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**Don't Let Your Claims Get Pillaged—
Origins of Workers' Compensation in Piracy**

2025 Workers' Compensation Practice Group Seminar

**April 2-4, 2025
The Omni Amelia Island
Amelia Island, Florida**

www.ALFAInternational.com



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Aging Workforce



In The News...



Forbes

EDITORS' PICK | LEADERSHIP > LEADERSHIP STRATEGY

Why We Need To Talk About Age And Aging In The Workplace

By [Sheila Callaham](#), Contributor. Sheila Callaham writes about age-related topics...

...diversity is discussed, there are layers of complexity. Ageism is

...ound age and aging in the workplace are not

... decreasing employee

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The workforce is aging. 3 labour experts share how companies can prepare

May 3, 2023

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The Growth Summit 2023

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NIH National Library of Medicine National Center for Biotechnology Information

The Impact of an Aging Population in the Workplace

Mercedia Stevenson White ¹, Candace Burns ¹, Helen Acree Conlon ¹

Affiliations + expand

PMID: 29506442 DOI: 10.1177/21650799

Abstract

According to the Centers for Disease or older living in the United States is 20% of the total U.S.

Population: Evidence suggests th on the job than their peers did in longer is observed not only in th ramifications associated with t aging population in the workf longevity and on-site expert employee pool, chronic dis strategies to reduce injur implementing best pract

Keywords: National In population; aging wor regulation; occupati

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Article

No time to retire

Redesigning work for our aging workforce

Jeff Schwartz United States

Siri Anderson United States

Kelly Monahan United States

17 minute read · 07 December 2018

To capitalize on a new talent pool—not millennials, but those who continue to work past traditional retirement age—leaders should understand who these workers are, what motivates them, and the opportunities they present.

The aging of populations represents the most profound change that is guaranteed to come to high-income countries everywhere and most low- and middle-income ones as well.

—Joseph Coughlin, founder of the MIT Age Lab¹

TODAY'S FASTEST-GROWING workforce segment is taking organizations by storm—wanting flexibility, equal opportunities, and better access to training and development. They are asking for deeper meaning in their work and looking to make societal impacts that transcend their own footprint. And no, we are not talking about millennials. We are talking about employees working well into their 70s, forging their way into uncharted territory and redefining what it means to be an aging worker.

The current volume and rapid increase of people remaining in the workplace well past tradi retirement age is unprecedented. For the last two centuries, life expectancy has is pushing many to extend their working years.² While over annually.³ This trend is tilt and the impacts of level.⁴

HARVARD BUSINESS REVIEW

Human Resource Management

Four Ways to Adapt to an Aging Workforce

by Michael North and Hal Hershfield

April 8, 2014

Calls to maximize the utili providing training opport retirement options — bega

MAGAZINE: AGING

Silver lining: The U.S. workforce has more employees over 65 than ever before and it could mean great things for the bottom line

BY ALEXA MIKHAIL

January 26, 2024 at 6:30 AM MST

“We’re absolutely going to have to be able to attract workers across a wide set of gener including people who have had longer careers already,” LaRue tells *Fortune*. “There’s n about, ‘I turned X age, and therefore I am capable or not capable of doing something els

This marks an unprecedented time for most workplaces, where the presence of reti workers used to be rare. However, given the current U.S. labor shortage evidence that their presence on multigenerational innovation, and help combat widespread implement novel ways to inte

at least ten years

Discrimination continues to be an issue, but many workers hesitate to report it.

ILLUSTRATION BY MARTYSIA MACHULSKA FOR FORTUNE





The Aging Worker - Meet Maria

Hospital House Keeping



My encounter with Maria an Environmental Services employee at St. Johns Health Center, Santa Monica, California. I met her during one of my site visits.

About Maria



- 82 years old
- Worked in House Keeping for 40 years
- Thorough understanding of daily ops
- Does her best to meet demands
- ALWAYS at work on time
- Enjoys mentoring to younger workers
- Considers staff her family
- Husband has been deceased for over 10 years
- Huge personality! Everyone loves Maria (i.e., Management, Employees, Nursing Staff, and Physicians)



The Aging Worker - Meet Maria

Hospital House Keeping



Environmental Services is a very demanding position.

