



2010 RISK MANAGEMENT MANUAL

TRANSWORLD
**BUILDING TRADES
& CONTRACTORS LIABILITY**
ASSOCIATION

Information provided by Risk Management Direct should be used as guidelines that need to be customized to meet the requirements of your state laws. It is still necessary that you seek further advice from a legal advisor familiar with the state law of which you are operating before using any legal forms.

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RISK MANAGEMENT TERMS AND DEFINITIONS

Accident Limit- An event that must cause bodily injury or property damage to trigger coverage

Additional Insured- A person or organization not automatically included as an insured under an insurance policy, but for whom insured status is arranged, usually by endorsement

Aggregate Limit- An insurance contract provision stipulating the most it will pay for all covered losses sustained in a specified period of time, usually a year

Assumption of Risk- A document in which a person (in advance) recognizes the risk and relieves another person of the obligation to act towards him or her with due care and accepts the chance of being injured

Bodily Injury- Protection against loss arising out of the liability imposed on the insured by law for damages due to bodily injury, sickness, or disease, including resulting death

Claim- A formal notice to an insurance company requesting payment amount under the terms of a policy

Claims Expenses- Expenses of adjusting claims, e.g., allocated claim expenses; court costs, fees, and expenses of independent adjusters, lawyers, witnesses, etc.

Deductible- Amount of covered charges an individual must pay before the insurance begins payment

Documentation- records that describe the structure, purpose, operation, maintenance, and data; supplying of documents or supporting references or records

Exclusions- Specific conditions or circumstances listed in a policy in which the policy will not pay claims

Exposure- The state of being subject to loss because of some hazard or contingency. Used as a measure of the rating units or the premium base of a risk

Gross negligence- A conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both

Guidelines- The act or manner of proceeding in any action or process; conduct. Guidelines may be followed at the discretion of the administrator.

Hazard- A circumstance that increases the likelihood or probable severity of a loss

Incident - a single distinct event

Indemnification- the act of making another "whole" by returning any loss another might suffer; Reparation for damages or loss; the agreement of

one party to assume financial responsibility for the liability of another party

Liability- Any legally enforceable obligation; the obligation to pay a monetary award for injury or damage caused by one's negligent or statutorily prohibited action.

Negligence- Conduct that falls below the standards of behavior established by law for the protection of others against unreasonable risk of harm; failure to use a degree of care considered reasonable under a given set of circumstances.

Occurrence- An event that results in an insured loss. In some lines of business, such as liability, an occurrence is distinguished from accident in that the loss doesn't have to be sudden and fortuitous and can result from continuous or repeated exposure which results in bodily injury or property damage neither expected nor intended by the insured

Person Limit- The maximum limit allowed for one person and one claim.

Policy- The printed legal document stating the terms of the insurance contract that was issued to the policyholder by the company

Policyholder- Person who owns an insurance policy

Property Damage- Physical injury to tangible property including resulting loss of use and loss of use of tangible property that has not been physically injured

Release- Document relinquishing a claim; giving up the right to pursue indemnity in connection with a claim

Risk- Possibility of loss or injury

Risk Reduction- Measures to reduce the frequency or severity of losses, also known as loss control. May include engineering, fire protection, safety inspections, or claims management

Risk Management- The process of identifying, assessing, and controlling; analyzing all exposures to the possibility of loss and determining how to handle these exposures through practices such as avoiding the risk or reducing the risk.

Self Insured Retention (SIR) - A dollar amount specified in an insurance policy that must be paid by the insured before the insurance policy will respond to a loss; a liability limit is stacked on top of a SIR amount while the deductible is subtracted from the policy limit.

Wrongful Acts- The event triggering coverage under many professional liability policies. Typically a "wrongful act" is defined as an act, error, or omission that takes place within the course of performing professional services.

AN INTRODUCTION TO RISK MANAGEMENT

We are pleased to partner with you in creating a safer and more risk-aware environment. Our hope is to help improve your operations by reducing your exposure to high-risk situations. The Association program wants members who take these simple guidelines seriously and who want to become partners with Risk Management Direct (RMD) to reduce risk. You may already have functioning systems and documentation procedures in place, and we encourage you to continue using them. However, please integrate this manual and additional safety material from your industry into your program. Please call the Association's Risk Management office with questions and suggestions as they arise, or call us to be provided with personalized release forms. Creating and following a risk management strategy will help improve your operations, improve client relations and help protect you against claims.

In regards to creating a risk management strategy, employing certain precautions can minimize the threat of lawsuits. Many of these precautions are things that you are probably already doing, such as maintaining your equipment and properly training staff. However, without utilizing documentation, your efforts may not be enough to stop lawsuits before they go to trial. Whether an Association member wins or loses a lawsuit, your industry loses because of the legal costs. Also, in the event of a claim or lawsuit, your company and type of business receives a less favorable image that could affect future business. Therefore, we are providing some basic risk management guidelines to help reduce your risk.

Benefits of Risk Management

- Improves operations through safe practices;
- Creates and maintains positive public relations through consistent performance;
- Increased confidence in business activity when you're in control through risk management planning; and
- Lower future premiums and increased insurability.

What is Risk Management?

Risk Management is the process of:

- Evaluating potential hazards which may pose a threat to the health and/or safety of people and property that come into contact with a given activity or location;
- Planning ways to minimize those threats to the public and property; and
- Implementing the plan and being prepared to deal with emergencies if they do occur.

Even the smallest accident or incident can cause serious repercussions for a business. Risk management allows a business owner to reduce the likelihood of an accident happening and can allow that business owner to operate their business for a longer, more profitable period of time.

Who Uses Risk Management?

Everyone uses risk management, even when it's something as simple as looking both ways before crossing the street. However, businesses are susceptible to risks at a higher frequency. Once a customer pays a fee for services from a business, that business is held by the law to provide a reasonable, professional standard of care to that customer. If the business neglects to do so, and a customer is injured or affected, the business will be held responsible for those injuries and other potential losses that the customer has to endure, including lost income. The standards of care for businesses are set high and the degree of negligence can be determined by the procedures (i.e. preventative maintenance, emergency planning and preparation, and handling of the situation) that the business utilizes.

When is Risk Management Practiced?

Risk management must be conducted pre-accident and post accident. Pre-accident risk management includes documenting preventative measures and procedures and post accident risk management includes gathering reports, also being proactive in caring for the affected party. In general, risk management is an ongoing process during your operations, and is also an essential consideration in minimizing the impact of losses once an accident occurs. Simply talking about risk management is not enough; a plan must be designed and practiced dutifully in order for it to be effective.

Risk Management must be implemented in all parts of the business' operations, especially throughout all the physical areas that the public comes in contact with. The business operation or activity itself is only part of the

potential risk. For example, the parking lot, bathrooms, eating areas, etc. should be evaluated and carefully managed to prevent incidents such as slips and falls. Risk Management can be practiced and easily started by asking yourself questions similar to those listed below.

- When is something safe?
- What is it we want to protect or keep safe and from what?
- How do we verify that an acceptable level of safety has been achieved?

Why Should We Practice Risk Management?

Creating a risk-aware environment is essential to improving overall business operations and minimizing the chance of a claim. Injuries can detract from a person's quality of life and decrease their productivity through temporary or permanent disability. This kind of tragedy should be minimized to the greatest extent possible. Preventable injuries present the most liability risk for business owners, as courts can often deem the business fully responsible for the accident due to negligence.

By creating a preventive strategy against risk, you will gain control of your operations and catch many safety issues before they become problems. Risk management will not only help prevent claims and lawsuits, but will help to reduce the severity of those incidents and accidents that do arise. By reducing the number of incidents and claims in your operations, you are more likely to experience lower premiums for future insurance coverage. The Association and Risk Management Direct (RMD) look for business owners who are willing to work as partners to reduce risk in the business and do what it takes to lower the likelihood of incidents and claims.

How to Use This Manual

All of the enclosed forms are intended to be used as guidelines to develop your own personalized risk management strategy. You may already have a particular form or system that accomplishes the same task and works well for you. If you do, please integrate the current forms and guidelines into your new risk management strategy.

As you read through this manual, please contact the Association if you have questions or need assistance. We can also assist you in creating forms that are tailored for your type of business. We can be contacted by phone, fax, or email using the information contained in the *Key Contacts Sheet*.

PERSONAL RISK MANAGEMENT

Now that you have coverage for your business, what is protecting you personally? Xinsurance is a new and exciting insurance tool to help cover the exclusions and gaps in your current insurance policies. Please check out how convenient Xinsurance can be for you by viewing www.Xinsurance.com. If you are curious about your own exclusions then search in the back section of your business, homeowners, umbrella, or other policies and see how exposed you are to common risks. You may still be wondering: "Why do I need Xinsurance?"

Xinsurance Is a Risk Management Solution

From a risk management perspective, there are three ways to deal with any risk and hazard that affect you or your business. You can reduce the risks through risk management practices (risk assessments, operational changes, employee training, new equipment, etc.), buy insurance to cover the risk or you can accept the risk and its consequences. Many people and businesses have no choice and must purchase insurance regardless of their tolerance for risk, but most of us make the choice to have insurance to protect our assets and livelihood.

