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*West Virginia Offices of the  
Insurance Commissioner*



# Workers' Compensation Safety Initiatives

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## Introduction

W. Va. Code §23-2C-5(c)(6) requires the Industrial Council to present a biennial report to the Legislative Joint Committee on Government and Finance that outlines safety initiatives offered and utilized in the workers' compensation market. The report evaluates current private insurer and self-insured employer risk management strategies used to mitigate workplace accidents and to control losses. The West Virginia Offices of the Insurance Commissioner (WVOIC) compiles the report and presents the analysis to the Industrial Council for review and adoption of the final report.

To comply with this mandate, the WVOIC developed, disseminated and analyzed a web-based survey form. The forms were created by the WVOIC and accessible on the [www.wvinsurance.gov](http://www.wvinsurance.gov) webpage. The forms were distributed to the top ten (10) workers' compensation private insurer groups based on 2021 premium market share as well as 52 self-insured employers. The insurer survey consisted of questions including company information, aggregated insured information, safety practices and procedures and the safety opinion of West Virginia employer utilization of insurer services. The self-insured employer survey consisted of questions including company and industry information, safety programs, drug and/or alcohol programs, Return to Work (RTW) programs, industry/employee training, workplace information and additional comments relevant to safety in workplaces. Insurers were asked to submit aggregated responses on behalf of all companies writing workers' compensation within the group. Self-insured employers were instructed to complete a survey for each company with active self-insured status for West Virginia workers' compensation. A copy of each survey form (insurer and self-insured employer) is provided as [Exhibit 1](#) and [Exhibit 2](#).

This report and analysis rely solely on the responses as provided by the insurer or self-insured employer and have not been examined in a regulatory capacity nor independently verified.

## Private Insurer Section

### Insurer Group Responses

The survey form was distributed electronically to ten (10) carrier groups based on 2021 premium market share. There were 77 total groups that reported workers' compensation premium for West Virginia on the annual financial statements to the National Association of Insurance Commissioners (NAIC). The aggregated market share for the ten (10) groups totaled approximately 85% while the remaining 67 groups reported 15% of overall premium. The ten (10) insurer groups and cumulative market share are provided in the table below.

NAIC Group Code	NAIC Group Name	Cumulative Market Share
291	Encova Mut Ins Grp	45.7%
3548	Travelers Grp	9.6%
111	Liberty Mut Grp	6.0%
457	Argo Grp US Inc Grp	5.9%
213	Erie Ins Grp	5.3%
212	Zurich Ins Grp	4.5%
91	Hartford Fire & Cas Grp	2.7%
12	American Intl Grp (AIG)	2.2%
626	Chubb Ltd Grp	2.2%
2538	AmTrust Financial Serv Grp	1.3%

As displayed above, Encova Mutual Insurance Group represents 45.7% of the overall 2021 written premium and includes responses on behalf of four companies. It is important to note that BrickStreet Mutual Insurance Company is included within the Encova Mut Ins Grp. BrickStreet Mutual Insurance Company represents 34.5% of the overall 2021 workers' compensation market share.

## Private Insurer Safety Survey Summary

This section will provide a descriptive analysis of the private insurer responses to the survey questions.

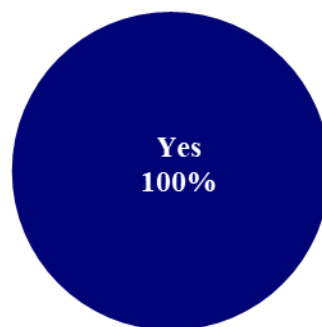
Section 1 questions relate to company and respondent contact information.

Section 2 questions relate to West Virginia policy information and risk management programs available to West Virginia employers. This report is a compilation of insurer responses.

NAIC Group Name	WV Policy Count	WV Written Premium
Encova Mut Ins Grp	9,497	\$107,908,404
Travelers Grp	4,251	\$22,004,077
Liberty Mut Grp	1,037	\$8,076,927
Argo Grp US Inc Grp	320	\$12,993,354
Erie Ins Grp	4,040	\$11,924,046
Zurich Ins Grp	752	\$9,783,677
Hartford Fire & Cas Grp	4,097	\$5,864,598
American Intl Grp (AIG)	1,056	\$4,841,646
Chubb Ltd Grp	2,624	\$4,784,953
AmTrust Financial Serv Grp	1,415	\$2,868,924
<b>Total</b>	<b>29,089</b>	<b>\$191,050,606</b>

The companies reported written premiums totaling \$191,050,606. The overall 2021 written premium for the West Virginia workers' compensation market was \$219,694,760 so the company reported premiums are 87% of the total. As previously stated, the responding insurers made up 85.4% of the 2021 market share and based on the current written premiums provided above, it would appear the insurers maintain a consistent market share.

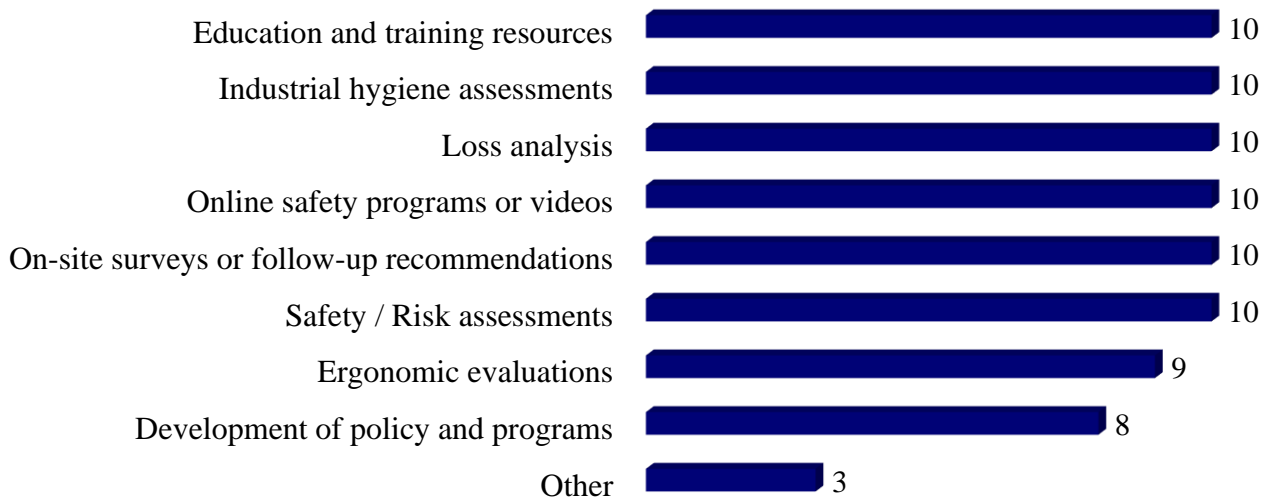
Do you offer safety and loss programs or risk management services to WV employers?



All insurers offer safety and loss programs or risk management services to West Virginia employers.

A second question was posed to the insurers who responded “Yes” to the previous question.

Please check all types of safety programs and initiatives you offer insureds.



The options above were pre-set options that an employer marked if applicable. If “Other” was selected, the comments below were provided by insurers as additional options relating to types of safety services offered to insureds.

- Erie: Service Planning to develop a strategy to help mitigate, reduce, or prevent claims.
- Travelers: We also provide services with Return-to-work programs, through on-site consultations and online website resources. While we do not assume the employer's responsibility for development of safety policies and programs, we will assist them with their development of policies and programs.
- Chubb: Access to Chubb Risk Engineering Services Online Resource Center and Chubb Online Learning Center

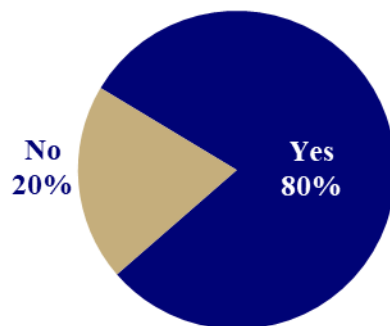
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Eight (8) insurers offered a dedicated safety unit to West Virginia policyholders. The insurers offering a dedicated safety unit were Encova, Travelers, Liberty Mutual, Zurich, The Hartford, AIG, Chubb and AmTrust. The following additional comments were received as a part of the response:

- Encova: Approximately 9 Safety and Loss Control consultants are dedicated to WV employers to provide safety and loss control services.
- Travelers: The services checked in the question above are the primary services offered by our Risk Control Staff of 16 consultants.
- Liberty Mutual: Primary services are the same as the ones listed in the question above and approximately 3 consultants are available to WV employers.

- Zurich: Risk/loss/claim division, Loss prevention unit, consultation unit, safety assessment of the worksite, training resources and online tools.
- The Hartford: We provide many services including loss analysis, Industrial Hygiene needs, ergonomic assessments, and overall workplace safety.
- AIG: Loss control services are offered through AIG’s Risk Consulting. Services are provided on a local, national and international basis. Casualty Risk Consultants develop service plans with corporate personnel and company management. Consultants will visit or provide remote service to facilities in all 50 states as needed. Services address employee injury exposures, property, liability, commercial auto and environmental risk. Employee injury related services include:
  - on-site visits to review physical hazards and evaluate the implementation of loss control programs
  - consultative support to support policyholder management to direct and focus efforts
  - loss analyses to identify potential opportunities to focus efforts on key loss drivers
  - Web-based learning management systems (LexTrainer and RiskTool Advantage®)
  - Concierge Services – a hotline for insured risk consulting access
- Chubb: Chubb has a network of close to 500 risk engineers globally available to help WV companies anticipate and minimize exposures. We provide a range of services focused on identifying exposures, assessing the adequacy of existing controls, and helping customers anticipate and mitigate potential costly losses. We offer customized risk management and loss control programs and specialized consulting focused on lessons from losses, industry best practices and consensus standards. The network of risk engineers possesses deep industry knowledge and technical expertise in a wide range of industries. At this time we do not have any risk engineering staff stationed in WV, however, we have several risk engineers who typically provide our services to WV.
- AmTrust: AmTrust North America Loss Control offers comprehensive safety services to all AmTrust policyholders. Services include onsite assessments, safety resources (including a robust website safety library) and safety training. We currently have a staff of 30.

Do you offer regular safety audits to West Virginia employers?