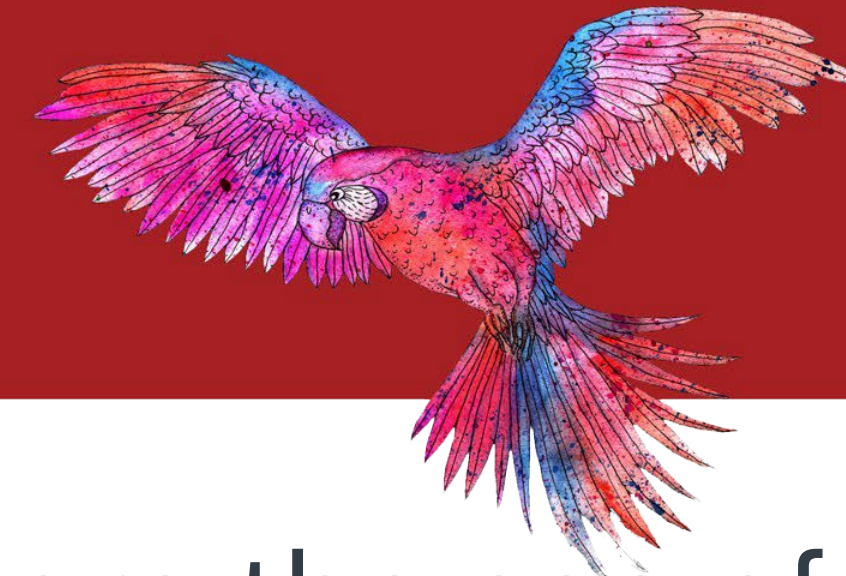
About the job



- Attention to detail is critical
- 30-minute turn around time
 - Patient room
- 15-minute turn around time
 - Emergency room
- Responsible for 15 – 20 Rooms
- High pressure: Nurses; Patients; Visitors
- Work is frequently inspected
- Patient Satisfaction is critical
- Heavy lifting and moving furniture required



The Older Worker

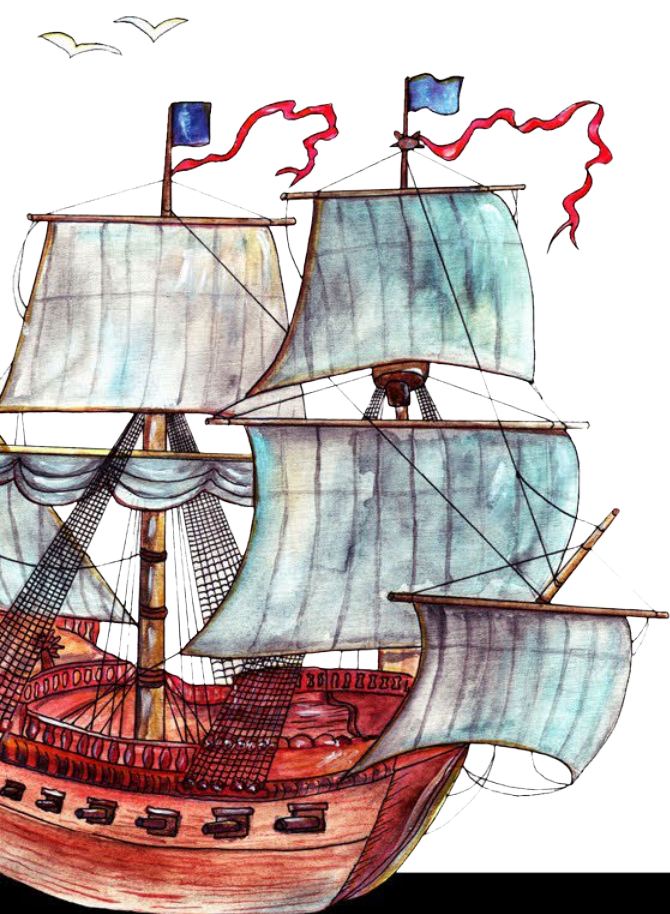


Before 1950, most people worldwide died before the age of 50. U.S. life expectancy is now over 77 years, and by 2050 could be in the mid-90s.