You may be thinking: "I have enough protection." Regardless of the insurance policy (umbrella, business, homeowners, auto, etc.), there exists exclusions that leave you wide open for a lawsuit. Xinsurance is a perfect solution to your choice to purchase insurance by effectively plugging the holes in your insurance armor to help protect your assets and livelihood.

Popular Policies Obtained Through Xinsurance.com

- Personal Insurance for Guides and Volunteers
- Gun Owner Liability
- Animal Liability
- Activities and Hobbies Subject to Risks
- Pilots and Student Pilots
- Rescue and Evacuation
- Public Service/Volunteering

Individual Liability Is a Growing Concern

In reality, more lawsuits are being targeted toward the individual than ever before. For example, you may be protected by your business policy, but the real danger comes when you are personally named on a lawsuit. Xinsurance defends you as an individual, adding an additional "layer" of coverage. You may be wondering: "Doesn't Pre Paid Legal® help me in that type of legal situation?" Although Pre Paid Legal® may be able to help you get set up with legal services; Xinsurance provides and/or covers the full legal services instead of allotting a short time period of defense or just referring a professional!

Lifestyle Review

There are many other risk management benefits associated with Xinsurance that can be realized by getting a lifestyle review. A lifestyle review investigates your business activities, moonlighting activities, volunteer work, hobbies and other parts of your life to determine your risk level. The lifestyle review is a free and non-obligatory service provided by your insurance company. Xinsurance representatives are prepared to take your call and conduct a lifestyle review to make sure you are not exposed to risks and lawsuits of which you may be unaware. Please use the following contact information to receive a lifestyle review or to receive an answer on any question you have dealing with Xinsurance or Personal Liability Insurance.



Phone: 877.585.2853
Fax: 801.304.5551
Email: info@xinsurance.com
Website: www.xinsurance.com

PROPERTY & OPERATIONAL SAFETY

*Awareness and maintenance of possible
property hazards is an essential part of Risk
Management and claims reduction.*

ASSESS AND EVALUATE

Although you may know your equipment well and have been performing your business operations for some time, you should frequently evaluate every aspect of your operations for risks. Collecting differing perspectives from employees, clients, and professionals will help to notify you of potential risks and subsequently reduce the chance of an accident. To aid you in your evaluation, we are providing you with a four-step process that should be used to check each aspect of your operations.

S: Spot the Danger or Potential Danger

A: Assess the Risk

F: Fix the Problem

E: Evaluate Results

Spot the Hazard

Spotting the hazard entails physically looking at processes and observing customer and employee interactions within your business. In general, a hazard is anything that may cause harm to anyone during interaction with your business (whether it is employees or customers). You should enlist the help of others to get a different perspective on what might turn into a danger. Keep in mind, others may know and recognize existing hazards better than you based on their influence to the business. (i.e.: s an employee or a customer).

Walk-Through Survey- You should designate a regular time to travel through the premises and surrounding areas while using a hazard checklist.

Work Process Evaluation- You should go through the process of each activity and note which standards should be met and how they are being followed on a normal basis. We have identified three steps that help narrow the scope of searching for hazards. First, select the area in which most accidents have occurred, and remember, consider all accidents, injury, property damage and near-miss accidents. Second, consider the areas that have a potential for severe accidents. Finally, study newly established areas carefully or review any changes in existing methods or processes.

Consultation- Remember that employees are usually the best source of knowing what can go wrong and why, based on their experience. Consultations can take the form of:

- Formal discussions during safety committee meetings
- Informal discussions occurring during on-the-job contact or during work breaks.

Feedback is an important element when soliciting advice from employees. With positive feedback/rewards, employees will more likely to point out hazards in the future.

Manufacturer's Instructions- The instructions provided by the manufacturer are an important source of information about hazards associated with equipment.

Specialist Practitioners and Representatives- These representatives and professionals could be from industry associations, unions and/or government bodies. They may be of assistance in gathering health and safety information relevant to hazards associated with your operations.

Assess the Risk

A risk is the likelihood of a hazard actually causing harm/damage to a person or property during contact with your business.

You should ask yourself:

- Am I capable of assessing the risks for my operations myself?
- Is someone else more capable of assessing the risks, and have they done so in the past?
- Have I taken reasonable steps to find out what the risks are and what to do about them?
- Which items identified pose the biggest risk?
- How soon can I reasonably fix this problem?

Fix the Problem

Exposure to hazards must be controlled, especially when they may present risks to the health or safety of persons that come in contact with your business. This control is able to be accomplished by using a series of five

consecutive stages. These five stages are described below in order of priority and effectiveness. Consider how these stages can be carried out within your organization immediately and in the future.

Elimination

This stage involves removing the hazard from your operations. In many cases, it will be more beneficial to dispose of a piece of equipment, device, or process rather than to keep it in your business. The risk may not be worth the extra income that the equipment or process brings into the business.

Isolation

Isolation involves separating customers or employees from a risk by relocating the hazard to a remote location, or by segregating the hazard to prevent personal exposure (i.e. constructing walls or a shield around equipment to block moving parts).

Substitution

Substitution involves replacing a hazard with something that, although it may still be a hazard, significantly reduces the level of risk.

Engineering Controls

Minimize the creation of the risk at its source or by controlling the hazard's potential risks by limiting its effect (i.e. install proximity sensors to shut down equipment in the event of people getting too close to a danger zone).

Administrative Controls

Address the health and safety of customers and employees by:

- Implementing and documenting safe work procedures
- Provide correct training procedures for employees
- Limiting and/or adjusting the conditions of risk exposure.

Evaluate Results

Consult with employees, trained professionals, associations, or organizations that are familiar with the risks of your operations to determine:

- The potential effectiveness of the control measures that were developed in the "Fix the Problem" stage. Specifically, will the risk be reduced if the control measure is applied?
- Whether the application of a chosen control measure introduces new hazards

If new processes or equipment are introduced, a separate risk assessment should be carried out for each item and new control measures should be developed. Control measures should be reviewed at least once a year. In general, all risk management procedures **must** be repeated at random times and at intervals whenever there is reason to suppose the previous safety results are no longer valid. Further, assessment records should be kept for a period of five years after the last revision.

SECURITY

Proper attention to security issues helps protect against robberies, acts of vandalism, identity thefts, unauthorized access to important information, etc. Security measures help control overall operations and can also be used for documentation in the event of an incident or claim. A security assessment of your business should help identify where security is weak and what can be done to strengthen it. The following topics will briefly explain possible issues that may arise. Please use these topics as a checklist as you assess the security of your business.

Doors, Gates and Locks

Your locks should be inspected on a frequent basis to ensure that they are in proper working condition and to verify that there is no sign of tampering. Sturdy metal or wood doors should be used for the entrance and exits if possible to help deter unauthorized access. Use high fences and/or fences with barbed or razor wire. In addition, sealed hinges should be used on outdoor accesses or gates to ensure that the door/gate cannot be removed. Finally, a scheduled walk-through should be made each time the business is closed up for the day to ensure all areas are locked.

Keys

Pre-establish a system that designates those who will need a key to your business. As new employees come and previous ones leave, you should have a record of who needs a key and who needs to return one. Keep a "Key Sign In/ Sign-out Log" up to date and protected in order to maintain control of the access to your business. For each key given out, have "Do Not Copy" printed on each key. This will help the key from being copied and falling in to the wrong hands. If relevant and if funding permits, an electronic-key access system is a great benefit to your company. Not only will electronic keys be easy to reconfigure for security updates but the system will also be able to record when and who is accessing the business.

Security Systems

It is advised to have a security system that has sensors on the doors as well as the windows. Many security companies will try to install systems with the minimum amount of sensors in order to save money. Make sure you are getting sensors for each possible access point and for motion detection. Stickers and signs obtained from the security service provider should be used around the business to help discourage people from trying to break in or vandalize the premises. Sometimes, all it takes is for an intruder to notice the signs and stickers of a security company in order to leave a business alone. Further, if circumstances and funding permit, the use of a security patrol or an off-duty police officer will help secure the business' premises. Regularly evaluate how successful your security system would be in the event of a break-in.

Cameras

When possible, cameras should be set up on all angles of the business. Depending on the activity level of your business, plan to have cameras at all critical points (i.e. access points, money transactions, customer interactions, etc.). Cameras not only deter people from stealing and vandalizing but also record any facial or body characteristics that will be useful in the event of an incident or claim. Video surveillance should be hooked to a recorder and be kept for as long as possible to preserve any needed evidence.

Windows

To help deter security problems around first floor windows, make sure windows are secure with bars or grates. It is helpful to use smaller windows rather than one large window. Also, make sure all windows are shut and locked up prior to leaving the premises for the day/night.

Lights

Make sure that proper and adequate lighting is provided in the access areas of the business. Fewer robberies take place in areas that are well lit. Further, make sure that the lighting is adequate in parking areas for patrons and employees that are coming to and from your business in the dark. Flood lighting is preferred in parking lots to make sure all areas have adequate lighting, no matter where someone is parked.

