



### **D66 Rethinking “Injury at Work”: A Proposal for Revising Classification of the Occupational Contribution to Medicolegally Investigated Injury Deaths**

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After attending this presentation, attendees will understand an alternative approach to classifying the contribution of occupational factors to injury death. Application of this of this rubric will increase the specificity of medical examiner data and facilitate the epidemiologic investigation of injury death including the development and evaluation of effective prevention strategies.

This presentation will impact the forensic community and/or humanity by initiating a dialogue about the feasibility of its application as well as provide an opportunity for revision by those who would be implementing it on a widespread basis. It is a system that is intended to increase the sensitivity of medical examiner data to identify instances where occupational exposure may have contributed to an injury death beyond the current guidelines provided by NAPHSIS yet afford ME's the ability to still complete the 'Injury At Work' on the death certificate. It is a tool for adding value to the data collected by medicolegal death investigation systems.

The National Association for Public Health Statistics and Information Systems (NAPHSIS) issues Operational Guidelines for Determination of Injury At Work. These are intended to facilitate the completion of the Injury At Work section of the Certificate of Death. Certain types of death are characterized as work-related and others are not. In contrast, the proposed rubric uses a graded approach to account for relative contribution of occupational factors to injury death.

Assessment of the contribution of work to an injury event is best viewed as a two-stage process. First, establish work-association using the 'but for' threshold test and then follow it with further gradation of the relationship. 'But for' means asking questions about antecedents ¾ the who, what, when, where, how and why's of the medicolegal death investigation. If 'but for' being engaged work or work being the reason why one is exposed to the hazard (e.g., commuting), the individual would have avoided the exposure to that particular hazard, then the death or injury event is termed work-associated.

Within work-associated, further characterization of the relationship between the injury event and work can be made using these questions. Completion of the questions yields a grade of work-association for the injury event. Ultimately, Grades V and IV should be comparable to what is currently coded as OTJ on the death certificate using the NAPHSIS guidelines.

At the outset, identify if the physical location of the injury event is an employment setting for the decedent, regardless of whether or not it is the primary site of employment or that of a second job. Having made that assessment and in the context of the activity the decedent was engaged in at the time of death:

- 1) Was the site of onset the usual place of employment? If yes, death is OTJ Grade V if event occurs during normal/usual days/hours of operation and/or the employer has an obligation for occupational safety f no or unknown, proceed to next question.
- 2) Was the decedent engaged in his/her usual occupation (was she/he performing her/his usual duties)? If yes, then death is OTJ Grade IV (especially if the decedent is working for his/her employer and/or for fiscal gain). If no or unknown, proceed to next question.
- 3) Was the decedent engaged in ANY activity for fiscal gain or benefit? If yes, then OTJ Grade III (regardless of who is the beneficiary and whether the effort results in monetary benefit or in-kind assets). If no or unknown, proceed to next question.
- 4) Did his/her employer consider the decedent on 'travel status'? If yes, then OTJ Grade II (regardless of the activity at the time of onset). If no or unknown, proceed to next question.
- 5) But for the nature/location of the decedent's work (and/or his/her efforts to honor that responsibility), would she/he have been at risk for onset of the fatal event? If yes, then OTJ Grade I (as having to be in that location at the time of onset as a function of fulfilling job responsibilities makes the event work-related). If no, then the death is not OTJ or work-related. If unknown at this point, place case in the undetermined category for work-association.

Implementation of this schema would find application in the medical examiner investigation of fatal injury events. Specific training (usage guidance) would need to be provided to local medical examiners to ensure adequate application of the rubric. The assessment of work-relatedness should be made independent of the ascertainment of cause and manner of death. Moreover, the assignment of work-related status should be independent of any assessment of employer liability for death benefit compensation. The emphasis in developing and employing this alternative way of classifying the contribution of work to fatal injury should be on



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the identification of common risk factors, followed by the development, implementation and evaluation of preventive measures.

### **Occupational, Fatal Injury, Death Classification**