By the numbers

- 65 and older population will double over the next 50 years.
- 1 retired person for every 3 works by 2030.
- 2/3 of workers over 50 say they must postpone retirement.
- \$17.5 trillion housing and saving assets in 2008.
- 8.6% of labor force in 2032 vs. 6.6% in 2022.
- 75 and older are the fastest-growing age group in the workforce.



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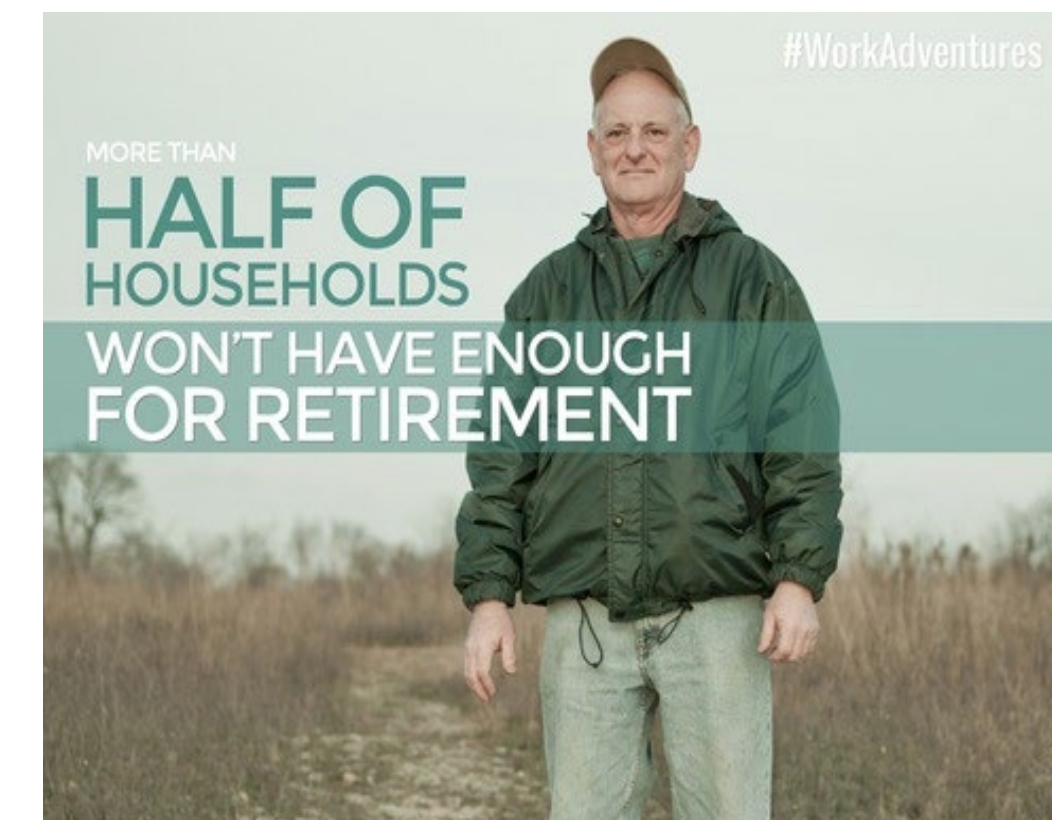
Financial Impact On The Older Worker



The financial impact includes



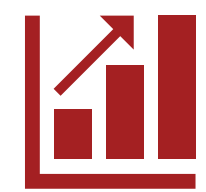
- Many employers are terminating funding retirement programs.
- More than half of households won't have enough for retirement.
- The value of 401K programs are deflating.
- Many cannot enjoy their golden years due to bills and no retirement savings.
- Many fear Social Security will not be available when they retire.
- Downturn in the economy "Recession" is keeping boomers in the workplace longer.
- 35% of their income will go to healthcare costs.



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Challenges For The Employer



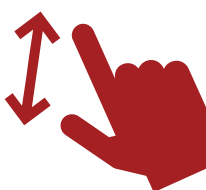
Higher Claim Costs

- Claim costs 64% higher for indemnity claims and 40% higher on Medical claims for older workers compared to younger workers.



Increased Injury Severity

- Work related injuries more severe for older workers.
- High Risk associated with workplace injuries.