Visible Items

Take on the perspective of a potential intruder. Look for items that are visible in the day and night that are of high value. Come up with a plan of action that will remove the item(s) from visible site during hours after your business is closed. Sometimes it doesn't matter if there is a lock on the door, adequate lighting, and/or a security system. If high priced items look easy to steal, people will attempt to take it. It is helpful to have shades or tinted windows to minimize how much can be seen after business hours. Also, you can remove display items or items of value from visible site and place them in a locked room or safe for the night.

Inventory

Inventory evaluations will alert you to any losses that are occurring between the number of reported items (i.e. consumer products ordered, rental equipment, parts of rental equipment, etc.) and the actual number of items. You can do inventory on your own or have a company come in to check the accuracy level of items you claim to be in the business. In general, inventory-reporting procedures should be used on a frequent basis to check on how product flow is accurately being reported. Specifically, inventory control should be used when rented items or equipment are issued and returned.

Computer Systems and Confidential Information

With the growing threat of identity and information theft, it is increasingly important to maintain high levels of security on company computers and databases. Consult a professional on the type and level of security for your situation. In general, you will want to use firewalls, complex passwords, information encryptions; locked rooms for computers or servers, etc. Also, in many situations you will be collecting sensitive information from customers, vendors, or renters (i.e. rental agreements, registration forms, release forms, emergency contacts, addresses, etc.) on paper. This sensitive information needs to be protected in order to preserve the integrity of your operations by not allowing the information to be stolen or misused. Further, this information could also help protect you in the event of an incident or claim. In general, lock the information up or store it in a safe or case that is water and fire proof.

DOCUMENTATION RECORD KEEPING

While keeping records requires additional time and effort, the information is critical to a successful operation. An accurate record keeping system suited for your business operations will allow you to regularly provide information and enable you to monitor performance and identify issues that need attention. Start by looking at what documents are important and what you should be doing with them. Your basic record keeping system should be easy to use, understandable, reliable, accurate, and timely. Start by looking at what documents are important and what you should be doing with them. Consider keeping records of daily, weekly, monthly, and/or yearly reports that include a variety of information.

Staff should be thoroughly trained on how and when to record operational activities. If you have more than one operation or location, you should keep a complete and separate set of records for each business.

Why is documentation needed?

- Provides information in the form of task records and respective conditions that could prove useful in the event of a claim
- Allows you to review the results of operations based on current conditions and circumstances
- Outlines favorable operational conditions that result in a safe and productive work environment
- Provide control over the operations and improve the management and efficiency
- Helps you keep in touch with your business's operations and obligations and help you see problems before they occur
- Saves yourself the trouble of locating misplaced documents in the event of a claim

What to Include?

- Name and position of the personnel completing report
- Staff involved in the activity
- Location(s)
- Type of activity
- Participants
- Weather (If applicable)
- Completed Inspections
- Safety Meetings/Training Programs
- Incidents that may have occurred
- Action taken regarding accidents and/or incidents
- Equipment Used
- Equipment/Property Maintenance
- Summary of your business transactions (Invoices, Forms, Contracts, Permits, Gross Receipts, etc.)

BUILDING SAFETY

Buildings and premises can harbor many different types of risks which could lead to a wide variety of claims. Awareness and maintenance of possible property hazards is an essential part of Risk Management and claims reduction. Your guests and customers could be subject to "slip and falls" or other accidents in and around your business; which contributes to thousands of claims and lawsuits annually. Damage to the property itself, fire or water damage for example, may also arise from safety threats that are left unchecked. Management should regularly walk around the entire premises and carefully scrutinize each area to make sure it is a safe environment. It is useful to ask the question "What if?" about all possible areas and situations relevant to your property.

The following is a partial list of some things to look for:

- Floors - uncluttered and free of standing liquids and undamaged carpeting and/or tile
- Entrance/Exit - unobstructed, clearly visible, and well marked (lighted exit signs for visibility at night)
Lights - operational, adequate and undamaged
- Floor coverings (carpets, etc.) - secured and undamaged
- Fire alarm boxes undamaged and properly functioning
- Fire extinguishers undamaged, charged, and inspected. Please refer to the next page for more information about fire extinguishers
- "No Smoking" signs visible
- Storage area secured from unauthorized entrants
- Annual heating and air conditioning inspections
- Electrical inspections by an electrician. No exposed wires etc.
- Regular Boiler inspections
- Outdoor premises should be free of hazards, such as loose hoses, lumber, nails, or other construction materials
- Regular Elevator/Escalator inspections
- Handrails located on sets of stairs are undamaged
- Safety rules posted and undamaged
- Parking areas and surrounding walkways should be level and in good condition
- Mold, mildew or water damage present, to be removed/treated by a licensed restoration contractor
- Dead, dying or overhanging tree limbs to be removed by a professional

We have included the *Monthly Safety Inspection Checklist* for your business to utilize to identify and improve safety risks of your business and premises. Inspection documentation and maintenance actions taken should be kept in a file for reference in case of a claim. Without documentation, your efforts to minimize risk on your property could be overlooked in the event of accident or claim.

MONTHLY SAFETY INSPECTION CHECKLIST

Inspection Completed By: _____ Date Completed: _____

General Housekeeping

	Maintenance Needed	Notes
Floors:	Y / N / NA	_____
Walls:	Y / N / NA	_____
Stairs & Railings:	Y / N / NA	_____
Walkway Clearance/Markings:	Y / N / NA	_____
Washrooms:	Y / N / NA	_____
Storage Rooms:	Y / N / NA	_____
Break Rooms/Waiting Areas:	Y / N / NA	_____
Piping (Water-Steam-Air):	Y / N / NA	_____
Ventilation:	Y / N / NA	_____
Rodent, Insect, & Vermin Control:	Y / N / NA	_____
Snow & Ice Removal	Y / N / NA	_____
Waste Disposal:	Y / N / NA	_____

Lighting & Wiring

Lights on During Shutdown:	Y / N / NA	_____
Frayed/Defective Wiring:	Y / N / NA	_____
Overloading Circuits:	Y / N / NA	_____
Grounded Machinery:	Y / N / NA	_____
Proper Location:	Y / N / NA	_____

Machinery

Machinery Supervision:	Y / N / NA	_____
Operational Manual/Instructions:	Y / N / NA	_____
Safety Signs:	Y / N / NA	_____
Machinery Condition:	Y / N / NA	_____
Storage:	Y / N / NA	_____
Safeguards:	Y / N / NA	_____
Lock Out/ Tag Out:	Y / N / NA	_____

Material Storage

Hazardous & Flammable Material:	Y / N / NA	_____
Proper Containers & Labeling:	Y / N / NA	_____
Proper Stacking:	Y / N / NA	_____
Proper Lighting, & Warning Signs:	Y / N / NA	_____

Emergency Action

Emergency Action Plan:	Y / N / NA	_____
First Aid Kits:	Y / N / NA	_____
Safety Stations:	Y / N / NA	_____

Security/Fire Protection

Doors/Windows Etc. Secured:	Y / N / NA	_____
Alarm Operation:	Y / N / NA	_____
Panic Bars Operational:	Y / N / NA	_____
Fire Extinguisher Charged:	Y / N / NA	_____
Exit Lights/Doors/Signs:	Y / N / NA	_____

Other Comments

	Y / N / NA	_____
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FIRE EXTINGUISHERS

Fire extinguishers are essential to any business, property or premises. It is important to purchase the correct type of fire extinguisher for the type of potential fires that could occur on your property. You may need more than one type of fire extinguisher for your premises. However, take note that some types of extinguishers can be used on more than one kind of fire. More importantly, extinguishers are designed to put out certain fires. They will have warnings not to use them on particular fires because it could be dangerous. The information below will help you decide which type or types of fire extinguishers are appropriate for your operations, as well as give you guidelines for proper maintenance and inspection.

Fire Type: is determined by fuel source.



Class A: Ordinary Combustible Material- wood, cloth, trash, plastic etc.



Class B: Flammable Liquids & Gases- gasoline, paint, propane, butane



Class C: Electrical- energized electrical equipment, motors transformers, appliances



Class D: Combustible Metals- potassium, sodium, aluminum & magnesium



Class K: Kitchen- cooking oils & greases

Extinguisher Type:

The fire extinguisher type is determined by the extinguisher's contents.

- Water & Foam: Water should only be used on class A fires. Foam can be used on class A & B fires
- Carbon dioxide: Can be used on class B & C fires, ineffective on class A fires
- Dry Chemical: Effective on B & C fires only
- Multipurpose Dry Chemical: Most widely used. Effective on A, B & C fires
- Cartridge Operated Dry Chemical: Multipurpose for A, B & C fires
- Halogenated/Clean Agent: For use mostly with B & C fires. Includes halon & halocarbon agents
- Water Mist: Alternative to Clean Agent extinguishers. For use mostly with class A fires but are safe for class C
- Dry Powder: For use on Class D fires only. Ineffective on all other types of fires
- Wet Chemical/K Class- Used for class K fires. Also for use in commercial kitchens w/ deep fat fryers

Inspection:

Fire extinguishers should be inspected (quick check) every 30 days with the following confirmed.