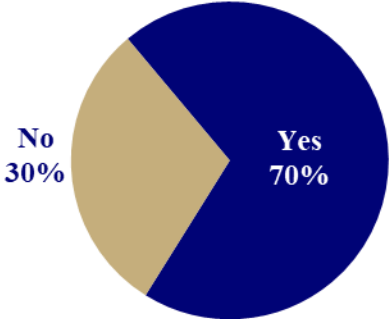


Eight (8) insurers responded “Yes” to this question. All eight (8) insurers affirmed that the information obtained via safety audits is used in the schedule rating process.

NAIC Group Name	WV Employer Utilization	WV Premium Utilization	Utilization Premium Percent of Overall WV Reported Premium
Encova Mut Ins Grp	607	\$104,042,762	96.4%
Travelers Grp	30	\$8,401,113	38.2%
Liberty Mut Grp	10	\$1,462,618	18.1%
Argo Grp US Inc Grp	22	\$8,445,680	65.0%
Erie Ins Grp	149	9420439	79.0%
Zurich Ins Grp	8	\$3,895,182	39.8%
Hartford Fire & Cas Grp	193	\$475,774	8.1%
American Intl Grp (AIG)	0	\$0	0.0%
Chubb Ltd Grp	3	\$96,493	2.0%
AmTrust Financial Serv Grp	1	\$17,849	0.6%
<b>Total</b>	<b>1,023</b>	<b>\$136,257,910</b>	<b>71.3%</b>

The table above displays utilization of services analysis by insurer group. The West Virginia employer utilization includes the policy count for all policyholders utilizing safety services offered by the insurer. The West Virginia utilization premium is the amount of premium generated by employers that utilized safety services offered by the insurer. When comparing the utilization premium to the written premiums reported by insurers in an earlier section of the report, 71.3% of the total written premium is taking advantage of insurer offered safety services. However, when performing the same comparison using the overall West Virginia policy count mentioned in an earlier section to the employer utilization policy count, only 3.5% of policies take advantage of the safety services. The disparity of percentages indicates that the larger, higher premium policies are utilizing safety services while the smaller, lower premium policies are not.

Do you implement follow-up measures to ensure employer utilization of the offered safety services is effective and appropriate?

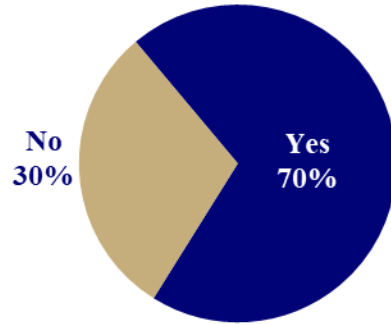




The seven (7) insurers that affirmed follow-up measures are implemented to ensure employer utilization were then asked to provide quantitative metrics used to measure utilization success. The following responses were provided:

- The metric most utilized to identify success is claims frequency reduction; specifically, indemnity frequency reduction in relation to payroll.
- We have an internal quality program where the countrywide success rate is 92%.
- We track recommendation status, to determine if the customer is making progress, or if the recommendation has been completed. With this internal data, we can quantify the number of recommendations submitted and completed to determine whether the safety services were utilized. We can then compare utilization with loss ratios, measuring utilization success by lower loss ratios.
- 100% follow up recommendations by various business units.
- Reduction in loss ratio; Reduction in experience modification factor; Reduction in average cost per claim.
- If area(s) for improvement are identified during the provision of loss control services, recommendation(s) are offered to policyholders in writing and a response from the policyholder is requested.
- Both Risk Engineering Services and Underwriting are responsible for recommendation follow-up activities and documentation of resolution for all critical recommendations. Our risk engineers will discuss recommendations with the responsible contact during the consultation at the end of the survey. This is then followed up in writing with a letter sent to the contact outlining both risk improvement and critical recommendations. As part of the correspondence, the policyholder is asked to respond to all critical recommendations within 30 days. If no response is received after 30 days from the initial recommendation letter, a second letter is sent automatically to the contact regarding critical recommendation resolution and timeframes, along with copies to the producer. If no resolution after 60 days from the initial recommendation letter, an additional letter with the recommendations is sent via email to the survey contacts regarding resolution and timeframes. If no response is received within an additional 15 days, an Alert is sent to the underwriter informing them the insured has not responded to the critical recommendation(s). The underwriter must then take action to gain resolution of the critical recommendation(s).

If an employer implements a drug and/or alcohol testing program in the workplace do you consider that in the premium determination process?

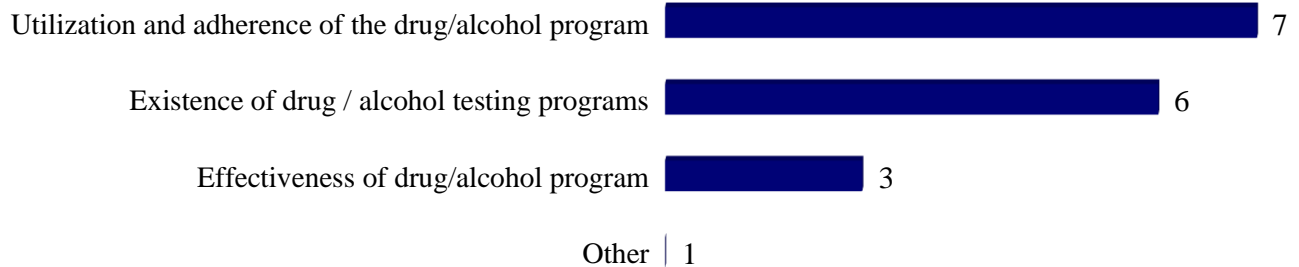


Seven (7) insurers responded “Yes” to this question while three (3) responded “No”. This question had follow-up questions dependent on whether an insurer responded yes or no. The “Yes” response question included pre-selected options to select as well as an “Other” option to include additional comments. The comments below were submitted dependent on the insurer’s answer to the drug/alcohol testing question.

If you answered "No" to the previous question; please provide how you monitor employer implemented drug/alcohol testing programs?

- This topic is part of our overall risk control discussion with employee safety, as well as regulated fleets.
- This is not covered in our WC surveys or questions. It is, however, a question when we do auto surveys and construction surveys. We address this as part of risk engineering surveys that we conduct for some insureds.
- We will review employers’ drug/safety programs during the underwriting process per underwriter request.

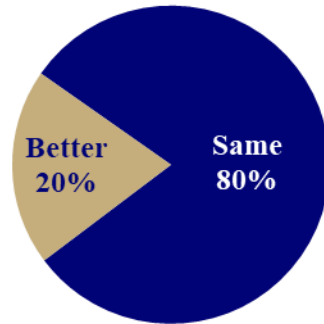
If you answered "Yes" to the question above; what aspects of a drug and/or alcohol testing program would you consider for a premium credit?



The “Other” comment was “Percentage of employees tested annually”.

The last section of the private insurer survey involved an insurer’s safety opinion of West Virginia employer utilization compared to other states and the most commonly used safety and loss programs or initiatives employers are utilizing from the insurer offered selections.

Generally speaking, how do you feel WV employers compare to employers in other states regarding the effective use of safety and loss programs and initiatives?

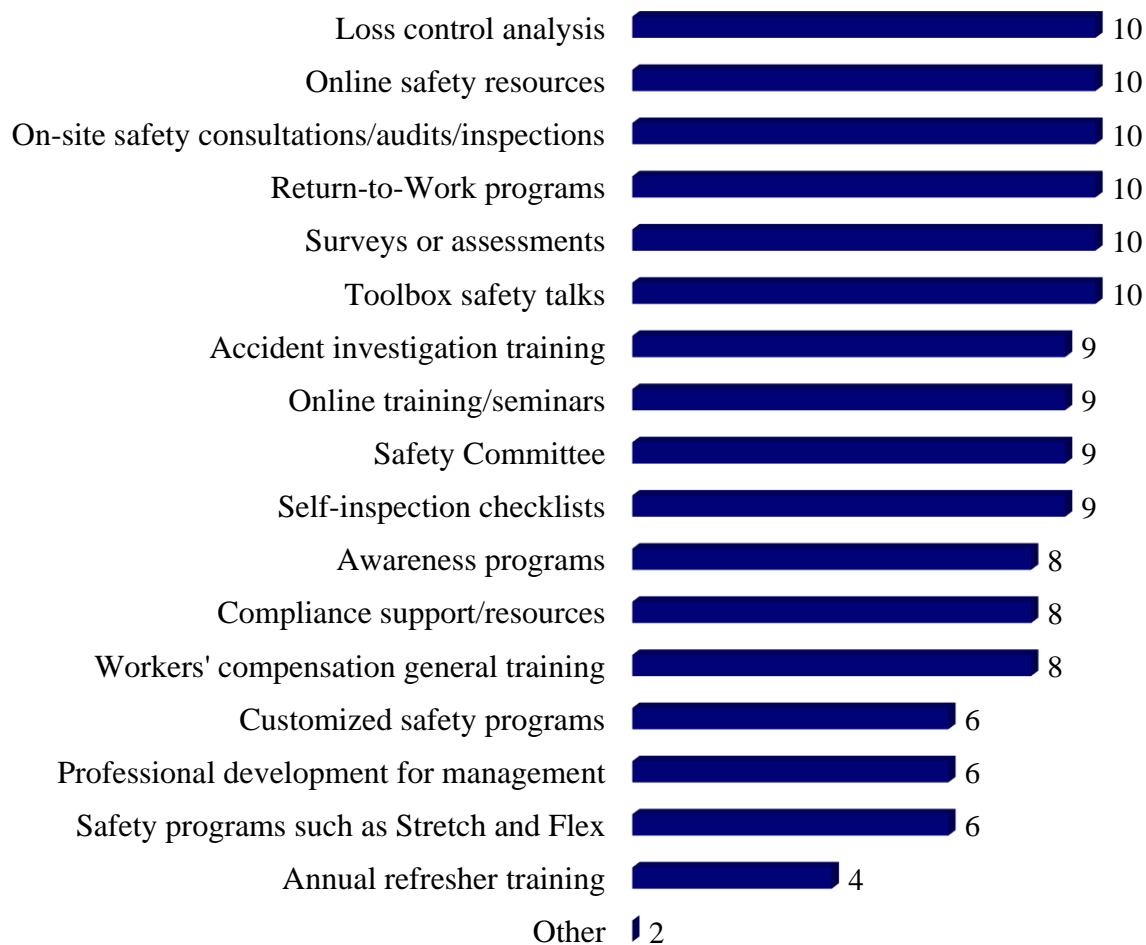


Eight (8) insurers selected “Same” while two (2) insurers selected “Better”. This is the first survey where “Better” was selected by insurers. The response indicates the West Virginia market is attractive to insurers and reiterates that West Virginia employers compare similarly to nationwide employer safety utilization and implementation.