Longer recovery periods

- 12-day average for workers 55–65 years of age.
- 16-day average for workers 65+ years of age.
- Compared to 7-day average for workers overall.



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The Benefits of Older Workers



① Honesty and Dedication

Experienced workers take pride in their work. As a group, they are devoted to being honest and maintaining personal integrity.



② Pride in a Job Well Done

Older workers, will usually stay on task until it is completed. They take pride in getting the job done and getting it done correctly the first time.

③ Efficiency and Knowledge

Having spent years in the trenches, older employees often know the shortcuts to use to save time. Also, older workers can be far more efficient and productive.



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The Benefits of Older Workers



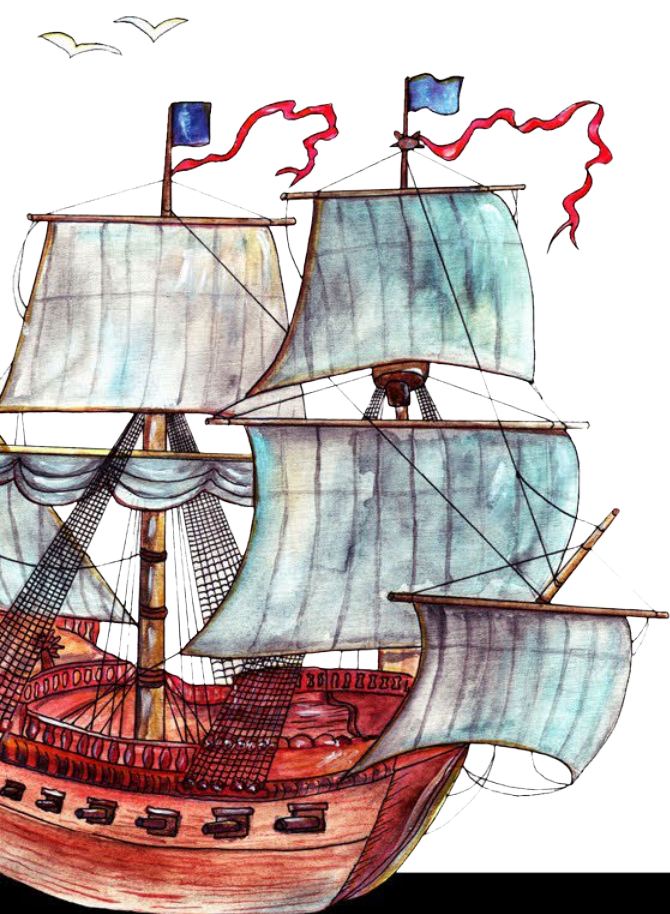
4 Maturity

The many years of experience give the older worker an advantage. They know how to overcome frustrations in the course of everyday work.



5 Role Models

The older generation make excellent mentors and role models. Their advice is often the result of years of experience and hands-on knowledge.



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What To Do?



- i. Revisit Job Descriptions
- ii. Health and wellness programs
- iii. On site stretching prior to shift work
- iv. Modify workstations
- v. Allow frequent breaks



Benefits of Aging Adults



Benefits of Older Workers

Employees are an enormous asset to an organization. Not only do businesses need employees, but workers who are responsible, loyal, honest, dependable, focused, mature and organized. These are the advantages of having old workers in the organization. With an older worker, you are sure that you will not be placing a vacancy advert soon because they are focused and are not looking to climb the corporate ladder.



Benefits of Aging Adults



COMMITTED

Older workers are usually dedicated to produce high quality work which consequently results into cost saving for you. They work to avoid potential mistakes which can turn out to be very expensive and time consuming. Instead, they are able work keenly, carrying out everything as it ought to be done.

PUNCTUALITY

Older workers usually use time efficiently. Not only are they self-starters, they are people who usually are always ready to work and come to work for that purpose alone. Unlike young people who can go out on weekdays, older workers are more disciplined and will be at work on the set time typically without excuses and hang overs. Older workers look forward to arriving at their places of work and because of this are less likely to come in late.

EXPERIENCE

Older workers are efficient because they share their work experiences, offer ideas and recommendations which make them ideal employees to have around. Their experiences in a workplace offer them superior understanding on how certain jobs are done best and how well a company can save money. Because they have confidence which is built over the years, they will not hesitate to discuss their ideas with the management.