- Fire extinguishers are in the correct location
- Fire extinguishers are visible, accessible & walkways are clear
- The gauges show the correct pressure

Maintenance:

All fire extinguishers should be inspected annually to be in compliance with local, state and national codes.

- Annual inspection should be performed by a professional
- Thorough examination of mechanical parts & chemicals
- Recharged, lubricated, parts replaced if necessary

SAFETY AND WARNING SIGNS

Safety and warning signs are an effective way to alert patrons to the potential dangers of your business operations. They can also provide information or instruction about how to remain safe during the respective activity. Failure to warn, inform, and provide proper instructions are three of the most common allegations of personal injury lawsuits. You can reduce your liability by posting signs and information on or near the potential hazards of the activity or property. These signs should be highly visible so that they can be seen by persons of varying height. These signs will warn of the dangers of the activity, will reduce the risk of an accident, and will help in any claim or lawsuit that arises.

Follow these basic guidelines:


1. Evaluation:

- Conduct an operations evaluation and walk through to determine what type and how many of each sign you will need
- It is recommended that more than one sign be used to provide the same information in a few different places around the premises when applicable
- An excellent rule is to have a visible sign from any angle of the premises and point during the activity

2. Sign Placement:

- Post directional signs in rooms, entryways, exits, offices, etc.
- Post emergency information in visible areas in case of fire or other emergency
- Post warnings on equipment and in areas indicating proper and improper use of equipment
- Post “No Smoking”, “Employees Only” and “No Alcoholic Beverages” signs wherever appropriate
- Post warnings and notifications concerning health issues relevant to the activity in which customers will be participating
- Post safety rules and information about expected attire, conduct, and behavior in any area or near any apparatus where participation will take place

3. Sign Headers:

 **DANGER** Use in extreme situations if death or serious injury will occur if a situation is not avoided

 **WARNING** Use if death or serious injury is possible if a situation is not avoided

 **CAUTION** Use if mild to moderate injury is possibility if situation is not avoided

 **NOTICE** Use if personal injury is not a credible possibility

4. Sign Message:

- Use simple, understandable language
- Use pictures, diagrams, and symbols where possible to ensure universal understanding
- Signs must be clearly visible, have large print, and be undamaged
- If a significant portion of your customers are non-English speaking, you should also post signs in their native language

5. Maintenance:

- Clean signs regularly to ensure they are readable at all times. (Tip: Apply Armor-All or similar products to reduce dust accumulation and prevent UV damage)
- Treat reflective signs with the same care as you would a camera lens
- Wooden signs should be conditioned with a wood conditioner when needed
- Remove any acts of vandalism or graffiti. (Tip: Mild solvents are effective for removing graffiti; the sooner they applied the better they will work)
- Inspect signs on a regular basis for natural wear and tear
- Replace any cracked, rusted or damaged signs and their mountings

EQUIPMENT MAINTENANCE

Don't wait for equipment failure! Day-to-day maintenance and repair of your equipment helps you to avoid unnecessary risks. Additionally, maintenance allows you to have peace of mind knowing that your property is safe and reliable. Review maintenance records to target potential problem equipment for timely repair or replace decisions. Maintenance procedures performed proactively rather than reactively are usually completed quicker, better and at less cost.

The maintenance level of your equipment, in general, can determine the amount of problems that will occur during operation. Furthermore, your equipment's condition and suitability will frequently be the subject of litigation whether or not anything was wrong with it. Maintaining equipment regularly and keeping accurate records will help in defending you or your company in the event of an accident or claim. Therefore, it is essential that you keep maintenance records for each piece of equipment. Record and retain documentation of repairs or part changes so that records will be complete and available for review at any time. Additionally, you may want to include date of purchase, equipment serial and/or model number, manufactured company name and phone number, maintenance company name and phone number, etc.

To assist you in creating a maintenance log to meet the specific needs of your operations, we have provided you with a basic *Equipment Maintenance Documentation Log*.

When developing your own maintenance program, please follow these basic guidelines:

- An individual employee should be designated to manage preventative maintenance checks
- Each piece of equipment should have its own preventative maintenance schedule
- Equipment that is in any way damaged, faulty, or in poor operation condition should immediately be removed from use and secured until repaired
- The manufacturer's recommended use and maintenance requirements must be followed
- Equipment that gets used daily should be inspected daily or before each use
- Keep an accurate list of permanent business equipment used on both a regular and stand-by basis
- Scheduled tests and inspections should be in place to determine whether or not the equipment and controls are in good operating condition
- Equipment inspections must be documented and repair records should be saved for a minimum of three years or your respective state's Statue of Limitations.
- Equipment procedures and maintenance guidelines should be kept in a central location for quick reference when needed

TRANSPORTATION RISKS

In general, transportation accidents, incidents and claims make up a large percentage of the overall reported claims in the insurance industry. Therefore, businesses involved in the transportation industry are at a high risk of exposure to incidents and accidents on the road. There is a good possibility that an accident could occur every time you or your staff gets behind the wheel. Therefore, precautions should be taken in all areas of business operations that involve any kind of transportation. Many tools can be utilized to help reduce the amount of accidents on our roadways. According to a group of small business owners (see study* below), the top four ways to combat transportation risks are found in the chart below.

Rank	Most Effective Method to Combat Transportation Risk	% Of Respondents
1	Policies and Procedures	81.9%
2	Field Staff Screening	74.2%
3	Field Staff Training	71.4%
4	Field Staff Instructor Judgment	63.8%

**Examining Risk Management Strategies Employed in Outdoor Programs
October 27, 2004 - Andrew Szolosi, Jim Sibthorp, Karen Paisley, John Gookin*

Based on the survey study, the number one way to alleviate transportation risk is through the creation and adherence of policies and procedures for your business operations. In result, set up a series of guidelines that will act as a standard (i.e. staff manual or driver certification) that each driver will read and study. In addition, you should set up a sign off system to certify that they have read and understand each policy and procedure. Drivers should know your expectations by having each standard printed in an employee manual that they can refer to when questions arise.

The next best recommendation is to screen the employees that you intend to be driving for your business. Each driver should have a Motor Vehicle Report (MVR) pulled for them before they are hired and an MVR for each subsequent year they work for you (this may also be a condition for your insurance coverage). Drive with potential employees during the interview process. It is more beneficial to you to spot aggressive or reckless drivers in the screening phase rather than waiting for an accident to occur.

The third most effective method to combat transportation hazards is through staff training. The more time and effort you invest in training your employees to drive cautiously, the fewer problems you should encounter. Start new employees with a driving course that will test and train their abilities and thought processes while driving. Training programs such as defensive driving courses should be utilized frequently. Implementing regular ongoing training courses for your staff can further decrease the likelihood of an accident or claim occurring.

Use of overall good judgment is the fourth most important factor in incident and accident prevention. In your due diligence, you should be able to find out whether the potential employee intuitively drives safely, displays caution, and shows responsibility while in the interview and during a trial period. If you are having a difficult time finding good drivers, adjust your new-employee search techniques in order to find high quality drivers rather than settling for poor performance drivers. Always be searching for employees that share your concern for the welfare of the business and take responsibility by driving carefully.

Distracted Driving

Driving while distracted can contribute to as many as 80% of all vehicular accidents and is an increasing problem because of today's technology. Distracted driving has been compared to impaired or drunk driving in many recent studies. It is defined as anything that draws the driver's attention from the roadway. The distraction can be visual, mental, or physical. Electronic devices such as cellular phones and GPS should not be used while driving. A standard driving check and customized adjustments should be performed prior to transportation in order to reduce distractions while driving (i.e. mirrors, seats, steering wheel adjustment, etc.). Preparedness before driving a vehicle is one of the top ways to reduce distractions.

VEHICLE MAINTENANCE LOG

Year, Make, Model: _____ Plate #: _____ VIN: _____

Date:										Notes:
Mileage:										
Checks:										
Head Lights										
Brake Lights										
Turn Signals/Hazards										
Tires-Tread Condition										
Tires-Air Pressure										
Spare Tire										
Battery										
Wiper Blades										
Side/Rear View Mirrors										
Fuel level										
Seat Belts										
Vehicle Interior										
Brakes										
Belts & Hoses										
Heater/AC										
Spark Plugs										
Fluids:										
Oil										
Wiper Fluid										
Brake										
Coolant										
Transmission										
Power Steering										
Replacement:										
Oil Change										
Air Filter										
Fuel Filter										
Hoses										
Belts										
Spark Plugs										
Brake Pads										
Maintenance:										
Heater/AC										
Alignment										
Tire Rotation/Balance										
Transmission Flush										
Chassis Lubrication										
Shocks/Struts										
Tune up										

ENVIRONMENTAL RISKS

As you investigate and assess the risks inherent to your operations, you will find that some are controllable through your efforts and some just need to be managed. Environmental risks are risks that are largely unpredictable, are always changing and thus are not able to be controlled. Environmental risks may include weather and climate, terrain, altitude and air quality, etc. The best you can do is plan for a variety of conditions to help alleviate some of the risk exposure your staff and patrons will encounter. According to a recent study*, having well trained staff members and excellent participant supervision are effective ways to manage environmental risks. The top four most effective ways of combating risks of the environment are ranked below.

