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International

BULLETIN
SPECIAL RELEASE

A safety coordinator is a must.
Safety is no accident.
Insurance costs are no accident either.

President:

Kiwanis International has faced the dual crisis of price and availability while negotiating for continuation of general liability insurance. It has become apparent that greater understanding and active assistance by Kiwanis leadership is mandatory if the problem is not to recur.

Our attitude toward insurance is a part of the problem. Instead of saying: "We're covered, get what you can," we should believe and act knowing that insurance is to protect you from legal liability where negligence is evident and therefore liability exists.

Every club and district leader must become aware of the absolute necessity for consideration and planning of events with an eye to safety of participants and all others involved.

To be sure that safety and management of risk are taken into account, a club safety coordinator should be named and consulted in all planning.

Almost every Kiwanis club has within its membership those in the insurance field and members of the legal profession. Such individuals can be of great assistance to the safety coordinator in carrying out his/her duties on behalf of the club.

The impetus for any effective program of safety must come from the top, i.e., the president and the board of directors. They must resolve to fully support the safety coordinator in his/her efforts to educate the club and to make everyone safety conscious at all times.

A safety coordinator is a must in every club.

RESPONSIBILITIES OF THE SAFETY COORDINATOR

Kiwanis is a service organization but the law still holds the organization liable for its negligent acts which might cause injury.

1. Understand the program of General Liability Insurance of Kiwanis International. (Utilize "You Are Covered" pamphlet.)

2. Take positive steps to inform the club about insurance including:
   a. What it is and what is or is not covered.
   b. Why Liability Insurance is vitally needed and the role it fills in allowing Kiwanis to conceive and execute fundraising and community service programs.

3. Consult with the board of directors and/or each committee planning a project to examine the hazards which might be encountered to determine how to eliminate such hazards or pass the risk on.

4. Attend all events and be prepared to make on-the-spot corrections of hazardous situations.

5. Devise a means to obtain full details of any accidental injury which might occur in order that prompt reporting of significant information may be possible as is required by the insurance contract.

6. Educate the club that under no circumstances should a claim be "solicited." If someone says he/she wishes to make a claim, take the information and report it, but:
   a. DO NOT encourage anyone to make a claim.
   b. DO NOT accept any responsibility for what may have happened.

CONSIDERATIONS FOR THE SAFETY COORDINATOR

The following considerations for the safety coordinator will be helpful in retaining our insurance and keeping costs as low as possible. It is essential that the safety coordinator understand all these statements and communicate this understanding to the club.

1. What is liability insurance? In the broadest sense, liability insurance is a contract between the insured (Kiwanis) and the carrier to pay, on behalf of Kiwanis, all sums which the organization may be legally obligated to pay because of injury or death resulting from injury to persons or because of damage to property of others. Limits of liability and other pertinent details of the insurance contract are contained in the policy itself; however, refering to the pamphlet, "You Are Covered," will give most details in layman's language—including highlights on what exposures are not covered.

2. What is insured? What is insured is the legal liability of Kiwanis, and it is fair to state that legal liability generally results from a negligent act or failure to act which results in bodily injury or damage to property.

What liability insurance does not do:
   a. It does not cover some supposed "moral obligation."
   b. It does not act as accident insurance.
   c. It is not a substitute for other coverage which might be required by state or provincial statute, such as Workers' Compensation

RESOURCE MATERIALS

The safety coordinator should contact his/her club secretary for the Comprehensive General Liability Risk Management materials packet designed to assist him/her in carrying out his/her responsibilities.

RISK MANAGEMENT

Risk of injury to persons and of damage to property of others exists in all Kiwanis activities. Analyze basic risk factors and discover those which can be managed so claims will not result therefrom.

Within the scope of activities sponsored by local clubs there are several such areas wherein the risk may, and should, be transferred to others. Here is an area where clubs in particular may make a major contribution in keeping such claims away from Kiwanis and from its insurance carrier.

Sponsored Events:
These are events wherein an outside firm or organization actually presents the event, furnishes equipment, or sells products or services. Such events as carnivals, circuses, rodeos, sporting events, air shows, auto shows, and races are among those which fall into this category. In such cases, the individual or firm involved should assume all liability arising therefrom.

Contracts or agreements for such activities should be in writing and they should include:

1. A hold-harmless provision whereby the operator agrees to hold Kiwanis and its members harmless as to any and all claims for injury or death resulting therefrom and for damage to property of others which might arise from the event, and

2. Provision that the operator will furnish to the Kiwanis sponsors prior to the event evidence of insurance to cover any claims which might arise to a limit of at least $1 million for bodily injury and property damage, including premises, operations, and products exposures.