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Legal Considerations for Employers with Aging Employees



Legal Considerations for Employers with Aging Employees



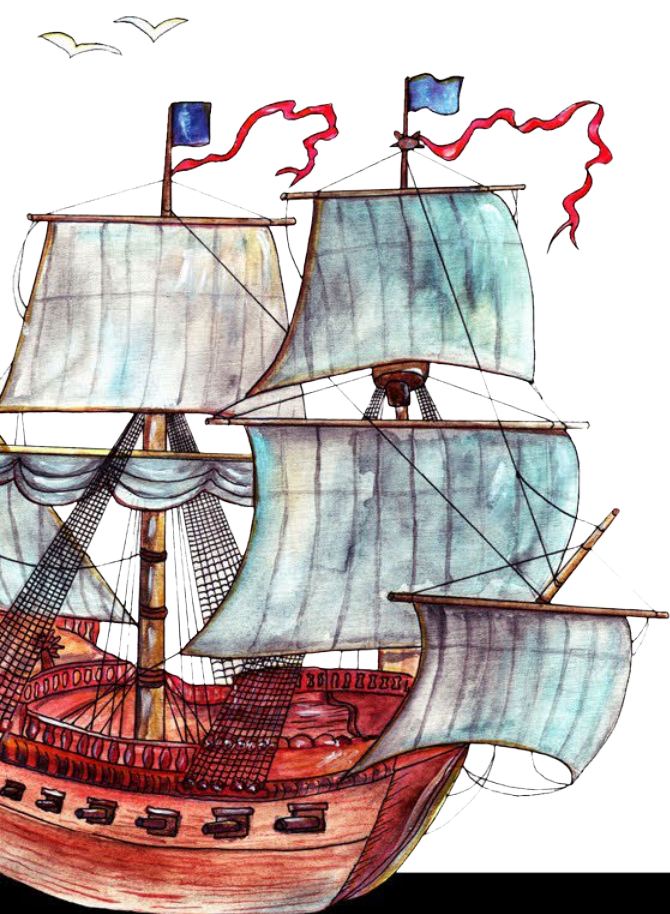
Older workers provide great benefits but there are also legal considerations when managing an aging workforce



Employers must consider the impact of other laws when deciding how to proceed with a claim involving an aging worker



Goal is to ensure compliance with employment laws and prevent discrimination/retaliation



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The ADEA and The Older Worker



WHO DOES IT COVER?

- Employers with 20+ employees, government agencies, labor unions and employment agencies
- Provides protections for applicants and current employees (aged 40 and older)

WHAT DOES IT PROHIBIT?

- Discrimination in hiring, firing, promotions, pay, benefits, training and job assignments

WHO ENFORCES IT?

- The Equal Employment Opportunity Commission (EEOC)

WHAT KIND OF DAMAGES?

- Employees can sue for back pay, reinstatement, front pay, and double damages for willful violations



The ADEA and The Older Worker



- Addresses the issue of disadvantaged older workers by, among other things, making it unlawful for an employer “to fail or refuse to hire or discharge any individual or otherwise discriminate against any individual” because of their age.
- Employers cannot implement policies that disproportionately harm older workers unless they are based on a reasonable factor other than age (RFOA).
 - In other words, age can only be a requisite to a benefit of employment if it is a bona fide occupational qualification (Example: physical endurance requirements for lifeguards).



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The ADA and The Older Worker



WHO DOES IT COVER?

- Private employers with 15+ employees, state and local governments, employment agencies, and labor unions
- Protects qualified individuals with disabilities

WHAT DOES IT PROHIBIT/REQUIRE?

- Prohibits Discrimination in hiring, promotions, pay, firing, job assignments, training and benefits.
- Requires Reasonable Accommodations unless it causes an undue hardship

WHO ENFORCES IT?

- EEOC

WHAT KIND OF DAMAGES?

- Back pay, reinstatement, reasonable accommodations, and compensatory/punitive damages



The ADA and The Older Worker



Age, by itself, does not entitle a worker to protection under the ADA.



For the ADA to apply, employee must meet the statutory definition of disability.