Rank	Most Effective Method to Combat Environmental Risk	% Of Respondents
1	Field Staff Instructor Judgment	84.7%
2	Supervision of Participants	82.9%
3	Field Staff Training	78.1%
4	Policies and Procedures	78.1%

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The following list is a set of guidelines that will help reduce the environmental risk exposure:

Rain and Snow- Obtain current and projected weather reports/conditions for each location of business operations. Be prepared for wet or icy conditions when and where applicable. This preparation will reduce the chance of being subject to flooding, mudslides, drowning, slipping, water damage, avalanches, etc.

Wind- Make sure that all equipment is tied down and that there is not a lot of "top heavy" conditions that will cause equipment to tip over at any time. Wind can tip over machinery causing damage to equipment or causing injury/death to your staff or participants. Specifically, wind is a major cause of injuries, incidents and claims for inflatable equipment and events. Most incidents could have been or can be avoided by taking the equipment down in high-speed winds and verifying that it is properly tied down.

Temperature Extremes- Verify that equipment (vehicles, machinery, generators, rafts, inflatable units, and other equipment) recommendations, dealing with temperature ranges during operation, coincide with the possible temperatures that will be encountered. Watch your equipment closely as the temperature fluctuates during your operations. It is important to alert participants of possible variations in temperature and give recommended solutions for extreme (cold or hot) weather.

Terrain- Verify that all trails and routes are in safe condition and that the capability of the participants matches the level of trail difficulty. What may have been a viable route one season may not be safe another season. For example, increased water conditions can cause flooded areas, slippery areas, difficult driving situations, landslides, mudslides, etc. Map out recommended routes and warn against uneven or unstable terrain. Train participants what to do as they encounter different types of terrain so that there won't be any confusion.

EMPLOYEES

In most cases, the only contact customers will have with your company is through your employees... their actions or inactions will reflect on your company, as well as on you personally.

EMPLOYEES

Your employees play an important role in implementing safety with your clients, customers, and guests. In most cases, the only contact customers will have with your company is through your employees. Your employees' actions or inactions will reflect on your company, as well as on you personally, in the case of a claim or lawsuit. It is in your best interests to ensure that your employees know what their job/tasks are and how they should complete them properly. Training your employees to be alert to potential risks and knowing ways to avoid those risks will help reduce the probability of an accident. Additionally, they should act as the "eyes and ears" of your organization by being attentive to potential risks/dangers/injuries. Proper training now can reduce the risk for future claims or lawsuits.

Some of the steps you can take to ensure better hiring, training, on-the-job knowledge and less risk to your organization are as follows:

- Supply employees with job descriptions and continually update the descriptions as necessary.
- Keep a detailed and current employee manual and safety policy.
- Outline and address safety items that need to be covered in regular staff training meetings.
- Prior to offering a position to candidates it is always a good idea to run a background check on the individual and have a drug test performed regardless of your type of business
- Keep a personnel file for every employee that should include:
 - Job application and resume
 - Job description
 - Prescreening and Interview notes
 - Employment and Education verification
 - Background verification and drug screen results (if applicable)
 - Signed copy of offer letter (if applicable)
 - Signed Employee Handbook acknowledgment form
 - Signed Safety policy agreement sheet (if applicable)
 - Checklist for new employee orientation
 - Photocopies of relevant certifications and training history results
 - Employee appraisal or performance review results including any commendations or warnings
 - W-4 form (I-9 should be kept in separate file)
 - Authorization for release of private information (if applicable)
 - Authorization for all other payroll actions/deduction (if applicable)
 - Emergency contact sheet

***DO NOT include in an employee file any materials, medical records, investigation records, or other statements that could be viewed as discriminatory in nature.**

We have included an outline of topics that should be included within a job description, employee handbook, and/or safety meetings. There may be some items that do not apply to your business model. Therefore, please change or expand on the outline with information that is relevant to your business.

EMPLOYEE PROFILE

Name: _____ Seasonal Year Round

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Email: _____

Date of birth: _____ Driver's license #: _____ State Issued: _____

Emergency Contact Name: _____

Phone: _____ Relationship: _____

Experience: _____

Companies Worked For: _____

Licenses, Certificates, & Training: _____

Personal Information: _____

Date Hired: _____

Employment Classification: _____

I certify that the above information is accurate and true to the best of my knowledge.

Print Name: _____ Signature: _____

EMPLOYEE HANDBOOK

The employee handbook is a useful risk management tool that addresses important aspects of your business operations. It is a reference guide to inform and help train employees of your expectations, rules and consequences. Each employee should be given a handbook along with formal training about all of the included information. Employees should be encouraged to refer to the handbook often to reinforce your company policies and procedures. Although the handbook cannot replace personal communication and training, an effective employee handbook is invaluable. Your employee handbook should be a manual of policies and procedures and should not create a contract of employment. Be sure that the employee handbook encompasses all areas of your business operations. We have provided guidelines to help you create a customized employee handbook for your operations.

Employee Handbook Guidelines:

Company Information

- Company Introduction (Mission Statement)
- Employee Handbook Acknowledgement Form
- Business Ethics & Conduct
- Hiring Policies, Practices & Procedures
- Background Check Policy
- Equal Opportunity & Nature of Employment
- Conflicts of Interest
- State, Federal, & Local Regulations
- Drug & Alcohol Policy
- Harassment Policy
- Conflict/Problem Resolution
- Vacation, Sick, Holiday Time, Etc...
- Jury Duty, Bereavement & Military Leave
- Benefits
- Workplace Safety
- Workers Compensation
- Personal Auto Use & Business Travel
- Professional Appearance & Standards
- On-Going Training & Certifications

Employee Information

- Personnel Information & Changes
- Employee Conduct & Work Rules
- Introductory Period
- Performance Evaluations
- Disciplinary Action
- Employee Classification (i.e. part time, full time)
- Hours of Work
- Attendance & Punctuality
- Overtime Policy

Customer Policy & Procedures

- Safety Overview & Plan
- Equipment & Facility Inspection Procedures
- Safety Talks & Orientation for Customers
- Emergency & Evacuation Plan & Procedures
- First Aid & C.P.R.
- How & When to Use Incident Report Forms
- Insurance Regulations and Incident Reporting
- Quick-Reference Emergency Contacts
- Inclement Weather Policy
- Media Communication Policy
- Contracts and Forms
- Risk Management Plan

Job Description: In addition to an Employee Handbook, each employee should receive a copy of a complete job description for their respective positions. The job description should include a detailed list of specific tasks, duties and responsibilities that the employee is expected to perform. Also included should be the scope and authority of the position.

EMPLOYEE SAFETY MEETINGS

Safety meetings give you a chance to review with your employees current and future risks in the workplace. As new risks are encountered they should be added to the meeting agenda so all employees are made aware of how to prepare and react for such risks. Safety meetings should occur at least every month with all employees present. Below is an example of a safety meeting outline, please feel free to tailor it to your organization.

Incidents, Accidents, Injuries,

- Incidents that have occurred in your company since the last meeting
- Any follow-up that has been done as a result of investigations into incidents
- Incidents that have happened in other companies
- Updates to the company's Accident Prevention Plan from "lessons learned."

Results of Safety Inspections

- Discuss the results of recent safety inspections.
- Follow up on assignments for eliminating or controlling identified hazards.
- Encourage employees to identify any unsafe conditions or tasks, and
- Discuss ways to eliminate or control any hazards/risks.
- When appropriate, assign responsibilities for eliminating or controlling identified hazards/risks.

Training

- Discuss any new safe work procedures or other policies and procedures that need to be implemented.
- Review of any new equipment that will be used, how to properly use it, and any other general safety guidelines for the equipment.
- Safety Topic of the Month: a presentation and discussion on the chosen topic.
- Review essentials of the established Emergency Response. This includes, Scenario Training, Simulations, Drills, etc.

Open Forum

- Anyone who has a concern about safety and health should bring it up for discussion.

Next Meeting

- Set the time, date and place for the next meeting.
- Select a Safety Topic and designate the presenter/discussion leader.

Notes:

Attendees

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

CLIENTELE

*The most common allegation of a lawsuit is
that you failed to warn and inform participants
of the inherent dangers...*

INDEPENDENT CONTRACTOR

An independent contractor is a person who contracts to do work for another person according to their own processes and methods; the contractor is not subject to management except for what is specified in a mutually binding agreement for a specific job. Independent contractors are able to reduce liability and claims by ensuring they have proper contracts in place for the services they render. One of the most important tools for any contractor or business is legal documentation to avoid future conflicts. Your use of an independent contractor agreement sends a clear message to the client that you are a professional who takes your assignments and engagements very seriously. Additionally, they will help you prevent misunderstandings, clearly define the expectations you and your client have about the job, and help defend your case in the event of a claim. A contractor agreement must be completed and executed prior to the commencement of the work and no work should occur until a contractor agreement is signed.

