

~ ~ ACCIDENT PREVENTION/INSURANCE RISK ~ ~

WINTER 2023/2024



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HOLIDAY FOOD SAFETY

- ◆ Know all State and local rules and regulations for food handling
- ◆ Be aware of who is using the Lodge kitchen to prepare food
- ◆ Avoid using food that is prepared outside the Lodge
- ◆ Keep all food receipts as a paper trail in the event of a food quality issue
- ◆ Caterers must provide proof of insurance before any event
- ◆ The Lodge should be added as an additional insured on the Caterer's insurance policy



ICE AND SNOW REMOVAL

Plan for keeping walkways, steps and parking lots safe for the coming months:

- ◆ Determine whether a contractor or Lodge employees/volunteers remove the snow;
- ◆ Obtain a written contract if a contractor plows and shovels;
- ◆ The contractor should provide an insurance certificate confirming insurance coverage;
- ◆ Request that the Lodge be named as an additional insured on the insurance certificate;
- ◆ Lodges that use employees/volunteers to remove snow will need salt and shovels;
- ◆ Salt applied at the right time and location helps with footing;
- ◆ Clean and dry mats inside the Lodge reduce tracked in snow and water; and
- ◆ Update Members and guests when the weather changes during Lodge events.



HAPPY Holidays!

AVOID FROZEN PIPES

- As cold weather approaches, it is time for Lodges to take steps to avoid frozen pipes
- Adequate heat in buildings must be maintained to prevent pipes from freezing and breaking
- Insulation near plumbing fixtures will reduce the likelihood of frozen pipes
- Let water drip from faucets to prevent the pipes from freezing
- Pipes can be wrapped with insulation to reduce the risk of freezing
- Open cabinet doors below sinks to allow air to circulate and avoid frozen pipes
- Use a blow dryer to gradually thaw frozen pipes
- Do not use blowtorches, open flames or propane heaters to thaw frozen pipes
- Call a licensed and insured plumber if the pipes are damaged due to freezing



ROOF MAINTENANCE

- ◆ Claims for water leakage and damage to contents may result from a Lodge failing to properly maintain a roof
- ◆ All roofs experience wear and tear, no matter what type of roofing materials the Lodge uses
- ◆ Snow and ice accumulation can accelerate the need for repairs and or replacement of a Lodge roof
- ◆ The lifespan of a Lodge roof can be extended by annual proper maintenance
- ◆ The Property Plus Program only pays for unexpected losses, not wear and tear due to the age of a Lodge roof
- ◆ The Property Plus Program will not pay to replace a Lodge roof at the end of its lifespan or replace a roof due to a lack of maintenance
- ◆ Insurance companies deny wear and tear roof claims



DIRECTORS & OFFICERS (D&O) INSURANCE

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EMPLOYMENT PRACTICES INSURANCE

Lodges should have Directors & Officers Insurance and Employment Practices Insurance. Now is a great time to contact Gallagher Insurance or a local insurance agent to get a quote if your Lodge does not have D&O Insurance.

- ◆ The Lodge is covered for allegations of many types of wrongful acts
- ◆ There is also coverage for Directors, Officers and Trustees who are sued individually
- ◆ Protection for claims that improper decisions were made in Lodge operations
- ◆ Defends against lawsuits for libel, slander and defamation
- ◆ May cover discrimination claims based on age, sex or race
- ◆ Defends wrongful termination lawsuits filed by former employees
- ◆ Provides coverage for employment harassment claims and suits
- ◆ Shields the personal assets of Directors, Officers and Trustees who are sued individually
- ◆ Pays the professional fees of a lawyer to represent the Directors, Officers or Trustees
- ◆ The legal fees to defend the Lodge are covered by the Directors & Officers insurance policy

CLEANUP DURING THE HOLIDAY SEASON

A clean Lodge makes a lasting impression on guests and potential new Members. Putting our best foot forward is not only a great way to attract new Members, but it is way to make our Lodges safer for everyone. Please consider the following tips this Christmas Season:

- ◆ Avoid using electrical extension cords that may create a tripping hazard
- ◆ Keep natural Christmas trees watered to minimize a fire risk
- ◆ Floors should be mopped regularly and carpets cleaned, for better footing to avoid falls
- ◆ Kitchen counters and cabinets should be clean to make the kitchen a safe place
- ◆ Christmas lights or decorations that are worn or frayed must be discarded
- ◆ Refrigerators can be cleaned and old food should be discarded
- ◆ Bars can be cleaned, to provide a safe environment for servers, Members and guests
- ◆ Freezers can be defrosted and old food should be discarded
- ◆ Test carbon monoxide detectors and replace batteries if necessary
- ◆ Replace any burned out lights with new energy saving bulbs
- ◆ Restrooms and locker facilities should have an inspection log to monitor maintenance
- ◆ Damaged or worn furniture should be repaired or replaced
- ◆ Test smoke detectors and replace batteries if necessary
- ◆ Check fire extinguishers and ensure that they are fully charged
- ◆ All storage areas should be free of combustible materials
- ◆ Check the Lodge's First Aid Kit



REPAIR WORK AT LODGES

Issues to be addressed when there are repairs or construction at a Lodge:

- The Lodge should never take on the role of general contractor;
- Volunteers should not be performing repairs;
- No one from the Lodge should act as a construction manager and or project coordinator;
- Contractors need to provide proof (an insurance certificate) that the contractor has liability insurance;
- Contractors must prepare a written contract that will indemnify the Lodge from claims arising out of the work;
- Projects involving extensive repairs and renovation require that the contractor name the Lodge as additional insured under its general liability policy;
- A Lodge that hires a Member that is a contractor, must also receive proof of insurance and a written contract from the Member; and
- When constructing a new building, addition or substantial renovations, the Lodge needs to contact Gallagher Insurance at (800) 421-3557 for proper insurance coverage.



