will also report disability status directly to CompWest and make sure that wage replacement benefits are paid on time and that the injured worker is not billed for any medical services. (Injured workers often cite delays in providing wage replacement or being billed for medical treatment as another major cause of seeking attorney representation.)

## MAINTAIN CONTACT WITH YOUR INJURED EMPLOYEE

We recommend contacting the employee at least 2 times per month while he or she is off work. Keep an ongoing

dialogue with the employee regarding your ability to provide modified work assignments to expedite an early return to work. Remind your injured employee that you will have him or her back as soon as they are well enough to be released by their doctor and that he or she is a valuable resource.

## ASK QUESTIONS WHEN THERE ARE CONCERNS ABOUT A CLAIM

Keep communication open with your employee and CompWest so that additional investigations are expedited when indicated and the proper benefits provided.

## REMIND YOUR INJURED EMPLOYEES THAT THEIR MEDICAL CONDITION IS TO REMAIN CONFIDENTIAL

Remind them that only the employer is privy to work restrictions as they relate to their jobs. CompWest will maintain all medical information as confidential. We will work as a team to insure that all medical treatment issues are kept confidential.

## DON'T DISCRIMINATE

Do not refuse to reinstate any injured employee without consulting with your company's legal counsel.

## WHEN AN EMPLOYEE LITIGATES, OR THREATENS TO LITIGATE, NOTIFY COMPWEST IMMEDIATELY

Timely litigation management is crucial to claims handling and expedited attention is indicated.

If an attorney represents an employee, CompWest cannot contact the injured worker regarding the case. We must go through his or her attorney. The employer is allowed and encouraged to contact the injured worker without harassing the employee or discussing issues in dispute.