An approved service contract should, at a minimum, cover the following:

- Designation of the parties involved in the contract
- Intent of the agreement
- The term/duration of the contract
- Conditions of the termination of the agreement
- Independence, non-exclusivity and agency of the contractor
- Confidentiality obligation of the contractor regarding information learned while working with the company
- Summary of the services agreed to be performed
- Licenses and/or certifications required of the contractor
- Insurance requirements of the contractor
- Summary of the condition of payments, reimbursements, income reporting, and taxes of the company
- Laws applicable and jurisdiction
- Hold Harmless/Indemnity Clause

Requirements for the rental agreement are as follows:

- Each party must sign their own agreement. (Example: If two parties are signing the contract there should be two original contracts)
- The form should be a separate page from other agreements or contracts.
- The company or contractor must be given adequate time to fully read the form.
- Do not allow anyone to modify the form in any way.

These documents should be saved for a minimum of five years or according to the statute of limitations time period for the state in which the activity is performed. (Please contact Risk Management if you would like help finding your states statute of limitations.)

INDEPENDENT CONTRACTOR AGREEMENT

This Agreement is entered into between _____ (“Company”) and _____ (“Contractor”) _____ (day) of _____ (month), 20____, for the purpose of stating the intention of the parties regarding the capacity in which Company will retain the services of Contractor.

Intent: It is the intent of Company and Contractor that Company shall utilize the services of Contractor in the capacity of an **independent contractor** rather than as an employee of Company.

Term: The Contractor agrees to complete the Services and prepare and deliver a written report or certification of project completion to Company on or before _____.

Termination: This agreement shall be terminated by Company or Contractor only upon the expiration of its stated term, unless otherwise agreed in writing, or upon a material breach of the terms of this Agreement.

Non-Exclusivity: Contractor is permitted to provide his/her services to the public and to other companies so long as Contractor is able to fulfill his/her obligations to Company.

Agency: Contractor will have no right or authority to act for Company, shall not enter into any commitment or agreement, incur any liability in the name of or on behalf of Company or bind Company in any manner, nor shall Contractor hold themselves as an employee, representative or agent of Company. The Contractor expressly agrees to defend and indemnify Company from any claims arising out of the conduct, negligent acts, intentional acts, omissions, or otherwise of Contractor.

Confidentiality: The Contractor agrees to hold any information derived from performing the Services as “Confidential Information” to be held in confidence and not disclosed to or used by the Contractor or any other purpose. The Contractor agrees to use reasonable care in protecting the Confidential Information from unauthorized disclosure, loss, theft, or misappropriation and shall not disclose it to any third party or representative, if such disclosure would violate U.S. law.

Licenses/Certifications: Contractor shall be responsible for obtaining whatever licenses or certifications that may be necessary under applicable law to fulfill the responsibilities of his/her job.

Assistants and Assignment: Contractor shall supply, supervise and compensate any assistants required in the performance of his/her duties. Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Contractor without the express written consent of Company.

Insurance: Contractor agrees that he/she will obtain his/her liability insurance coverage with limits of \$_____ per occurrence and annual limits of \$_____, and provide evidence by a certificate of insurance.

Employment Benefits: Contractor understands that he/she will not be entitled to receive any employment benefits from Company, including but not limited to health, life or disability insurance, retirement or pension plans, paid vacation or sick leave, unemployment compensation or worker’s compensation insurance.

Compensation: Contractor shall be compensated in the following manner: _____.

Income Reporting: Company agrees that it will report to federal, state and local government agencies, as required by law that it has paid Contractor certain sums for personal services rendered by Contractor to Company. **Contractor** agrees that they will report to federal, state and local government agencies, as required by law that they have been paid by Contractor for personal services rendered by Contractor to Company, including but not limited to the annual filing of **I.R.S. Form 4669**.

Income Taxes: Contractor understands that Company will not contribute to Medicare, Social Security or any other required employment taxes, nor will Company withhold income taxes from compensation paid to Contractor. Contractor understands that he/she will be responsible for paying **100%** of all applicable employment and income taxes.

General Provisions: If any portion of this Agreement is found void or unenforceable, it shall be severed and the remainder shall continue in force. This Agreement is binding upon both Parties’ heirs, assigns, executors, administrators, or other legal representatives. Any waiver or modification of this Agreement must be in writing, signed by both Parties. This Agreement supersedes any and all agreements, either oral or in writing, between the parties hereto with respect to the rendering of services by the Contractor for Company and contains all of the covenants and agreements between the parties with respect to the rendering of the Services in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. This Agreement is deemed to have been negotiated and entered into in the State of _____, and all questions with respect to this Agreement and the rights and liabilities of the parties will be governed by the laws such state. The prevailing party in any legal action will be entitled to recover fees and expenses associated with such action including a reasonable attorney fee, as determined by the Trier of fact.

Company Name) (Signature of Representative of Company) Date: _____

(Independent Contractor Name) (Signature of Independent Contractor) Date: _____

INCIDENT PREVENTION & MANAGEMENT

Perception of fault is a major factor in an individual deciding to pursue a claim.

INCIDENT PREPAREDNESS AND RESPONSE

Although many organizations will never experience a true emergency or serious accident, emergency preparedness is necessary in order to safeguard your operations. Start by bringing all relevant information and documentation together to formulate a plan respective to your operation's risk. An emergency plan should be straightforward, always available, and easily updatable. Developing and communicating an effective plan maps out what employees should do before an emergency strikes and how they can help minimize negative consequences during an emergency. The following illustrates how being fully prepared is a cycle that has three crucial phases.



Pre Incident

Assess and Prevent

If you can follow all of the necessary steps in the pre-incident stage, then you will reduce the chance of having to deal with an Incident or Post-Incident actions. High safety goals are an important part of risk management. The objective to setting extremely high goals is to encourage people to think that all accidents are preventable. Risk awareness and prevention, with all involved parties, can help identify the hazards and risks at a very early stage. Having a habit of early identification can help to anticipate future risks as conditions change. Raising awareness can be supported through safety signs, established rules, maintenance, safety regulations, and system tests. Start by asking a few simple questions.

- Where are the highest risk areas of the activity/operation?
- What are the accident possibilities for the activity/operation?
- When are accidents most likely to occur?
- Who is most at risk?
- How could I prepare or change the activity/operation to lessen the risk?

Plan

It is important to develop a plan (based on the evaluation and assessment) designed to identify how an accident will be handled to minimize the impact. Your plan should be flexible and cover a wide range of situations. Provide specific courses of action for your staff and organization to follow. Other important aspects of an incident plan include legal issues. Security plans should be developed with members of a legal staff or some other form of general counsel. Important questions to develop a plan include:

- Who to contact?
- What are there roles and responsibilities?
- What resources are available?
- What action needs to be taken during an incident?
- What effects will an incident have?
- When will aid be available and/or administered?
- How to respond?
- How to communicate with other organizations and/or media?

Prepare

The incident response plan should be distributed to all involved parties. In addition to providing the plan, all involved parties should receive training on a regular basis. Training will help ensure your plan is being followed, will confirm how well a potential critical situation is handled, and will help employees manage the situation in a

composed and professional manner. It is helpful to run through simulations with your employees to prepare them for various types of accidents and to become familiar with the established emergency procedures. Scenario training should cover a wide range of situations such as a major accident, less extensive accidents and minor incidents. The end goal of training is to enable employees to make decisions quickly and appropriately.

- Who do I train?
- How much training is necessary before someone is trusted to operate the activity alone?
- What signs or reminders could I use to continually keep preparedness in the minds of my staff?
- Where should I locate the preparedness plan and reminders so that it is easily accessible?
- Where is relevant emergency equipment kept? (Fire Extinguisher, First Aid Kits, Safety Station, etc)
- When should I hold follow up courses and updating sessions for my staff?

Incident Response

Although every organization is unique, there are basic components that should be included in a universal response to incidents. Incident response includes all components required to take action to the problem quickly and effectively in order to contain an incident. An emergency can happen at any moment; therefore all involved parties must be willing to accept the responsibility that is required of them to immediately respond.

- What is the immediate problem?
- Who is involved in the accident?
- What equipment was involved in the accident?
- How to respond and mitigate an incident to minimize impact and avoid further damage?
- How to provide immediate assistance? (See "Emergency Aid Procedures")
- What to document? (See "Incident and Accident Report Form Guidelines")

Note: It is vital that the emergency plan be followed. Deviating from an emergency plan could result in confusion and slower response times. Although deviating from the plan may be necessary at times, doing so without a reasonable cause could provide additional risk for your business.

Post Incident

Although an accident or incident has many negative effects, you should view it as an opportunity to improve for the future. For example, this should allow you to reduce the likelihood of an incident from recurring. Investigating an incident can give you important information on what you can put in your preparedness plan going forward. You can't foresee everything, but accidents and incidents bring to your attention many problematic scenarios that may also possibly occur.

- Follow-up all with involved parties and provide support
- Why did the accident happen?
- How to recover from an incident?
- What corrective action needs to be taken?
- Risk assessment
- What ongoing development needs to be implemented to avoid future accidents?

