

Insurers' Program

437-001-1025 Notification of Services

- (1) When an insurer writes a workers' compensation policy for an employer, and annually thereafter, the insurer shall inform the employer at the employer's Oregon main office of the loss prevention services that are available. The information shall include at least the following:
 - (a) A description of all loss prevention services that the insurer is required to offer, and other loss prevention services the insurer provides;
 - (b) A description of the availability of and process for obtaining loss prevention services;
 - (c) An offer, by the insurer, of an on-site evaluation of the loss prevention service needs of the insured;
 - (d) An explanation of the employer's responsibility to provide a safe and healthful workplace as required by the Oregon Safe Employment Act (ORS 654.001 to 654.295 and 654.991); and
 - (e) A statement of the employer's right to make a complaint to Oregon OSHA if an insurer fails to respond to a request from one of its insured employers for loss prevention services or otherwise fails to provide services as offered or required.
- (2) An insurer shall provide the material described in section (1) of this rule and instructions that the employer distribute this material to each of the employer's fixed places of employment in Oregon.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88.

OSHA 7-1999, filed 7/15/99, effective 7/15/99.

OSHA 5-2018, filed 11/29/18, effective 12/17/18.

437-001-1030 Requests for Services

- (1) Any request by an insured employer regarding an imminent danger hazard shall be responded to with loss prevention services as soon as possible by the insurer.
- (2) Any other requests regarding alleged hazards other than imminent danger shall be responded to with loss prevention services as soon as practicable, but not longer than 30 days following the date of the request.

Statutory/Other Authority: ORS 654.025(2) and 656.726(3).
Statutes/Other Implemented: ORS 654.001 through 654.295.
History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88
OSHA 7-1999, filed 7/15/99, effective 7/15/99.

437-001-1035 Loss Prevention Services

- (1) Each insurer shall make occupational health and safety loss prevention services available to all its insured employers and shall provide certain other services as required by this rule.
- (2) At a minimum, loss prevention services and personnel providing the services must meet the needs of the particular place of employment, special industry, or process, and shall include at least the following:
 - (a) Evaluation of the employer's loss prevention needs;
 - (b) Assistance in evaluating records that may be pertinent to the firm's illness and injury experience;
 - (c) An explanation to the employer of the Oregon Safe Employment Act and rules that apply to the particular place of employment;
 - (d) Provision of partial or complete on-site health and safety surveys, which identify all reasonably discoverable occupational safety and health hazards within the scope of the survey scheduled;
 - (e) Assistance with industrial hygiene and safety evaluations to detect physical and chemical hazards of the workplace, and implementation of engineering or administrative controls;
 - (f) Assistance with evaluating, obtaining, and maintaining personal protective equipment;
 - (g) Evaluation of work practices, workplace design, and assistance with job site modifications;
 - (h) Assistance in evaluating and improving an employer's safety management practices;
 - (i) Assistance in identifying health and safety training needs and available resources; and
 - (j) An offer to provide follow-up services.
- (3) Loss prevention services shall include a written report with a plan of action.

- (4) If, when providing loss prevention services, a condition of imminent danger is observed (see OAR 437-001-0015), the insurer shall advise the employer of the hazard and the need to immediately correct it.
- (5) All insurers shall maintain records of all loss prevention services provided at the locations designated by the insurer for Division personnel's review and must be maintained for not less than 3 years following the date the service was provided.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88.

OSHA 7-1999, filed 7/15/99, 7/15/99.

OSHA 5-2018, filed 11/29/18, effective 12/17/18.

437-001-1040 Required Loss Prevention Services

- (1) An insurer shall offer to assist in developing a loss prevention plan with each of its employers with a claims frequency or severity greater than its average employer in the same industry. The plan shall promote self-sufficiency on the part of the employer to reduce injuries and illnesses, and shall include a means to identify and control all reasonably discoverable occupational health and safety hazards.
- (2) The assistance shall include the following:
 - (a) Employer notification of the available services.
 - (b) Perform a workplace hazard survey.
 - (c) Review of injury records and documentation of activities designed to lead to the reduction of workplace injuries and illnesses.
 - (d) Assist the employer in developing a written loss prevention plan that is based upon the results of the hazard survey and review of injury records. The plan must at a minimum address the following loss prevention principles:
 - (A) Management commitment to health and safety;
 - (B) An accountability system for employer and employees;
 - (C) Training practices and follow-up;
 - (D) A system for hazard assessment and control;
 - (E) A system for investigating all recordable occupational injuries and illnesses that includes written findings and corrective action;
 - (F) A system for evaluating, obtaining, and maintaining personal protective equipment;

- (G) Evaluation of workplace design, work practices, and assistance with job site modifications; and
 - (H) Employee involvement in the health and safety effort.
- (e) Tailor the plan to meet the needs of the employer for reduction of injuries and illnesses while promoting self-sufficiency on the part of the employer.
- (3) The insurer's obligation to assist shall end if the employer declines the services offered by the carrier.
- (4) The Division may evaluate the insurers' targeted loss prevention services program randomly, however no more frequently than every 3 years.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88.

OSHA 10-1990, filed 5/31/90, effective 5/31/90 (temp).

OSHA 24-1990, filed 10/10/90, effective 10/10/90 (perm).

OSHA 7-1992, filed 7/31/92, effective 10/1/92.

OSHA 7-1999, filed 7/15/99, effective 7/15/99.

OSHA 5-2018, filed 11/29/18, effective 12/17/18.