A secondary question asked insurers what the state of West Virginia could do to encourage employers to utilize safety and loss programs and initiatives. The following comments were provided:

- Increase awareness of results of the employers who utilized safety and loss control consultation and program implementations to improve performance.
- An email campaign or safety outreach to employers.
- Educate them on the impacts of the WC experience modification and how the more injuries they prevent, the lower their costs will be. They will also have more engaged employees and likely higher productivity.
- Pattern a Certified Safety Committee program similar to Pennsylvania and offer a 5% credit for certification.
- If the state, working with NCCI, could develop a uniform program for safety credits, it would become more common knowledge for policyholders.

The insurers selected the most commonly used safety and loss programs utilized by West Virginia employers. The submitted responses include both pre-set selections as well as write in answers and are shown in the chart below.



The “Other” comments regarding additional programs offered by insurers included:

— Industrial Hygiene

— AIHA accredited Industrial Hygiene lab services

## Private Insurer Conclusions

The survey results concluded that all ten insurer groups offered safety and risk management services to West Virginia policyholders.

The most common safety services offered by all ten insurers included education and training resources, industrial hygiene assessments, loss analysis, online safety programs or videos, on-site surveys or follow-up recommendations and safety / risk assessments.

Twenty percent of the respondent insurers indicated that West Virginia employers perform better than national standards regarding the effective use of safety and loss control programs while 80% indicated that West Virginia employers utilize safety programs at the same national rate. This is an improvement in the insurer perception of the West Virginia workers' compensation market as both the 2018 and the 2020 safety reports have a 100% equivalent or "same" standard. Historically, insurers deemed West Virginia employers lacking in safety initiative utilization equality by reporting 50% in 2012, 73% in 2014 and 90% in 2016. This positive trend in safety utilization has resulted in lowered loss costs and premium rates for employers and provides West Virginia workers a safe workplace environment.

In January 2006, the West Virginia workers' compensation market privatized and completed the transition to an open market in 2008. Since that time, West Virginia has realized 17 consecutive loss cost decreases for a total aggregate decrease of 79.9%. When considering the loss cost decreases as well as the number of insurers offering workers' compensation coverage in the West Virginia (~320) in conjunction with the insurer responses indicating that West Virginia employers are 100% better or equal to employers nationwide, these factors would indicate a definitive safety culture shift from an injury ridden, abused system to an environment focused on protecting employees and preventing injuries using safety and loss programs and initiatives in the workplace.

# Self-Insured Employer Section

## Employer Responses

The self-insured employer safety survey was tailored to address safety and loss programs implemented by West Virginia employers. As was done with the private carrier survey, the West Virginia Offices of the Insurance Commissioner developed and disseminated a similar web-based survey form that was electronically provided to 52 self-insured employers.

The survey request was sent to the following active self-insured employers:

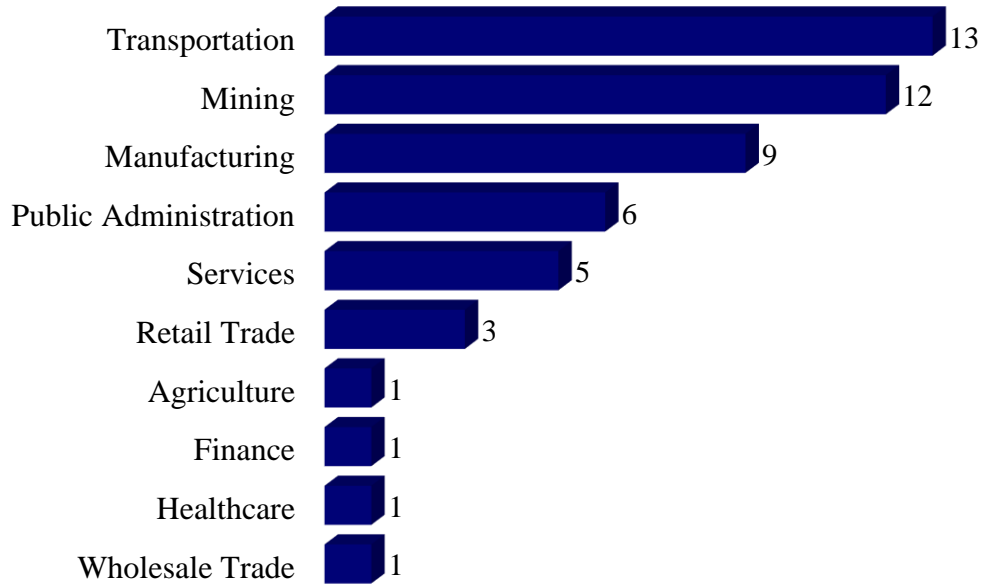
ACNR Resources, Inc.	Highland Mining Company
Alex Energy LLC	Hope Gas Inc.
Alliance Coal LLC	Huntington Alloys Corporation
American Electric Power Company Inc.	Huntington Bancshares Inc.
Aracoma Coal Company LLC	JELD-WEN Inc.
Asplundh Tree Expert LLC	Kingston Mining Inc.
Brooks Run South Mining LLC	Lowes Home Centers LLC
City of Charleston	Marriott International Inc.
City of Fairmont	Monongahela Power Company
City of Huntington	Pepsi-Cola Metropolitan Bottling Co Inc.
City of Parkersburg	Performance Coal Company LLC
City of Wheeling	Pilgrim's Pride Corp Of West Virginia Inc.
Columbia West Virginia Corporation	Potomac Edison Company
CONSOL Mining Company LLC	Residence Inn by Marriott LLC
CONSOL Pennsylvania Coal Company LLC	Spartan Mining Company LLC
Cracker Barrel Old Country Store Inc.	SWVA Inc.
Delhaize America LLC	T-Force Freight Inc.
Dolgencorp LLC	Toyota Motor Manufacturing WV Inc.
Eastern Gas Transmission	U S Silica Company
Encompass Health Corporation	Union Carbide Corporation
Exxon Mobil Corporation	United Parcel Service Inc.
Federal Express Corporation	Virginia Electric and Power Company
FedEx Ground Package System Inc.	Wendy's International LLC
Fiesta Tableware Company	West Virginia Counties Risk Pool Inc.
FirstEnergy Service Company	Weyerhaeuser Company
General Motors LLC	Wheeling Park Commission

All 52, or 100%, of the self-insured employers responded to the survey.

## General Safety Programs and Policies

Section 1 of the self-insured employer survey captured company and contact information.

The survey included the respondent's primary industry. The following graphic provides the responses by industry type.



Transportation includes communications, electric, gas and/or sanitary services.

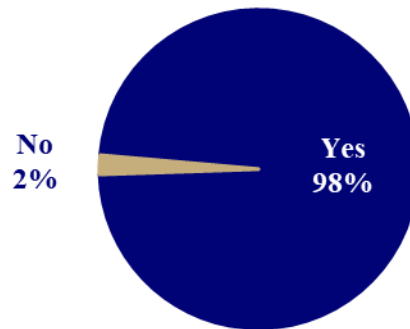
Services include lodging, health recreation, education, legal, restaurant, social services, etc.

Finance includes insurance and/or real estate services.

Section 2 of the self-insured employer safety survey included safety and loss program data as well as West Virginia specific employee information. The responding employers comprise a large population of West Virginia employees and payroll by industry as indicated in the table below.

Industry	WV Employees	WV Annual Payroll
Transportation	10,439	\$446,681,107
Mining	4,229	\$379,234,765
Public Administration	9,782	\$365,404,238
Manufacturing	5,039	\$313,895,142
Retail Trade	5,622	\$158,952,205
Agriculture	1,358	\$52,059,662
Healthcare	829	\$42,276,102
Wholesale Trade	543	\$23,947,388
Services	1,459	\$22,236,035
Finance	230	\$17,400,000
<b>Total</b>	<b>39,530</b>	<b>\$1,822,086,644</b>

Do you have a written safety and loss program for your employees, including provisions for any particular problems associated with the business (such as dust or noise)?



Fifty-one out of 52 employers confirmed they do have a written safety and loss program for employees. The one employer who marked “No” for this question did later provide drug and alcohol testing and Return-to-Work processes so it is assumed the employer does implement general safety practices and procedures but may not have established a written safety policy or any such written plan may not address the provisions for particular problems associated with the business operations.

Self-insured employers were then asked to mark all safety service categories that applied to their operations. The same employer that marked “No” above did not provide a response to this question. The following graphic outlines the responses.



The options above were pre-set options that an employer marked if applicable. If “Other” was selected, the comments below were provided by employers as additional components relating to company safety program.

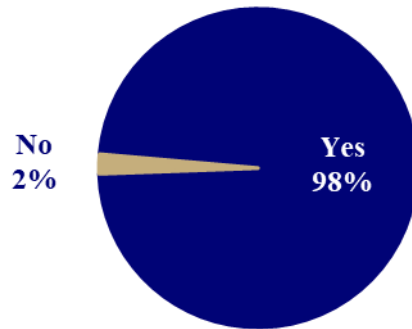
- Comprehensive Safety Program
- Risk Assessments and Controls Written Programs
- Behavior Based Safety

The next set of questions relate to safety program enforcement and implementation process.



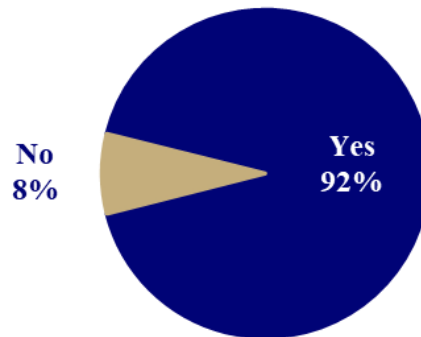
The employers were asked whether the safety programs and services they implemented or provided to employees were enforced. Fifty-one employers selected “Yes” the safety program was enforced; while one employer selected “No”. The same employer that marked “No” above did not provide a response to this question and is not included in the graphic below.

Are the safety programs and services selected above enforced?



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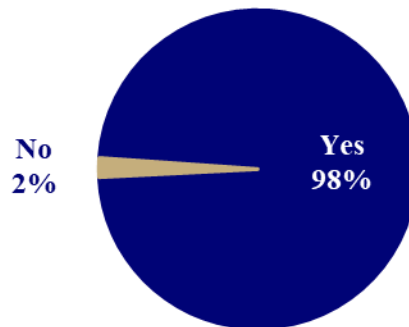
Are the safety program principles or mission statement posted in a conspicuous place(s) at the worksite?