Disability contains three elements:

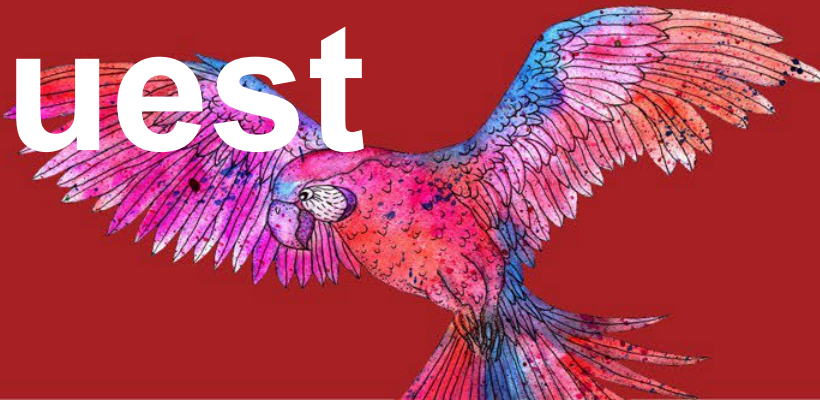
- ① that the individual has a physical or mental impairment;
- ② that substantially limits;
- ③ one or more major life activities.



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Reasonable Accommodation Request



In order to qualify for accommodation under the ADA, an employee must be able to prove that she or he has a qualifying disability but is able to perform the essential functions of the job with "reasonable accommodation."





Undue Hardship



Employer does not have to provide reasonable accommodations if doing so would cause “undue hardship.”





Best Practices



- Base all employment decisions on **performance and qualifications**, not age.
- Train managers to avoid age-related stereotypes and hold **regular anti-harassment training** for employees.
 - Be wary of Hostile Workplace Environment claims: Employers must prevent workplace harassment, including age-based jokes, derogatory comments, or exclusion of older employees from training or projects.
- Ensure layoff practices involving workers' compensation claimants **do not disproportionately affect older workers**.



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Managing Workers' Compensation Costs



Why Workers' Compensation Costs Have Risen Over The Years



At the end of the day, work injuries are going to happen no matter what age! All we can do as employers and adjusters is handle each of those claims in the most cost-effective way possible.



Reducing costs

- Prioritize prevention through safety programs.
- Promptly report injuries.
- Implement a robust "return-to-work" program to get employees back to work as quickly as possible with modified duties if needed.
- Closely manage medical treatment options to avoid unnecessary costs.



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Why Workers' Compensation Costs Have Risen Over The Years



The nationwide workers' compensation net written premiums increased by 11% in 2023, rising to about \$47.5 billion.



Workers' compensation calculations depend on employee classifications and their assigned rates.

Why Do Employers Care?

- Each incident impacts future premiums.
- The more serious incidents that occur, the more likely an organization will have to pay higher premiums for workers' compensation.



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Why Workers' Compensation Costs Have Risen Over The Years



Factors Contributing To Rising Costs:

Rising wages

- While higher salaries benefit employees, they lead to higher indemnity costs for employers.



Changing workforce

- Many older workers are delaying retirement past the average retirement age.
- The average expected retirement age among non-retirees is now **66**, up from **60** in 1995.
- Workers over **55** years old account for a large portion of workers' compensation claims.

Medical inflation

- Increased medical costs drive up claim expenses.



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Ten Strategies to Mitigate The Cost of Workers' Compensation



Mitigating the cost of workers' compensation helps businesses maintain financial stability while ensuring employee safety and well-being.



- ① **Educate Employees on Workplace Safety**
- ② **Choose Quality Medical Care**
- ③ **Report All Incidents Promptly**
- ④ **Implement Risk Management Best Practices**



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Ten Strategies to Mitigate The Cost of Workers' Compensation



- ⑤ Provide Safety & Personal Protective Equipment (PPE)
- ⑥ Focus on Workplace Ergonomics
- ⑦ Ensure Legal Compliance
- ⑧ Foster a Health Workplace Culture
- ⑨ Build a Back-to-Work Program
- ⑩ Consult with Your Broker or Risk Insurance Specialist



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Q&A







Thank You!



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