



A Message from Megan

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President

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The History and Proposed Changes to Workers' Compensation in Michigan

Due to recent pending legislative changes, I thought that it would be beneficial to provide the history of workers' compensation as well as where we are today.

Workers' Compensation is a state-mandated insurance program that provides wage replacement, medical treatment, and rehabilitation benefits to employees who are injured while performing their job duties.

Prior to 1912 injured workers in Michigan had to file civil (tort) lawsuits against their employers to receive compensation. This process required employees to prove that the injury resulted from employer negligence. Employers, in turn, had three defenses to use such as employee negligence, the employee knew the associated dangers of doing the work and assumed the risk or that another employee's negligence caused the injury. If the employee won the tort action, damages were awarded by a jury.

In 1912, Michigan adopted a Workers' Compensation Act establishing a "no-fault" system commonly referred to as the Grand Bargain, under which the worker gave up the right to sue their employer for workplace injuries in return for receiving defined benefits such as wage loss compensation, medical expense coverage and rehabilitation services regardless of who was at fault.



Over the years the Michigan Workers' Compensation system has evolved, and new legislative proposals are currently under consideration. Two key bills—**Senate Bills 74 and 75**—propose significant changes, including:

- Increasing the average weekly wage calculation,
- Reducing employer authority over medical treatment decisions from 28 days to 14 days,
- Reforming rules around independent medical examinations (IMEs).

These proposals would significantly alter the current Grand Bargain by also allowing injured workers to both sue their employer and collect workers' compensation benefits. This dual-path option would erode the foundational agreement that has balanced employer and employee rights for over a century.

These bills, supported by trial attorneys, are currently being reviewed by the Senate Labor

Committee. We are actively monitoring their progress and assessing potential impacts on our policyholders.

For further information on workforce and employment-related issues, I encourage you to reach out to the Michigan Manufacturers Association (MMA) who are a valuable resource for navigating changes in employment law and workers' compensation policy.

— Megan



Donna Motley

Vice President of Claims

What's New

MTMIC is rolling out, and offering our insureds, a new program! Not necessarily “new” to the insurance & medical industries, but new to MTM - Nurse Triage and Telemedicine. Some insureds have inquired about such a program, and we paid attention. While maybe not a good fit for everyone, once an employer is established with the service provider, you can use the program – or not. There is no contract, no obligation.

MTM will connect the employer with the service company, who will in turn reach out to the employer, obtain employer specifics, and will provide utilization training.

The basics: In the case of a “non-emergency” work related injury that occurs at the employer facility, the injured worker calls the respective 1-800 telephone number where a Nurse obtains the required reporting information and provides a medical assessment. Recommendations will be provided in self-care and treatment. If the recommended treatment exceeds self-care, an appointment will be scheduled for the injured worker with the appropriate medical facility (based on employer preference). The employer and MTM receive notification of the injury and recommended plan of care.

The advantages: IMMEDIATE RESPONSE TIME AND ATTENTION TO THE EMPLOYEE AND ALLEGED WORK INJURY! No driving to the clinic or missing time from work while seeking an initial evaluation. Nurse Triage is available 24/7 with qualified nurses that can converse in any language/dialect. The emergency room is no longer the only option for 2nd and 3rd shift employees. There is a cost saving factor – Nurse Triage is cheaper than a clinic visit, not to mention a hospital visit. An effective means of directing medical care with the employer and MTM being informed within 24 hours. May also aid in eliminating fraud.

Obviously, there is a fee for said services that would be incurred by the employer. However, an insured may be eligible for a MTM discount or fee waiver, based upon their premium.

Could be a WIN for everyone involved!



Chris Demeter

Senior Loss Control Consultant

Young Worker Safety and Health

Young workers experience high rates of job-related injuries. According to the Department of Labor, in fiscal year 2020, teens aged 15 to 19 were treated in the emergency room for a workplace injury about every five minutes. These injuries often result from the numerous hazards present in the places where they typically work, such as sharp knives and slippery floors in restaurants. Young workers are particularly at risk for workplace injuries due to their inexperience, as well as their physical, cognitive, and emotional developmental traits. Additionally, a lack of safety training contributes to the high rates of injury. They often hesitate to ask questions and may fail to recognize workplace hazards. To help address this issue, MIOSHA enacted the Youth Employment Standards Act 90 of 1978. The Act defines a minor as anyone under 18 years of age, including but not limited to employees, volunteers, independent contractors, and performing artists.

There are laws that protect teens from engaging in hazardous work. In Michigan, workers under 18 cannot:

- Drive a motor vehicle as part of the job (pizza delivery, etc.).
- Drive a forklift.
- Use powered equipment like a circular saw, box crusher, meat slicer, or bakery machine.
- Work in wrecking, demolition, excavation, or roofing.
- Come in contact with hazardous substances, chemicals, explosives, or radioactive substances.
- Work in a logging or sawmill.
- Perform brazing, welding, soldering, or heat treating for those less than 16 years of age.