Forty-seven employers selected “Yes”; four employers selected “No”; the same employer that marked “No” above did not provide a response to this question and is not included in the graphic.

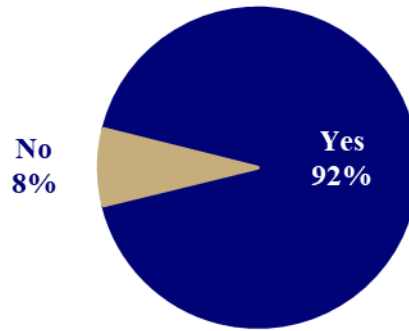
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Does senior management meet at least once annually to review the safety program to ensure the program is effective, sustainable and continually improving?



Fifty-one employers selected “Yes” while the remaining one employer selected “No”.

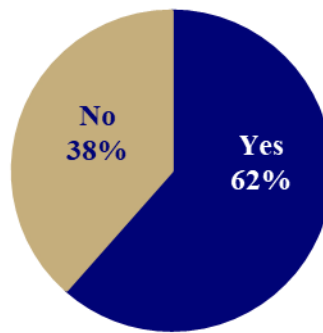
Is safety compliance a performance review measure for management and/or employees?



Forty-eight employers selected “Yes” while the remaining four selected “No”.

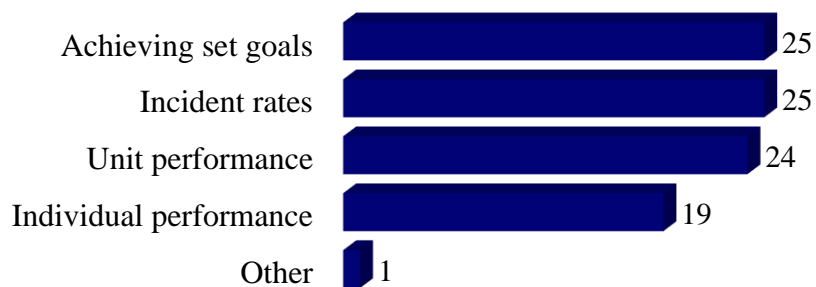
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Do you utilize a safety incentive program for management and/or employees?



Thirty-two employers selected “Yes” while the remaining 20 selected “No”.

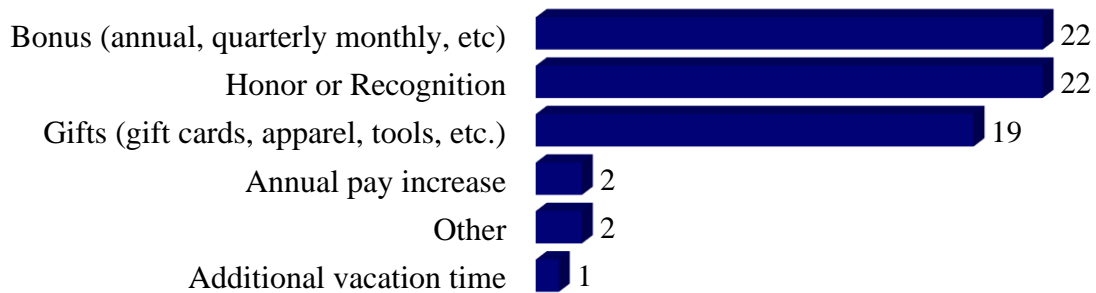
Of the 32 employers who selected “Yes”, a follow-up question was posed to identify options included in company incentive programs.



The options above were pre-set options that an employer marked if applicable. If “Other” was selected, the comments below were provided by employers as additional options relating to company safety incentive program criteria.

— Supporting Safety Program Initiatives

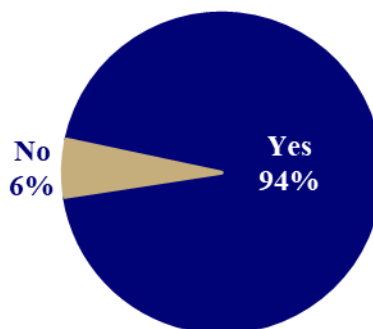
An additional follow-up question was posed to the 32 employers that selected “Yes” for the safety incentive program question to further narrow down incentives specifically used to incentivize employees for safety program compliance.



The options above were pre-set options that an employer marked if applicable. If “Other” was selected, the comments below were provided by employers as additional options used to incentivize employees for safety program compliance.

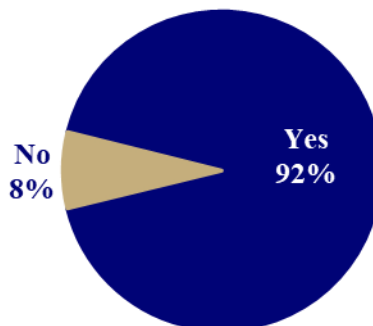
- Supporting Safety Program initiatives
- We provide Lunch and Learn twice a year for management and staff
- Financial incentive

Do you have a progressive discipline policy in place to address safety program violations?



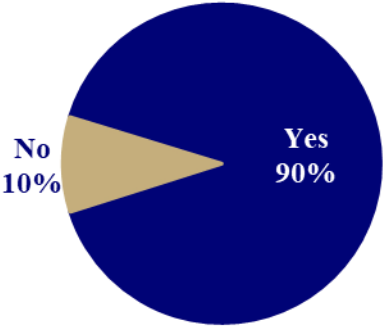
Forty-nine employers selected “Yes” while the remaining three selected “No”.

Do you have a workplace safety committee which meets regularly?



Forty-eight employers selected “Yes” while the remaining four selected “No”.

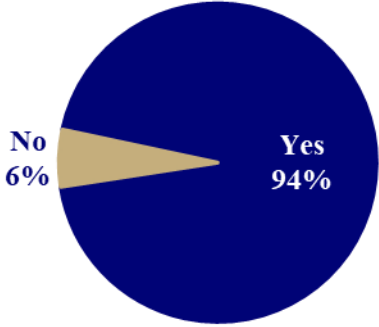
Do you have at least one full time employee dedicated solely to the safety program oversight and implementation?



Forty-seven employers selected “Yes” while the remaining five selected “No”.

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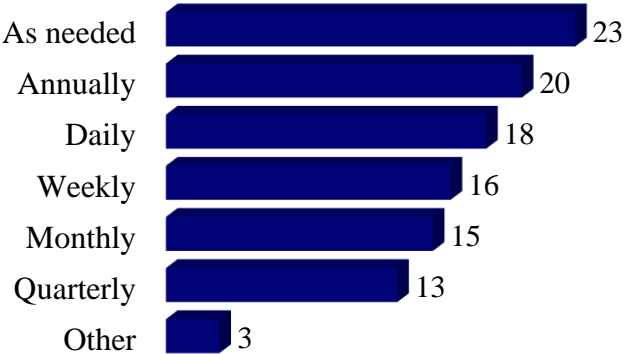
Has a safety survey been completed for each work area and evaluated for occupational safety?



Forty-nine employers selected “Yes” while the remaining three selected “No”.

Several additional questions were asked based on an employer’s response to the above question. If an employer responded “Yes”, they were asked to provide the following supplemental information. The questions below are reported for the 49 employers who affirmatively answered the safety survey for each work area question.

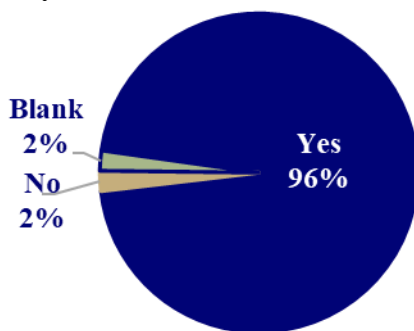
If you answered "Yes" to the question above, how often are safety surveys conducted and/or updated?



The options in the graphic were pre-set options that an employer marked if applicable. The following additional options were also provided by employers that chose “Other” in the question above relating to the frequency of safety surveys.

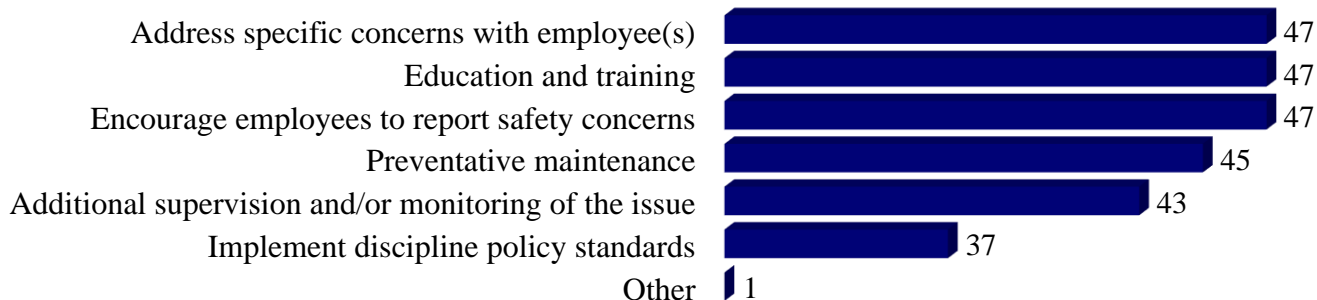
- Each area is reviewed for hazards when the task area in the location is created. After that, any area re-designs, process/task changes, significant events, etc. will prompt a review. There are also entire facility reviews performed quarterly that ensure the areas are maintained and can prompt a review of the area.
- In addition, Safety Committee meets monthly to review reports, discuss any known safety concerns for employees or guests. Safety Committee is comprised of hourly, front-line employees, managers, directors and VP/HR.
- Every 2 years

If you answered "Yes" to the completed safety survey question above; do you have a protocol to address any safety or loss issues reflected in a completed survey?



Forty-seven of the 49 employers responded that they do have protocols in place to address safety and loss issues reflected in a safety survey; one employer selected “No” and one employer did not make a selection.

When asked to select protocols used to address safety concerns resulting from a survey the following responses were received:



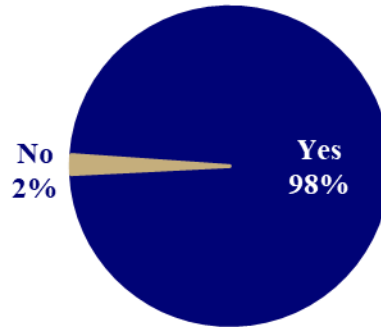
The comment for the “Other” selection comment was the employer implemented:

- Anonymous Speak Up Line

## Substance Abuse Programs

This section of the survey captures implementation protocols and measures the effectiveness of drug and/or alcohol programs.