EMERGENCY CONTACTS EXAMPLE

You should not operate under the assumption that an emergency plan should only involve the company's personnel and resources. Many businesses are unaware of the many outside agencies and resources that are available to them in the event of an emergency. Therefore, they are unprepared to work with and/or take advantage of the available assistance. These agencies include local city, county, state and federal agencies, as well as a multitude of private nonprofit corporations. It will be beneficial to know and post information about the primary agencies and how they may be of assistance to you before, during and after an emergency. An emergency contact sheet should be used in conjunction with your emergency plan that is developed for your operations. Additional information, such as phone reception, emergency radio frequency, radio range, and other available resources may be useful to have on hand during an emergency.

Agency	Address/Location	Phone Number	Response Time
Office Contact/Base Camp:			
Sheriff's Department:			
Ranger/Forest Service:			
Hospital/Ambulance:			
Urgent Care Clinic:			
Fire Station:			
Hazardous Materials Org.:			
Poison Control Center:			

EMERGENCY AID PROCEDURES

It is unfortunate but a reality that there is a high possibility of injury within any operation or activity. In response, your employees are expected to know how to react properly in the event of an emergency. First aid and CPR training is the first steps to getting prepared for any injury. First aid includes assessments and treatments that can be performed by a layperson with minimal or no medical equipment. The first response actions during an accident are the most important. Often times, first aid given at the scene can improve the victim's chances of a good recovery and/or survival. First aid should never delay or hinder the actions of emergency medical services (EMS) or other medical assistance.

In general, start by assessing the situation to determine if the scene of an emergency is safe. Do not put yourself in danger, thereby complicating and worsening the situation. Next, assess the level/severity of the injury (minor, moderate, and serious). If the person is unconscious, then check the Airway, Breathing, and Circulation (ABC's) to determine their condition. Do not move an injured person if you don't have to. In addition, never let a seriously injured person sit, stand, or walk around. Take control of the situation by getting assistance, following an emergency response plan, or organizing a response and assigning tasks. The most important information for a first aid provider to know is how to get the appropriate help. For example, anybody who experienced unconsciousness related to an injury or illness should be sent to a physician. Further the provider should stay with the injured person and help to keep them calm until medical help arrives.

Be sure to complete an incident report as soon as possible to minimize the possibility of information and details being forgotten. The report should include record of: the details of the person, the accident, treatment given, witness statements, location, date, time and who gave any aid or treatment to the patient after an incident.

*These are basic guidelines, and will vary according to each situation. This should not be considered a standard; therefore, you should consult the respective professionals for more specific information for each section.

How to handle an injured person: (minor, moderate, and serious)

Minor injuries (cuts, scrapes, abrasions, minor burns, etc.):

1. Stop the activity
2. Remove the injured person from the activity area
3. Render first aid within the extent of your training, if applicable
4. Send the injured person home (if necessary)
5. Make a note of the incident in the daily activity log/report

Moderate injuries

1. Stop the activity
2. Determine if the injured person can be safely moved from the accident site
3. Remove the injured person (if reasonable) and render first aid
4. Assess the injury to determine if additional medical treatment may be necessary
5. Obtain witness statements, names, addresses, and telephone numbers
6. Take pictures & examine the accident site for cause of injury
7. Isolate and tag equipment involved in the incident whether it was the cause or not

Serious injuries

1. Do not move the injured person
2. Stabilize to the extent of your medical training
3. Notify your local emergency medical services (EMS)
4. If requested by EMS personnel, assist EMS in removing victim
5. Obtain witness statements, names, addresses, and telephone numbers
6. Take pictures & examine the accident site for cause of injury
7. Isolate and tag equipment involved in the accident whether it was the cause or not

NOTE: It is important to know that providing emergency care for anyone places you at high risk for personal legal liability. If you would like more information on how to protect yourself regarding personal liability protection please visit Xinsurance.com, or contact a Risk Management Consultant.

FIRST AID KIT CHECKLIST

ITEM DESCRIPTION	ON HAND	NEEDED	ORDER
Basic First Aid Handbook			
Patient Assessment Form			
Emergency Contact Information			
Emergency Evacuation Procedure			
Bandage Materials			
Medical Tape			
Butter-Fly Bandages			
Flexible Adhesive Bandages (various sizes, 4-8 of each)			
Non-Stick Gauze Pads (assorted sizes)			
Gauze Wraps			
Blister Prevention Treatment			
Splint			
Triangular Bandages			
Elastic Bandages			
Eye Pads			
Non-Prescription Medication			
Aspirin & Ibuprofen			
Antihistamine			
Antacids/ Activated Charcoal			
Cough Drops			
Electrolytes			
Non-Prescription Topical Medications			
Burn Gel			
Hand Sanitizer/ Antibacterial			
Triple Antibiotic Ointment			
Antiseptic Wipes/ Prep Pads			
Hydro-cortisone Cream			
Eye Wash			
Saline Solution			
Instruments & Equipment			
Tweezers			
Scissors			
Syringe (wound irrigation)			
Suture Kit			
Safety Pins			
Thermometer (Disposable or Digital)			
Duct Tape			
Instant Cold Pack			
Heat Pack			
Nylon Cord			
Plastic Bags			
Personal Protective Equipment			
CPR Face Shield			
Face Mask			
Disposable Rubber Gloves (at least 2 pair)			

*First aid kits and other appropriate equipment must be present and easily accessible in all operations and/or activities.

*First Aid Kits will vary depending on specific risks or concerns related to your operations. It is recommended that kits are in a clean waterproof container. They should be checked regularly, and items should be replaced if they have been used, damaged or expired.

HOW TO HANDLE AN ACCIDENT/ INCIDENT

Incident handling is the logistics, communications, and coordination needed in order to resolve an incident in a calm and efficient manner. Affected parties often initiate lawsuits when they feel that a person or business has not demonstrated respect, consideration, and empathy for the situation. Perception of fault is a major factor in an individual deciding to pursue a claim. Some simple ways to show respect and consideration are learning people's names, responding to them as an individual rather than simply a "claimant," and showing genuine care and concern for the situation they are in. Through treating people with respect in all aspects of your business, you can achieve success and strong relationships before and after an accident has occurred.

Employees Should:

- Ensure that the Emergency Plan is being followed. Do not make guarantees of an immediate recovery to anyone. You can say that you are doing everything you can, and/or that you have sent for help.
- Not make admission of guilt or wrongdoing, such as "There have been problems here before." Comments of this nature will be very damaging in litigation and may not represent the truth. Do not make value judgments or statements concerning what happened.
- Be concerned and compassionate for the injured person or situation. Show empathy and sympathy for what they are experiencing.
- Be sure to manage the situation in a composed and professional manner. Do not argue or debate. Doing so will usually inflame the situation, and can put you at risk.
- As soon as possible begin to make notes concerning the accident. Of particular concern, answer the basic questions of: what, where, when, and who was involved in the accident. As early as possible, take notes on the incident concerning the details of what happened. Take notes of things that were said, witness statements, affected party statements, and family member statements, all concerning how the accident occurred.
- Not mention/offer insurance, but should let customer ask about insurance first. Not make guarantees of insurance coverage. In general, participants accept the risk of the activity, and their own health insurance will be their primary coverage.
- Remember to assess and attend to the needs of any other participants who were involved, as well as to the needs of your staff. They may be used as witnesses later, and their impressions of how the situation was handled could be very important.

Communication with Public Authority: (Police, Fire, Medical, etc.)

When having to deal with public authority due to an incident, there very important guidelines to adhere to.

- Never lie or exaggerate
- Never guess, speculate or voice an assumption (if you don't know, simply say you don't know)
- Never sign anything, or give a statement without receiving a copy of what you signed and any statement you gave. Do not hesitate to request your attorney be present.

Communication with the News Media

If there has been a major accident or fatality, it is highly likely to receive some attention from the news media. Often this contact with the media leads to poorly documented facts of the accident, which can result in bad publicity and potential litigation problems. The company owner should designate a spokesperson to provide information to the News Media. In general, only management must handle all communication with the media. The spokesperson should do the following:

- Prepare a factual statement to be reviewed by legal counsel if necessary;
- Communicate the statement to the News Agency
- Set up a system for handling inquiries.

Often, the news media is alerted to the scene of an accident and proceeds to sensationalize and dramatize the story or happenings as much as possible. Remember, their goal in their investigation is to sell more media press. Frequently, they will ask leading questions, make accusatory statements, and pressure the injured party and others involved for statements. Unfortunately, these statements concerning the events of the accident may or may not be accurate. At the scene of the accident and/or evacuation, it is best to appoint a representative to speak to the press and to make very simple and few statements. Encourage them to contact the main office for a further statement. Your best defense is to say, "We do not have any comments or statements at this time," or

"We are handling the situation and will issue an official statement upon further investigation," or something of that nature. Also, try to keep the news media away from other members of the affected party, if at all possible. The following comments are offered as a general guide in dealing with the news media. You will find the media cooperative if you deal with them straightforwardly and with fact (subject only to legal constraints). I.e. consideration for next-of-kin, protection of the injured and good taste), hesitantly or improperly dealing with the press in an emergency situation most likely will escalate media coverage and create negative consequences. The objective with the media should be to share the facts with proper people, at the proper time and respond professionally. This will increase the possibility of a quick resolution and decrease the number of headlines that the media seeks to create.