RESTRICTED WORK:

Special approval for certain restricted work may be granted for 16- and 17-year-olds. Employers must apply for this special approval to the Michigan Department of Education (MDE) / Office of Career & Technical Education. Minors under 18 years of age must obtain a work permit or a written agreement or contract between the employer and the governing school district, public school academy, or nonpublic institution before starting work. Work permits can be obtained from the school issuing officer in the state of Michigan (the chief administrator of a school district or intermediate school district, etc.) that the minor attends or from the school district where the minor will be employed. If the minor changes jobs, a new work permit is required for the new employer. A work permit may be revoked for poor academic performance. A work permit

is required even if the minor is home-schooled, cyber-schooled, virtually schooled, online-schooled, does not attend school, or is an out-of-state resident. Work permits are no longer available for bulk purchase from the Michigan Center for Career & Technical Education; work permits are available for printing or download below. Note: CA-6 work permits must be printed, front and back, on pink paper, and CA-7 work permits must be printed, front and back, on yellow paper to be valid.

Contact: Email: WHinfo@michigan.gov Phone: 517.284.7800 Fax: 517.763.0110

Send forms to: Wage and Hour Division ATTN: Jennifer Fields Michigan Department of Labor and Economic Opportunity P.O. Box 30476 Lansing, MI 48909-7976

WHO NEEDS A WORK PERMIT (Including Summer)

Minors under the age of 18 cannot be employed or permitted to work, with or without pay, or volunteer until the person, company, business, firm, or corporation proposing to employ the minor obtains and keeps on file at the minor's place of employment (work location) a current and valid age and color appropriate work permit, which has been issued by a state of Michigan issuing officer of the school district, intermediate school district, public school academy, or nonpublic school before starting work.

Compulsory School Attendance "...The law in Michigan governing compulsory attendance requires a parent, legal guardian, or other person having control or charge of a child...who was age eleven before that date and entered grade 6 in 2009 or later shall attend school from age six to eighteen..." Whether the minor is:

- Homeschool
- Cyber school
- Virtual school
- Online school
- Obtaining G.E.D.
- Out-of-state resident
- Not attending school

Minors under the age of 18 must obtain a work permit before starting work. If a minor is coming from another state to work in Michigan, they should bring a certified birth certificate and an unofficial transcript from the out-of-state school attended, which includes the complete

name, address, city, state, zip code, county, and telephone number of the school.

HOW TO OBTAIN A WORK PERMIT

The minor must go in person to a school district, intermediate school district, public school academy, or nonpublic school in Michigan, designated as an issuing officer, and provide one of the following acceptable forms of evidence of age. Minors seeking employment who are homeschooled will be issued a work permit by the issuing officer of the school district, intermediate school district, public school academy, or nonpublic school where the minor's residence or prospective employer is located. The minor must present a signed, written statement from the parent or guardian, as the instructor of record, indicating how many hours per week the student is homeschooled (Nonpublic and Home School information). The issuing officer will attach the parent/guardian statement to the work permit and retain a copy of the statement with their records of the work permit filed at the school.

- A certified copy of a birth record or other proof of age showing the place and date of birth
- A certified copy of a valid operator's license issued by this state showing date of birth
- The school record or the school census record
- The sworn statement of the minor's parent/guardian and a statement from a physician

The minor and parent/guardian must complete Section I of the work permit in its entirety (all areas must be completed). After finishing Section I, the minor takes the work permit to the employer, who must complete Section II in full (all areas must be completed, including listing all work the minor will perform, equipment and/or tools the minor will use, starting and ending hours to be worked, number of days per week to be worked, and number of hours per day to be worked, etc.). The minor must then

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OF SERVICE
TO YOU:**

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take the work permit, after the employer has completed Section II, in person to a designated issuing officer at a Michigan school district, intermediate school district, public school academy, or nonpublic school official for review and to complete Section III. The issuing officer must copy the work permit and place it in the minor's permanent school file, returning the original work permit to the minor. The minor must present the original work permit (after the designated issuing officer has reviewed and approved it by signing and dating) to the person, company, business, firm, or corporation before beginning work, which must be kept on file at the minor's place of employment.

Occupational health and safety education is crucial in preventing injuries among working teenagers, equipping them with the essential job and life skills they will need now and in the future. While workplace-specific training is critical, young people also need to learn and practice general health and safety skills that they can apply across various jobs. Teens should

be able to identify hazards in any workplace. They should understand how to control hazards, know what to do in an emergency, recognize their rights and responsibilities on the job, and learn how to speak up effectively when problems arise at work.

Hiring teens can be complicated. Please take the time to ensure you follow the guidelines mentioned above and that the young worker goes home safely. A folder titled "Guidelines for Temporary and Teen Workers" can be found on the MTMIC client portal, accessible through our website at <http://www.mtmic.com>. This folder contains a plethora of information regarding Temporary and Teen Workers. Please contact the MTMIC Sales department at sales@mtmic.com for access to the MTMIC client portal. If you have specific questions, please do not hesitate to contact your Loss Control Consultant.

I hope you are enjoying the milder weather as we prepare for the hot days of summer.