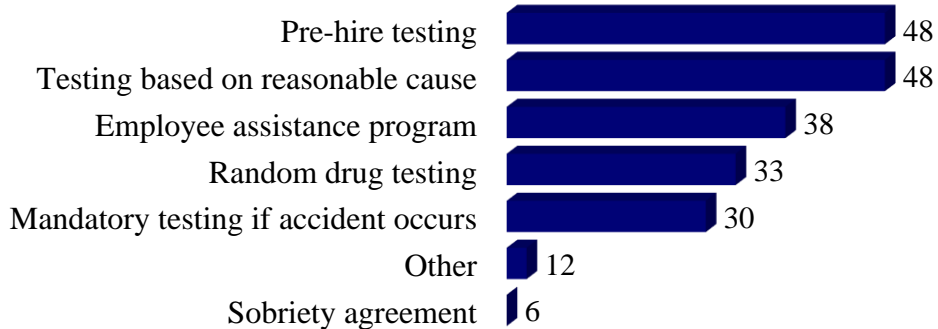
Do you have a written drug and/or alcohol program?



Fifty-one employers selected “Yes” while the remaining one selected “No”.

Of the 51 employers that selected “Yes” for the question above, 36 employers marked that the drug and/or alcohol program applied to testing for all company employees; 11 employers marked “No” and 4 employers did not make a selection for this follow-up question.

When asked to select all policies included within a drug and/or alcohol program, the following responses were received.



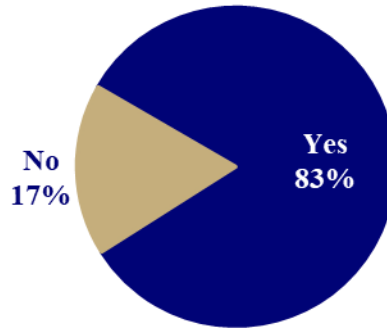
The options above were pre-set options that an employer marked if applicable. The following additional options were provided by employers that selected “Other” relating to the specific criteria or implementation procedures as part of the drug and/or alcohol program:

- Follow-up drug and/or alcohol testing and rehiring testing
- IAW DOT regulations
- Reasonable Suspicion/Fit for Duty Policy: If reasonably suspecting an associate is under the influence of illegal drugs or has misused alcohol while at work or is unfit for duty when a workplace injury takes place, we follow the steps outlined in the "Reasonable Suspicion/Fit for Duty" SPTA (Standard Practice Training Aid) to safely and securely address this concern. If an associate has been in an accident at work and needs to file a worker's compensation claim, we will no longer require a post-accident drug test.

## Return to Work Programs

This section of the survey measures the implementation and effectiveness of Return to Work (RTW) programs.

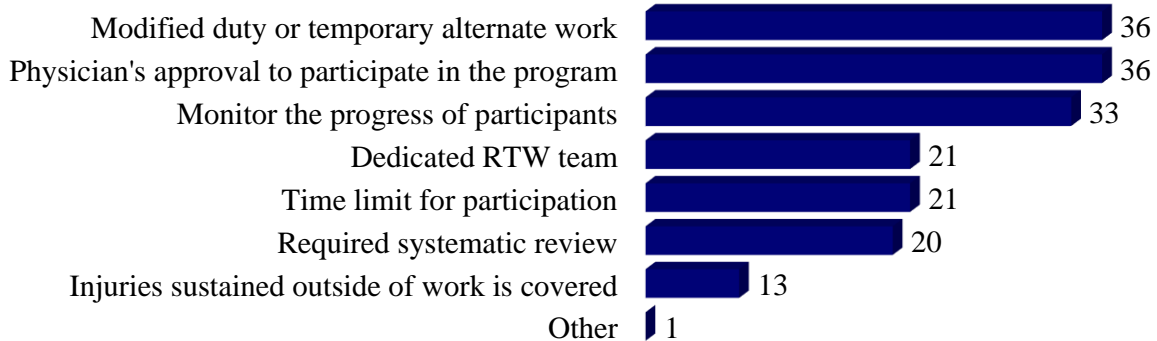
Do you have a written Return to Work (RTW) program complete with an RTW manager at each facility?



Forty-three employers selected “Yes” while the remaining nine selected “No”.

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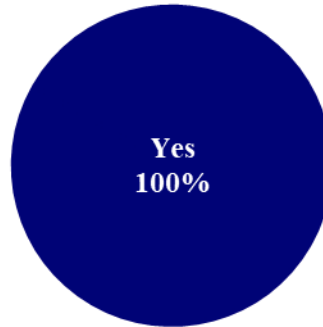
The next question identifies criteria included in an RTW program. The options include:



The options above were pre-set options that an employer marked if applicable. The following additional options were provided by employers that selected “Other” relating to the specific criteria or implementation procedures as part of the return to work program:

- VP/HR maintains RTW program, communicating with employee, Evaluation Forms are required and adhered to appropriately. We reinforce a culture of safety and offer an appropriate RTW program that provides the best result for our employee for a successful return to full duty. We believe that people heal better physically and mentally when they are a part of a social and productive environment.

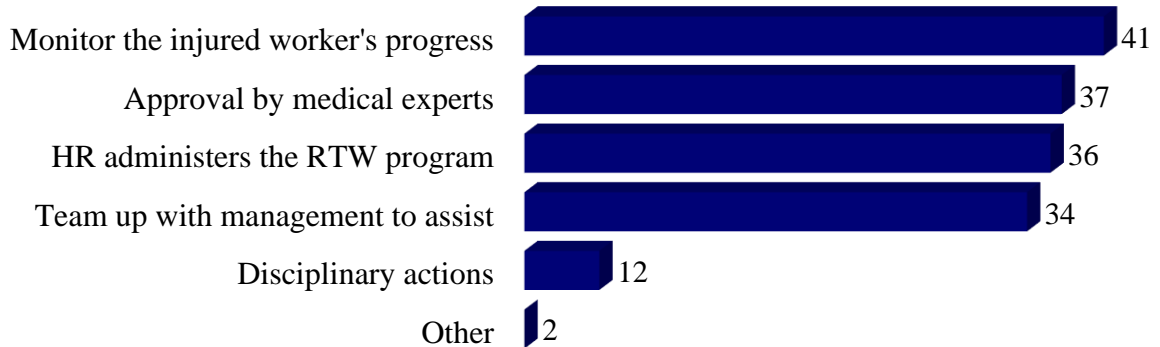
Is the written RTW program actively utilized by management and employees?



All 43 employers that answered the RTW question affirmatively, also responded “Yes” to this follow-up question.

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A follow-up question was asked to provide procedures in place to ensure the RTW program is effective. The following options were selected:

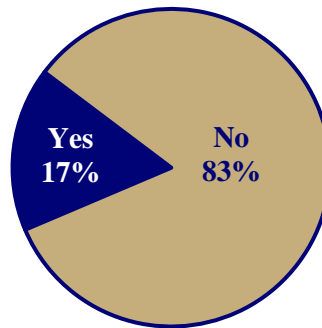


The options above were pre-set options that an employer marked if applicable. The following additional options were provided by employers that selected “Other” relating to the procedures in place for an effective return to work program:

- Corporate Risk Management monitors employees who are out of work for work related accidents to ensure return to work is utilized.
  - Home office administers the RTW program for work related injuries.
-



Are there incentives to management and/or employees for reviewing and implementing the RTW program?



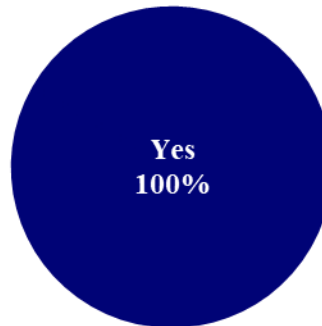
Seven employers selected “Yes”, 35 employers selected “No” and one employer did not make a selection.

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### Workplace and Employee Training

This section of the survey is dedicated to workplace training provided, mandated or made available to new employees as well as re-training of employees for various reasons.

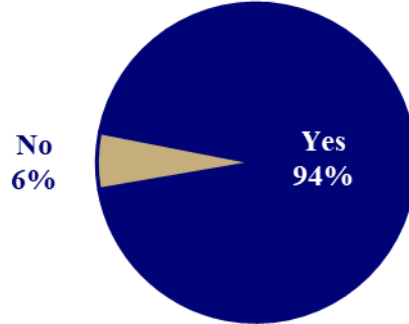
Do you provide initial training for employees and management participating in job activities involving potential workplace hazards?



All 52 employers selected “Yes”.

A follow up question was required for the 52 employers that confirmed they provide initial employee training that addressed potential workplace hazards.

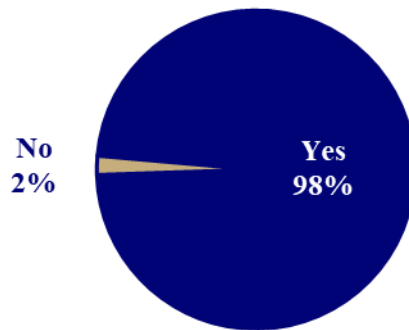
If you answered "Yes" to the question above; does the initial training address all workplace hazards applicable to the industry?



Forty-nine employers selected "Yes" while the remaining three selected "No".

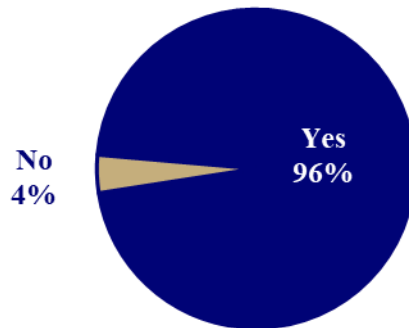
The following questions are related to initial training practices and protocols used in the employer's workplace.

Is all training mandatory for employees and/or management?



Fifty-one employers selected "Yes" while the remaining one selected "No".

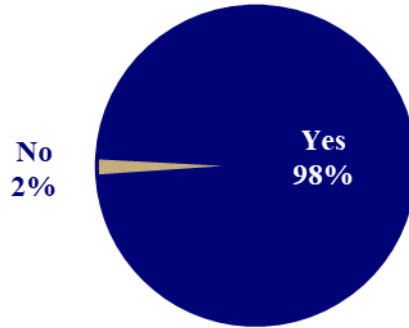
Do you use a developed training curriculum and related materials?