1. Most dealings with the news media will take place over the phone. Rather than reading a "canned story" to the caller, the spokesperson should have a written list of key points for reference, and tell the story in his or her own words. Again, stick to the facts and leave out assumptions. The press may want to know:
 - What happened?
 - Where did it happen?
 - When did it happen?
 - Who was involved—what were their names?
 - Background on operations
2. Specifically, the spokesperson will provide an accurate and full disclosure of the facts and should cooperate to every extent possible with the news media. When information cannot be released, explain why: next-of-kin have not yet been notified, doctors orders prohibit interview of survivor, etc.
NOTE: Withholding the names of victims pending notification of next-of-kin is appropriate and will be respected by the press. However, do not deny that the accident itself occurred.
3. Refrain from speculation, simply state that the information is unknown if you do not have the facts or have the authorization to answer.
4. Make certain all media and all reporters have equal access to information.
5. Upon discovering that erroneous information has been given to the media, provide correct information as soon as possible. When reporters print or broadcast erroneous information, inform the reporter, not his superior, and provide the correct information.

RESTRICTIONS: No one, including the spokesperson, will release any information that identifies the responsibility for the accident without first consulting legal counsel. Additional problems arise when assignment of fault, criticism of conduct, policy, or equipment is made public without a full explanation of the circumstances. Reports and other relevant information will be developed through a complete investigative process and results of the investigations will be released at the appropriate time. Specifically, problems also arise when information regarding the nature of an injury or illness is released prior to diagnosis by a licensed medical physician, or when names of victims are revealed prior to notification of next-of-kin.

Regarding equipment: Any and all equipment involved in the accident, and could conceivably have contributed to the accident, should be pulled out of the regular equipment inventory. These pieces of equipment should be kept secured in a separate place for future examination. Photographs should also be taken.

Incident/Claims Reporting

Many claims could have been prevented from ever reaching that stage had companies invested a minimum of effort in training their employees to react to and properly report on accidents. All employees should be trained on how to appropriately handle an accident. Appoint one person in your organization to record and report all accidents or incidents. The designated person will be in charge of organizing the details of the incident. This will help retain all the information and clarify who is authorized to release the information. Include a written narrative statement by your supervisory personnel and any statements made by the injured party. Along with making sure that the injured party is the first priority, the thorough incident report forms should be reported immediately to Claims Direct Access.

Follow Up

Again, it is essential that your representative makes visits or phone calls to the involved party concerning their welfare and well being. In general, show personal attention, care and concern, and they will be less likely to bring suit against you and/or your company. Remember, everything you say or do before, during, and after the accident, will be scrutinized in detail, either by litigating attorneys and/or a court of law. Take caution in what you say and do in the event of an accident.

INCIDENT DOCUMENTING & REPORTING

*Early and accurate reporting of all incidents
benefits you in the case of a claim.*

INCIDENT AND ACCIDENT REPORT FORM GUIDELINES

Utilize the Incident and Accident Report Form as a guide for collecting and developing your report. Answer all questions as completely as possible, and make certain that all handwriting is readable. Fill the form out entirely for each incident and report all incidents within 72 hours. The reporting of incidents does not affect your insurability or increase your premiums. Although all incidents may not lead to a claim, the Association needs to know the information about the incident to document and prepare for your defense. Early and accurate reporting of all incidents benefits you in the case of a claim.

Pictures- Obtain as many pictures as possible of the accident site and the accident victim. Pay particular attention to the area encountered by the accident victim immediately before the accident occurred.

Diagrams- It may also be useful to create a diagram that includes the locations of people in relation to the area the incident occurred and any conditions that may have contributed/not contributed to the incident being reported.

Documentation- Attach a copy of your Sign up Sheet for the activity and a copy of the Signed Waiver or Assumption of Risk Form for all parties involved.

The Full Written Report

It is essential that you avoid comments that could potentially be damaging in the future in all communications and written records. NOTE: Concerning "Discovery," everything that is recorded and written from the first moment the accident happens, until the Association's attorney begins to direct the investigation, is considered Discoverable. Discoverable means that the litigating attorney can request and obtain any and all records and use them in the litigation process. Comments that admit guilt, cast blame, or are judgmental or accusatory in nature are to be strictly avoided. Stick to the facts, your report should be based on the facts gathered. The simplest and easiest guide to follow in writing an Accident Report is to answer the question "What happened." Do your best to eliminate any inconsistencies between reports. Avoid opinions, assumptions, personal feelings, bias opinions, and evaluations that are made during the height of emotional turmoil that often follows an accident.

Encourage each Event Manager to develop their own written account of what happened, utilizing the basic guidelines of: "What happened," "Where did it happen," "When did it happen," and "Who did it happen to?" Let each person account the event as they wish; do not interfere with their statement.

How and When to Obtain Witness Statements

Written witness statements are just as discoverable as everything else that is written concerning the accident. Witness statements that are hostile, accusatory, and unfriendly, especially concerning a catastrophic accident should be handled by your legal representation. Use discretion in determining whether or not you will take a written witness statement. Witnesses that are considered to be friendly and positive concerning the events of the accident can have a statement taken in writing. At the very least, records should be made of these individual's positions and their willingness to be contacted at a future date to give a statement of what they saw.

Time may not allow or permit you to take witness statements; therefore, sometimes the very best you can do is simply ask them what happened. Write down what they say. Comments such as, "The accident would not have occurred if they had been more careful," "The injured person refused First-Aid or treatment," or "The injured person contributed to their own accident through their own actions," are extremely important.

Given time, unfortunately, involved party and witnesses often change their version of what happened. The sooner you obtain a record of their impression of the events that led up to and immediately followed the accident, the more likely that an accurate picture of what actually happened is established. We have provided a form on a subsequent page for you to use.

NOTE: Because of the high potential for discovery, written witness statements, narrative reports, and detailed accident investigations should not be made in cases of severe accidents until the association has been contacted to direct the investigation. The accident should be reported immediately to:



P.O. Box 4439
Sandy, UT 84091-4439
Or to:
8722 South Harrison St.
Sandy, UT 84070

Main Phone 877-585-2849
24-Hr. Claim Reporting 877-243-8182
Toll Free FAX Line 877-452-6909
Email CDA@primeis.com



8722 S. Harrison St. Sandy, UT 84070
P.O. Box 4439 Sandy, UT 84091
877-585-2849 • Fax 877-452-6909
After Hours Claim Reporting: 877-243-8182
CDA@primeis.com

INCIDENT/ACCIDENT REPORTING FORM

General Information

Name of Insured: _____

Contact Name: _____

Insured's Address: _____

City: _____ State _____ Zip: _____

Phone number: () _____ Best time to contact: _____

Policy Number: _____ Effective Date of Policy: _____

Description of Injured Party

Name of Injured Party: _____ Male Female

If a minor, legal guardian's name: _____

Address: _____

Employer: _____

Home Phone: () _____ Business Phone: () _____

Description of Accident

Date of Injury: _____ Time of Injury: _____

Activity Participating In: _____

Describe in detail how the accident happened (use additional page if necessary): _____

Describe the injured party's mental status at the time of the accident: Confused Calm Panicked Aggressive Other: _____

Describe Evacuation: _____

Describe location of the site where the accident occurred: _____

Describe the weather: _____

Temperature (estimate if necessary): _____ degrees Fahrenheit

Did equipment contribute in any way to the accident?

Yes No

If yes, please describe: _____

Did the injured party contribute to the accident in any way?

Yes No

If yes, please describe: _____

Did the injured party state that he or she contributed to the accident in any way?

Yes No

If yes, please describe: _____

Did another participant contribute to the injury?

Yes No

If yes, please describe: _____

Were any photographs taken?

Yes No

If yes, please enclose all photographs or diagrams.

Activity Time Lost: None ½ Day or More Ended Participation

Describe any first aid given (include a list of any medications given): _____

Did the injured party refuse first aid or evacuation?

Yes No

If yes, please describe: _____

Does the injured take any medications or have any allergies?

Yes No

If yes, please describe: _____

Employees on site at time of accident: _____

Name Age Experience: _____

Has the injured party been at this location before?

Yes No

If yes, indicate frequency: _____

Does the injured party currently have medical insurance?

Yes No

If yes, with what company: _____

Signature: _____ Title: _____

Print Name: _____ Date: _____



8722 S. Harrison St. Sandy, UT 84070
P.O. Box 4439 Sandy, UT 84091
877-585-2849 • Fax 877-452-6909
After Hours Claim Reporting: 877-243-8182
CDA@primeis.com

**WITNESS AND/OR
INJURED PERSON'S
STATEMENT OF
ACCIDENT**

Our insurance company asks us to collect witness statements pertaining to accidents so they may determine how these accidents occur. Please provide the information requested below as completely as possible. Thank you for your assistance in this very important matter.

Your Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

1. Please describe events leading up to the accident.

2. Please describe the accident

3. Describe what happened after the accident took place.

4. Can you think of any way this type of accident could be avoided in the future?

5. Were sufficient warnings, instructions, and information provided?

Signature: _____

Date: _____



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