SERVICE OF ALCOHOL TO MEMBERS AND GUESTS

The service of alcohol is a *privilege* the Lodge extends to Members and their guests, not a means of revenue for the Lodge. Cutting off a Member or guest who is approaching intoxication is better than defending a multi-million dollar lawsuit.

- Know all State and Local Liquor laws;
- Never serve anyone approaching intoxication;
- Do not let others buy drinks for anyone who might be close to intoxication;
- Stop service to anyone else if they will give drinks to someone approaching intoxication;
- No beer kegs, no pitchers and no coolers;
- Remind Members/guests not to drink and drive;
- Be observant while serving alcohol;
- Encourage designated drivers;
- Never permit BYOB;
- Do not allow games/contests involving alcohol consumption;
- An outdoor tent/bar must have a server;
- Do not hold a "Happy Hour";
- Never discount prices to promote liquor sales;
- "Last call" should be well before closing;
- Insist on a taxi or a ride for someone who has too much to drink; and
- Members that have a problem need our help, now!



WINTER ACTIVITIES

Less daylight and colder temperatures may invite dangerous activities that can result in injuries. The following should be avoided:

- ◆ Drinking alcohol while operating a snowmobile
- ◆ Crossing thin ice on a snowmobile, sled or toboggan
- ◆ Sledding/snowboarding near trees, posts and immovable objects
- ◆ Ice skating on bodies of water with thin ice
- ◆ Warming up a car in a poorly ventilated area
- ◆ Shoveling heavy wet snow can result in a heart attack
- ◆ Unsecured pools areas in the offseason invite mischief
- ◆ Mixing alcohol with outdoor nighttime activities
- ◆ Using ladders to decorate hard to reach heights may result in a fall
- ◆ Pushing/pulling vehicles that are stuck in the snow or ice
- ◆ Polar plunges without EMS/First Responder participation and supervision



SLIPS, TRIPS AND FALLS

Members and guests that slip and fall represent the most frequently reported liability claim. Please consider the following:

- ◆ Use floor treatments and cleaners that are designed for non-skid flooring;
- ◆ Avoid cluttering halls and walkways with anything that could cause a distraction or reduce visibility;
- ◆ Repair or replace worn carpet or damaged flooring;
- ◆ Limit access to areas with multi-level flooring, stages, stairways and ramps;
- ◆ Place warning signs where appropriate;
- ◆ Utilize adequate lighting inside the Lodge and outside the Lodge;
- ◆ Utilize mats at entrances/exits during inclement weather;
- ◆ During the winter months, ice/snow should be removed from steps, walkways, parking lots in a timely fashion and keep records that document the snow/ice removal work; and
- ◆ Restrooms should be monitored on a regular basis to make sure that spills or other hazards are eliminated in a timely fashion and maintain records that document the inspections.



FACILITY RENTAL POLICIES

Anyone using Lodge facilities must provide an Additional Insured Certificate of Insurance that names the Lodge as an additional insured on their insurance policy.

If the entity or individual cannot name the Lodge as an additional insured on their insurance policy, Facility Rental Policies can be obtained by contacting Gallagher Insurance at (800) 421-3557.



BEWARE OF SCAMS

Scam artists always follow the money, please look out for the following:

- Deposit cash in the bank promptly, do not wait until the next day
- Government agencies/Law Enforcement never ask anyone for cash for any reason
- Do not provide anyone with bank account information
- The IRS never directs Not For Profit Corporations to make special payments
- Someone “in need” requests plane fare and cash since they heard that the Elks do good deeds
- An unsolicited “free” inspection of the roof or crawlspace will result in an unnecessary repair bill
- Make sure that you know the sender of an e-mail before you open it to avoid cyber scams



AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

- ◆ Each State has its own laws regulating Automated External Defibrillators (AED)
- ◆ A Member, Officer or employee is not immune from lawsuits in many States
- ◆ A Lodge and all of its Members, Officers and employees must know the State Law regulating the use and maintenance of Automated External Defibrillators (AED)
- ◆ Elks should email their Representative in Congress and demand that legislation be passed to guarantee immunity for Members, Officers and employees using an AED
- ◆ Always call 911 when urgent care from a First Responder is needed for a Member or guest



WORKERS' COMPENSATION INSURANCE FOR LODGES

- ◆ Check your State law on requirements for workers' compensation insurance.
- ◆ A Lodge may purchase workers' compensation insurance from an agent or broker in your town.
- ◆ Lodges may also obtain Workers' Compensation Insurance through Gallagher Insurance (800) 421-3557.
- ◆ Many States do *not* permit Insurance Companies to issue policies that cover volunteers at the Lodge.



Happy
PRESIDENTS
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