Fifty employers selected "Yes" while the remaining two selected "No".

The questions above were related to initial training that generally occurs pre-hire or soon after hire. Routine work can dull alertness and relaxed attitudes can replace the caution that existed when the job was new and interesting. Periodic safety training is a reminder that workplace danger can exist and that no one is immune to accidents. The following questions focus on re-training options.

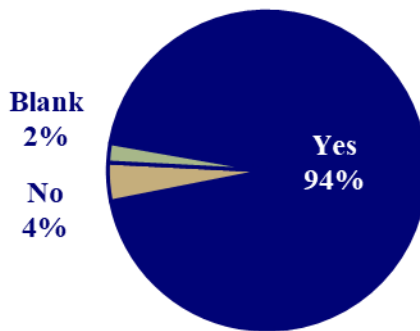
Do you provide re-training for employees and/or management?



Fifty-one employers selected “Yes” while the remaining one selected “No”.

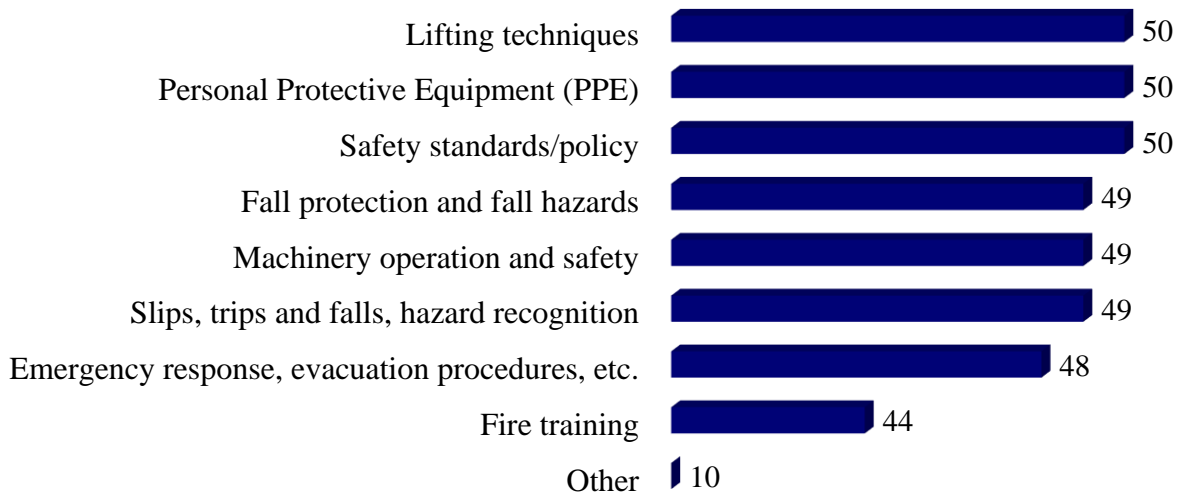
A follow up question was required for the 51 employers who confirmed that re-training was provided to employees and management, asked if the re-training addressed all workplace hazards applicable to their industry.

Does re-training address all workplace hazards applicable to the industry?



49 employers selected “Yes”, 2 employers selected “No” and 1 employer did not make a selection.

Employers were asked to select all hazards that company training or re-training addressed. The selected options included:



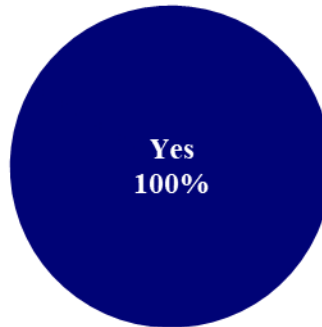
The options above were pre-set options that an employer marked if applicable. The following additional options were provided by employers that selected “Other” relating to industry hazards addressed in company training:

- Constant communications with safety reminders/education on a weekly basis covering the entire range of safety elements with a new topic addressed each time.
- Comprehensive safety program related to the work environment
- Ergonomics, Confined Space, LOTO, Hazard Communications, PIT, etc.
- Driver's Safety, Summer Safety
- Powered Industrial Trucks LockOut /TagOut
- Bloodborne pathogens; pre/post trip inspection; distracted driving
- Energy isolation, hazard communication, industrial hygiene awareness, hot work, lifting and rigging, critical device bypass line of fire, emergency response, excavation and trenching, fire protection and prevention, electrical safety, motor vehicle safety
- Dedicated training manager maintains required training matrix
- Confined spaces, hand safety, crane safety, mobile equipment, etc.
- Workplace violence

## Workplace Information

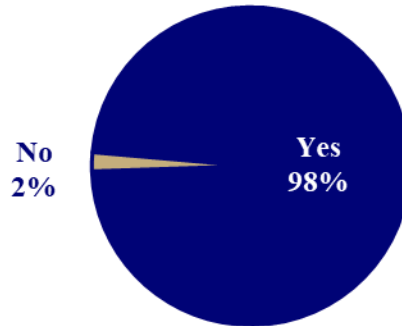
The final section of the self-insured employer survey includes questions regarding workplace safety such as the use of personal protective equipment, workplace hazards, emergency preparedness and other industry information.

Do you provide appropriate personal protection equipment (PPE) to employees who have the potential for exposure to a workplace hazard?



Fifty-two employers selected "Yes".

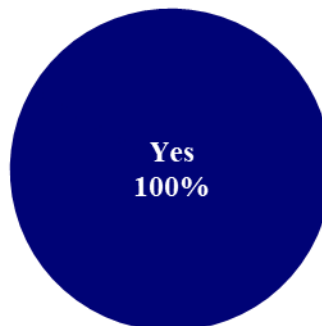
Do you provide regular inspection by management to ensure PPE is being used correctly?



Fifty-one employers selected "Yes" while the remaining one employer selected "No".

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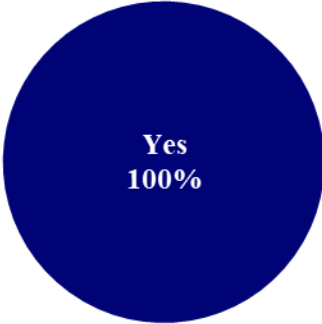
Do you provide access and egress to the facility including proper emergency lighting?



Fifty-two employers selected "Yes".

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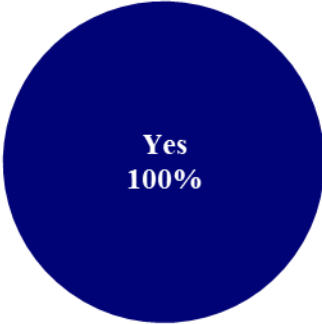
Do you have a system in place for regular inspection by management to ensure the access, egress and lighting is properly maintained?



Fifty-two employers selected "Yes".

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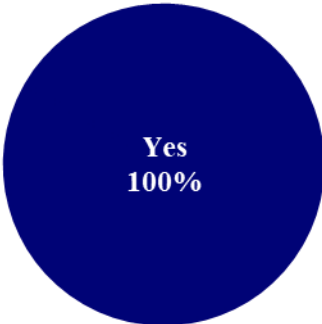
Are machines (including office equipment) regularly inspected, guarded, maintained and operated?



Fifty-two employers selected "Yes".

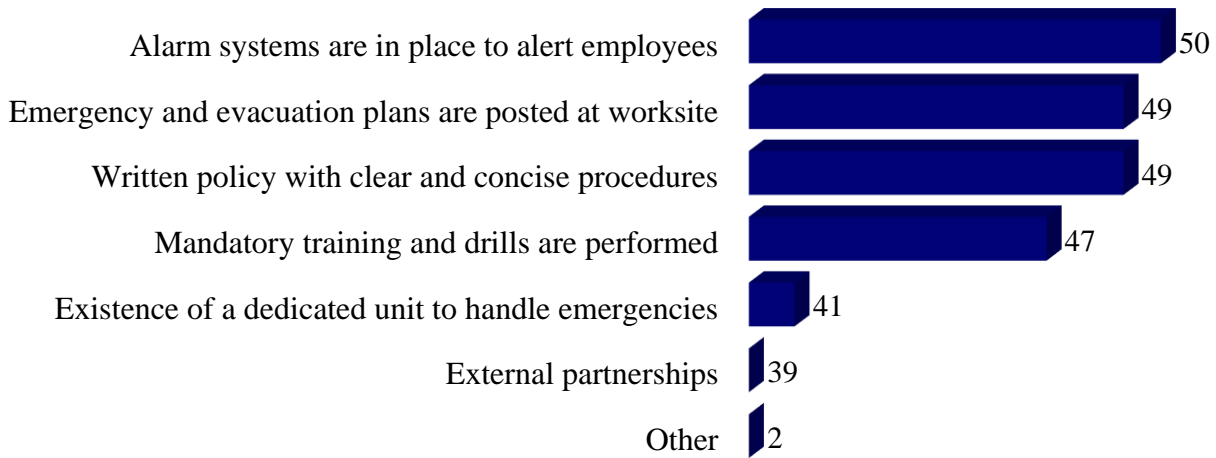
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Do you have a program in place to address emergency preparedness?



Fifty-two employers selected "Yes".

The 52 employers that responded affirmatively were asked to select all options involved in an emergency preparedness plan. The selected options included:

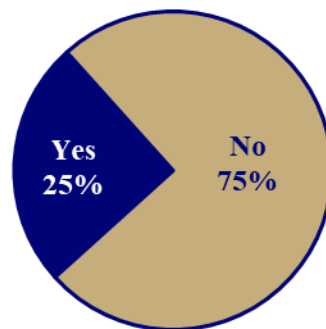


The options above were pre-set options that an employer marked if applicable. The following additional options were provided by employers that selected “Other” relating to emergency preparedness plans:

- Preparedness plans are customized for and posted at each location including employee responsibilities during various types of emergency events. Dedicated units versus external partnerships are based on the specific facility.
- Emergency procedures vary as we are a campus type environment.

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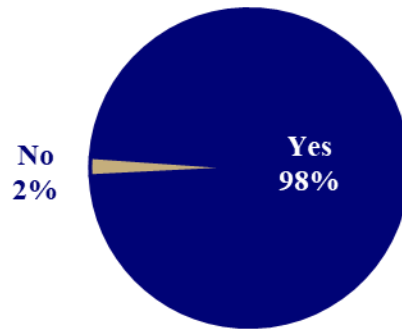
Are you certified by an international standards organization?



Thirteen employers selected “Yes” while 39 employers selected “No”.

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Do you undergo regular internal and/or external safety audits?



Fifty-one employers selected “Yes” while one employer selected “No”.

---

Additional comments provided by employers relating to any topic or question included in the survey:

- City of Parkersburg: Our Police and Fire are safety certified and train regularly. They also undergo regular internal and/or external safety audits.
  - Wendy's International LLC: Our safety culture is continuously improving in partnership with Operations senior leadership partners. Wendy's employs a dedicated EHS team that has integrated with our Risk Management function. Our Safety programs are built around OSHA compliance and safety awareness, education and training for our valued employees.
  - JELD-WEN Inc.: We have a well-developed, comprehensive safety management system in place at each location.
  - Huntington Bancshares Incorporated: Internal Environmental Health & Safety department conducts audits of large buildings on an annual basis.
  - Columbia Forest Products: WV DOL conducts workplace audits.
-



## Self-Insured Employer Conclusions

A compilation and analysis of the self-insured employer responses concluded that most West Virginia self-insured employers have implemented and actively enforce safety programs and procedures in the workplace.

Ten industry types were represented with the highest percentages of employee count (26.4%) and the highest percentage of payroll (24.5%) reported in the transportation category followed closely by the public administration category with similar reported percentages.

Employers reported that the main components of safety programs and initiatives include:

- Accident investigation and follow-up reports; 98.1%
- Accident prevention; 98.1%
- Clearly states standards and procedures; 98.1%
- Promotes a safety culture; 98.1%
- Provides safety training; 98.1%
- Emphasizes a commitment and responsibilities; 96.2%
- Establishes a safety committee; 96.2%
- Personal Protection Equipment; 96.2%

96.2% of employers responded that all safety and loss programs or procedures are enforced and monitored on a regular basis with 90.4% reporting that at least one employee is solely dedicated to the oversight and implementation of the safety program.

A comprehensive review of the submitted responses would indicate that self-insured employers are using safety programs and initiatives in an effective manner to reduce injuries and to provide employees with a hazard free workplace while lowering claim costs.

## Exhibits Index

**Exhibit 1** – 2022 West Virginia Safety Initiatives in the Workers' Compensation Market Insurer Survey

[https://www.wvinsurance.gov/insurer\\_safety\\_survey](https://www.wvinsurance.gov/insurer_safety_survey)

**Exhibit 2** – 2022 West Virginia Safety Initiatives in the Workers' Compensation Market Self-Insured Employer Survey

[https://www.wvinsurance.gov/Self-Insured\\_Safety\\_Survey](https://www.wvinsurance.gov/Self-Insured_Safety_Survey)

**Exhibit 3** – Insurer Groups and Companies

**Exhibit 4** – Self-Insured Employers with Industry Type

Exhibit 1



**2022 West Virginia Safety Initiatives in the Workers' Compensation Market Insurer Survey**

Pursuant to W.Va. Code §23-2C-5(c)(6), this form will serve as a mandatory survey to provide an overview of the safety initiatives currently being utilized by insurers in the West Virginia workers' compensation market.

Please contact Juanita Wimmer at [Juanita.D.Wimmer@wv.gov](mailto:Juanita.D.Wimmer@wv.gov) or via telephone at 304-414-8491 with questions or concerns about specific questions or the online form in general.

NAIC Group Code

Company Name and NAIC Company Code\* If multiple companies, please list each name separately.

Company Address\* If multiple companies, please provide only one address.

Respondent Name

# Exhibit 1

Respondent Phone Number

Respondent Email Address

WV Policy Count - CY2021 Year End

WV Total Written Premium - CY2021 Year End

Do you offer safety and loss programs, or risk management services to WV employers?

Yes  No

Please check all types of safety programs and initiatives you offer. Multiple selections are accepted.

- On-site surveys or follow-up recommendations
- Loss analysis
- Education and training resources
- Safety / Risk assessments
- Ergonomic evaluations
- Online safety programs or videos
- Development of policy and programs
- Industrial hygiene assessments
- Other

If "Other" was selected, then please provide additional information here.

---

Do you offer the services of a dedicated safety unit to WV employers?

Yes  No

If you answered "Yes" to the question above, please describe the services offered and approximate number of staff dedicated to WV employers for these services.

## Exhibit 1

Do you offer regular safety audits to WV employers?

Yes  No

If you answered "Yes" to the question above, please answer whether the information obtained from the safety audits is used in the schedule rating credit/debit consideration.

Yes  No

How many WV employers utilize the safety and loss programs and initiatives offered by you? (i.e., the count of WV policies utilizing any of the safety services you offer)

Of those WV employers that utilize the safety services that you provided in the previous question, please provide the premium amount for only those employers.

Please describe the most utilized safety programs or options by WV employers and provide an approximate count of employer utilization for each program or option.

Do you implement follow-up measures to ensure employer utilization of the offered safety services is effective and appropriate?

Yes  No

If you answered "Yes" to the question above, please provide quantitative metrics used to measure utilization success.

---

If an employer implements a drug and/or alcohol testing program in the workplace, do you consider that in the premium determination process?

Yes  No

If you answered "No" to the question above, please provide how you monitor employer implemented drug/alcohol testing programs.

## Exhibit 1

If you answered "Yes" to the question above, what aspects of a drug and/or alcohol testing program would you consider for a premium credit?

- Existence of drug / alcohol testing programs
- Utilization and adherence of the drug/alcohol program
- Effectiveness of drug/alcohol program
- Other

If "Other" was selected, then please provide additional information here.



Generally speaking, how do you feel WV employers compare to employers in other states regarding the effective use of safety and loss programs and initiatives?

- Better
- Same
- Worse

Please provide any suggestions of what the state of West Virginia could do to encourage employers to implement safety and loss programs, and initiatives.



## Exhibit 1

Please mark all options below that are most commonly used in your safety and loss programs.

- Online safety resources such as webinars, videos, video chat, etc.
- On-site safety consultations/audits/inspections
- Surveys or assessments
- Safety programs such as Stretch and Flex or other fitness-based routines
- Loss control analysis
- Return-to-Work programs
- Online training/seminars
- Compliance support/resources
- Toolbox safety talks
- Customized safety programs
- Accident investigation training
- Workers' compensation general training
- Safety Committee
- Self-inspection checklists
- Awareness programs (posters, booklets, stickers, etc.)
- Professional development for management
- Annual refresher training based on job function
- Other

If "Other" was selected, then please provide additional programs offered by your company to WV employers.



Please use this section to provide any additional comments relating to this safety survey. Comments may be general in nature or specific to any of the questions included within the survey or related to the distribution and format of the survey.



Exhibit 2



**2022 West Virginia Safety Initiatives in the Workers' Compensation Market  
Self-Insured Employer Survey**

Pursuant to W.Va. Code §23-2C-5(c)(6), this form will serve as a mandatory survey to provide an overview of the safety initiatives currently being utilized by self-insured employers. All self-insured employers are required to respond.

Please contact Juanita Wimmer at [Juanita.D.Wimmer@wv.gov](mailto:Juanita.D.Wimmer@wv.gov) or via telephone at 304-414-8491 with questions or concerns regarding the survey questions or the online survey form.

Employer Name

Employer Address \* If multiple locations, please provide the corporate headquarters mailing address.

Employer Contact Name

Employer Contact Phone Number

Employer Contact Email Address



## Exhibit 2

### Primary Industry

- Agriculture
- Construction
- Finance, Insurance and/or Real Estate
- Healthcare
- Manufacturing
- Mining
- Public Administration
- Retail Trade
- Services - Hotel, Lodging, Health Recreation, Education, Legal, Restaurant, Social Services, etc.
- Transportation, Communications, Electric, Gas and/or Sanitary
- Wholesale Trade

### Count of WV employees

### Approximate 2021 calendar year annual WV payroll

Do you have a written safety and loss program for your employees, including provisions for any particular problems associated with your business (such as dust or noise)?

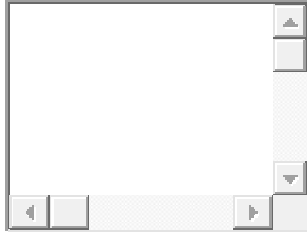
- Yes  No

If you answered "Yes" to the question above, please check all components that your safety program addresses.

- Provides safety training
- Personal Protection Equipment
- Promotes a safety culture
- Emphasizes a commitment and responsibilities
- Accident prevention
- Accident investigation and follow-up reports
- Establishes a safety committee
- Clearly states standards and procedures
- Other

## Exhibit 2

If "Other" was selected, then please provide additional components of your safety program here.



Is the safety program enforced?

Yes  No

Are the safety program principles or mission statement posted in a conspicuous place(s) at the worksite?

Yes  No

Does senior management meet at least once annually to discuss and review the safety program, to ensure it is effective, sustainable and continually improving?

Yes  No

Is safety compliance a performance review measure for management and/or employees?

Yes  No

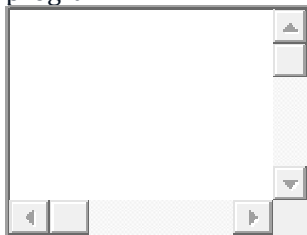
Do you utilize a safety incentive program for management and/or employees?

Yes  No

If you answered "Yes" to the question above, please select any options below that are included within the safety incentive program.

- Achieving set goals
- Unit performance
- Individual performance
- Incident rates
- Other

If "Other" was selected, then please provide additional options included in the safety incentive program.



## Exhibit 2

If you answered "Yes" to the safety incentive question, please select any options below that are awarded to employees for safety program compliance.

- Bonus (annual, quarterly monthly, etc.)
- Annual pay increase
- Honor or Recognition
- Additional vacation time
- Gifts (gift cards, apparel, tools, etc.)
- Other

If "Other" was selected, then please provide additional awards or honors provided to compliant employees as part of the safety incentive program.



Do you have a progressive discipline policy in place to address safety program violations?

- Yes  No

Do you have a workplace safety committee that meets regularly?

- Yes  No

Do you have at least one full time employee, dedicated solely to the safety program oversight and implementation?

- Yes  No

Has a safety survey been completed for each work area, and evaluated for occupational safety?

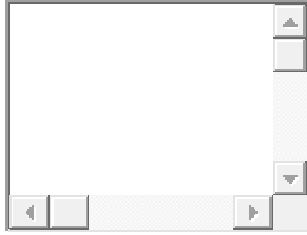
- Yes  No

If you answered "Yes" to the question above, how often are safety surveys conducted and/or updated?

- Annually
- Quarterly
- Monthly
- Weekly
- Daily
- As needed
- Other

## Exhibit 2

If "Other" was selected, then please provide additional information below.



If you answered "Yes" to the completed safety survey question above, do you have a protocol to address any safety or loss issues reflected in a completed survey?

Yes  No

If you answered "Yes" to the question above, please select applicable protocols used to address safety concerns as a result of completed safety surveys.

- Encourage employees to report safety concerns
- Education and training
- Additional supervision and/or monitoring of the issue
- Preventative maintenance
- Address specific concerns with employee(s)
- Implement discipline policy standards
- Other

If "Other" was selected, then please provide additional protocol information here.



Do you have a written drug and/or alcohol program?

Yes  No

If you answered "Yes" to the question above, does the program include testing for all employees?

Yes  No

## Exhibit 2

Please select all options applicable to the drug and/or alcohol program.

- Pre-hire testing
- Testing based on reasonable cause and/or suspect
- Employee assistance program
- Random drug testing
- Sobriety agreement
- Mandatory testing if accident occurs
- Other

If "Other" was selected, then please provide additional options applicable to the drug and/or alcohol program below.



Do you have a written Return-to-Work (RTW) program complete with a RTW manager at each facility?

- Yes  No

If you answered "Yes" to the question above, please select options that are included within your RTW program.

- Modified duty or temporary alternate work
- Physician's approval to participate in the program
- Monitor the progress of participants
- Required systematic review
- Injuries sustained outside of work is covered under the program
- Dedicated RTW team
- Time limit for participation
- Other

If "Other" was selected, then please provide additional options that are included in your RTW program.



## Exhibit 2

Is the written RTW program actively utilized by management and employees?

Yes  No

Please select all procedures that are in place to ensure the RTW program is utilized.

- Human Resources administers the RTW program
- Monitor the injured worker's progress
- Approval by medical experts to determine further procedures
- Team up with different units and management to assist the injured worker
- Disciplinary actions
- Other

If "Other" was selected, then please provide additional procedures that are in place to ensure the RTW program is utilized.



Are there incentives to management and/or employees for reviewing and implementing the RTW program?

Yes  No

Do you provide initial training for employees and management participating in job activities involving potential workplace hazards?

Yes  No

If you answered "Yes" to the question above, does the initial training address all workplace hazards applicable to the industry?

Yes  No

Is safety training mandatory for employees and/or management?

Yes  No

Do you use a developed safety training curriculum and related materials?

Yes  No

Do you provide re-training for employees and/or management?

Yes  No

Does re-training address all workplace hazards applicable to the industry?

Yes  No

## Exhibit 2

Please select the hazards that are addressed in re-training.

- Personal Protective Equipment (PPE)
- Safety standards/policy
- Emergency response, evacuation procedures, etc.
- Slips, trips and falls, hazard recognition
- Fall protection and fall hazards
- Lifting techniques
- Fire training
- Machinery operation and safety
- Other

If "Other" was selected, then please provide additional hazards or areas of focus involved in re-training.



Do you provide appropriate personal protection equipment (PPE) to employees who have the potential for exposure to a workplace hazard?

Yes  No

Do you provide regular inspection by management to ensure PPE is being used correctly?

Yes  No

Do you provide appropriate access and egress to the facility including proper emergency lighting?

Yes  No

Do you have a system in place for regular inspection by management to ensure the access, egress, and lighting is properly maintained?

Yes  No

Are machines (including office equipment) regularly inspected, guarded, maintained and operated?

Yes  No

Do you have a program in place to address emergency preparedness?

Yes  No

## Exhibit 2

If you answered "Yes" to the question above, please select all options relating to your emergency preparedness plan.

- Emergency and evacuation plans are posted at worksites and are easily accessible by employees
- Written policy with clear and concise procedures
- Alarm systems are in place to alert employees
- Mandatory training and drills are performed
- Existence of a dedicated unit to handle emergencies
- External partnerships
- Other

If you selected "Other" on the question above, please provide additional options relating to your emergency preparedness plan.



Are you certified by an international standards organization?

- Yes  No

Do you undergo regular internal and/or external safety audits?

- Yes  No

Please use this section to provide any additional comments relating to this safety survey. Comments may be general in nature or specific to any of the questions included within this survey.

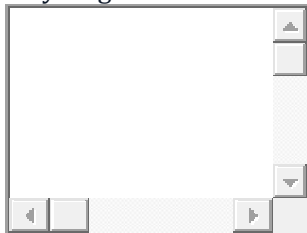




Exhibit 3

Group Name	Company Name(s)
Encova Mut Ins Grp	BrickStreet Mut Ins Co PinnaclePoint Ins Co SummitPoint Ins Co NorthStone Ins Co
Travelers Grp	Travelers Prop Cas Co Of Amer Travelers Ind Co Of Amer Travelers Cas & Surety Co Charter Oak Fire Ins Co Standard Fire Ins Co Farmington Cas Co Travelers Cas Ins Co Of Amer Travelers Ind Co Of CT Phoenix Ins Co Travelers Ind Co
Liberty Mut Grp	LM Ins Corp Liberty Ins Corp Ohio Security Ins Co First Liberty Ins Corp Liberty Mut Fire Ins Co Employers Ins Co of Wausau Ohio Cas Ins Co American Fire & Cas Co West Amer Ins Co
Argo Grp US Inc Grp	Rockwood Cas Ins Co Argonaut Ins Co Argonaut Midwest Ins Co
Erie Ins Grp	Flagship City Ins Co Erie Ins Exch Erie Ins Prop & Cas Co Erie Ins Co Of NY Erie Ins Co
Zurich Ins Grp	Zurich Amer Ins Co Of IL Zurich Amer Ins Co American Zurich Ins Co American Guar & Liab Ins

Exhibit 3

Group Name	Company Name(s)
Hartford Fire & Cas Grp	Twin City Fire Ins Co Hartford Underwriters Ins Co Hartford Ins Co Of The Midwest Hartford Fire Ins Co Hartford Cas Ins Co Hartford Accident & Ind Co Hartford Ins Co Of The Southeast Property & Cas Ins Co Of Hartford Hartford Ins Co Of IL Trumbull Ins Co Sentinel Ins Co Ltd Nutmeg Ins Co
American Intl Grp	AIU Ins Co New Hampshire Ins Co National Union Fire Ins Co Of Pitts Granite State Ins Co Insurance Co Of The State Of PA Commerce & Industry Ins Co AIG Prop Cas Co
Chubb Ltd Grp	Indemnity Ins Co Of North Amer Ace Amer Ins Co Federal Ins Co Chubb Ind Ins Co Bankers Standard Ins Co Pacific Employers Ins Co Chubb Natl Ins Co Pacific Ind Co Executive Risk Ind Inc Westchester Fire Ins Co Vigilant Ins Co Ace Prop & Cas Ins Co Great Northern Ins Co
AmTrust Financial Serv Grp	Wesco Ins Co Technology Ins Co Inc Sequoia Ins Co

## Exhibit 4

Name: ACNR Resources, Inc.  
Industry: Mining

Name: CONSOL Mining Company LLC  
Industry: Mining

Name: Alex Energy LLC  
Industry: Mining

Name: CONSOL Pennsylvania Coal Company LLC  
Industry: Mining

Name: Alliance Coal LLC  
Industry: Mining

Name: Cracker Barrel Old Country Store Inc.  
Industry: Services

Name: American Electric Power Company Inc.  
Industry: Transportation

Name: Delhaize America LLC  
Industry: Retail Trade

Name: Aracoma Coal Company LLC  
Industry: Mining

Name: Dolgencorp LLC  
Industry: Retail Trade

Name: Asplundh Tree Expert LLC  
Industry: Transportation

Name: Eastern Gas Transmission  
Industry: Transportation

Name: Brooks Run South Mining LLC  
Industry: Mining

Name: Encompass Health Corporation  
Industry: Healthcare

Name: City of Charleston  
Industry: Public Administration

Name: Exxon Mobil Corporation  
Industry: Transportation

Name: City of Fairmont  
Industry: Public Administration

Name: Federal Express Corporation  
Industry: Transportation

Name: City of Huntington  
Industry: Public Administration

Name: FedEx Ground Package System Inc.  
Industry: Transportation

Name: City of Parkersburg  
Industry: Public Administration

Name: Fiesta Tableware Company  
Industry: Manufacturing

Name: City of Wheeling  
Industry: Public Administration

Name: FirstEnergy Service Company  
Industry: Transportation

Name: Columbia West Virginia Corporation  
Industry: Manufacturing

Name: General Motors LLC  
Industry: Manufacturing

## Exhibit 4

Name: Highland Mining Company  
Industry: Mining

Name: Residence Inn by Marriott LLC  
Industry: Services

Name: Hope Gas Inc.  
Industry: Transportation

Name: Spartan Mining Company LLC  
Industry: Mining

Name: Huntington Alloys Corporation  
Industry: Manufacturing

Name: SWVA Inc.  
Industry: Manufacturing

Name: Huntington Bancshares Inc.  
Industry: Finance

Name: T-Force Freight Inc.  
Industry: Transportation

Name: JELD-WEN Inc.  
Industry: Manufacturing

Name: Toyota Motor Manufacturing WV Inc.  
Industry: Manufacturing

Name: Kingston Mining Inc.  
Industry: Mining

Name: U S Silica Company  
Industry: Mining

Name: Lowes Home Centers LLC  
Industry: Retail Trade

Name: Union Carbide Corporation  
Industry: Manufacturing

Name: Marriott International Inc.  
Industry: Services

Name: United Parcel Service Inc.  
Industry: Transportation

Name: Monongahela Power Company  
Industry: Transportation

Name: Virginia Electric and Power Company  
Industry: Transportation

Name: Pepsi-Cola Metropolitan Bottling Co Inc.  
Industry: Wholesale Trade

Name: Wendy's International LLC  
Industry: Services

Name: Performance Coal Company LLC  
Industry: Mining

Name: West Virginia Counties Risk Pool Inc.  
Industry: Public Administration

Name: Pilgrim's Pride Corp Of West Virginia Inc.  
Industry: Agriculture

Name: Weyerhaeuser Company  
Industry: Manufacturing

Name: Potomac Edison Company  
Industry: Transportation

Name: Wheeling Park Commission  
Industry: Services