Such evidence must be in the form of a certificate of insurance issued and countersigned by an authorized representative of the insurance carrier of the supplier and should contain provisions for written notice of cancellation or material modification of coverage to the sponsor at least thirty days prior to such cancellation or change becoming effective. The certificate should name the Kiwanis club and Kiwanis International as additional insureds.

Important note: In these cases listed above or others to follow, the issuance of a certificate of insurance does not end the responsibility of the club. The positive action and surveillance of the safety coordinator and members of the club are required.

Rental of Kiwanis-owned premises to others:
In some cases, Kiwanis clubs, districts, or foundations own properties and may rent or allow use of such properties by other individuals or organizations. Again, agreements for such rental or use should be in writing and should transfer risk to the renter or user through a hold-harmless agreement and evidence of insurance as indicated above under "Sponsored Events."

Sale of merchandise:
Many clubs raise funds by selling merchandise purchased outside Kiwanis. In all cases, the manufacturer or supplier must hold Kiwanis harmless from any and all claims arising from the use or consumption of such products. Unless the supplier is a national concern of high repute, an insurance certificate should be required.

In any case, the hold-harmless agreement should be in writing and should be a part of the agreement to purchase the merchandise for resale.

SAFETY MANAGEMENT

The safety coordinator should contact his/her club secretary for the Comprehensive General Liability Risk Management materials packet designed to assist in carrying out his/her responsibilities.

In addition to transfer of risk in certain instances as reviewed above, there is a wide spectrum of risk in all activities which may be moderated or even eliminated by proper attention to matters of safety in planning and execution of programs and events. The responsibility for safety in these areas must ultimately rest with leadership.

Some of these are discussed below and, as the matter of safety becomes a primary consideration of the club and district, others will become apparent.

Use of nonowned premises:
Nearly all clubs and districts use such premises for weekly meetings, parties, fundraising projects, and for conventions and conferences. Even though the owners may be legally responsible for participant safety, it is incumbent upon the using Kiwanis unit to make careful surveys of potential hazards.

Among conditions commonly occurring are:

a. Overcrowding of meeting rooms
b. Inadequate *or* poorly marked fire exits
c. Extension cords used with projection equipment located to create trip and fall hazards
d. Inadequate lighting of stairs
e. Outdoor events held where swimming pools or other hazards exist, particularly in regard to children who may be present
f. Exposing the public to being burned by hot cooking or serving equipment

Remember: Although the above are common occurrences in many of our activities, the list is by no means complete and all premises used should be inspected periodically.

Merchandise and food produced and sold by Kiwanians:
Many clubs raise funds through such events as pancake breakfasts, barbecues, and other food-related programs where meals are prepared and served by Kiwanians.

Great care must be exercised in food preparation and handling in order to avoid contamination and to preserve proper standards of sanitation. The assistance of someone

with experience as a consultant is deemed highly advisable. Local ordinances should be checked for full compliance with respect to food handling and the sale of food to the public.

Claims:
All potential claims must be reported to the insurance carrier. The safety coordinator must be sure that all details pertinent to any injury are available to properly report.

Pertinent details include:

a. Date, time and place
b. Name and address of injured party or person whose property was damaged
c. Extent of injury or damage as it may appear at the time
d. Name(s) and address(es) of witness(es)
e. A brief statement of circumstances, i.e., what happened; how did it happen

Important: While the so-called "nuisance" claim is always a problem (usually a claim which is questionable as to its merits) the safety coordinator should not withhold reporting with the mistaken idea that Kiwanis is not at fault or the claim is so minor that it is not important. The insurance carrier is the best judge of the merits of claims presented and it should have the opportunity to investigate and evaluate each occurrence, and decide to accept or reject liability on behalf of Kiwanis.

Report all potential claims to:
NEW ADDRESS:
Hylant Group
ATTN: Claims Department
P. O. Box 40925
Indianapolis, IN 46280-0925
800-678-0361, ext. 15186
317-817-5000
317-817-5151 (fax)

PUBLIC RELATIONS OF SAFETY

Both internal and external public relations are enhanced by effective safety programs. The safety coordinator should keep the safety program before the club and community. The club can produce excellent results by scheduling a program or two on safety during each year.

Safety posters should be in evidence and provide a positive approach to safety at all events.

Suggested club bulletin announcement:
When our club and its members are involved in Kiwanis-sponsored activities, we are covered by the Kiwanis International Comprehensive General Liability insurance program. The program protects us from legal liability where negligence is evident and therefore liability exists. However, this is not accident insurance. Each club shares in the premium for this insurance. President _____ has appointed _____ to be our club's safety coordinator and will provide us with details on the program and will advise on safety precautions for all activities. No one wants an injury or destruction of property, and keeping claims to an absolute minimum prevents increased premium costs. Safety is no accident and insurance costs are no accident either!

A summary of essential steps for every club:

1. Name a safety coordinator.

2. Know what liability insurance is all about.

3. Educate the membership.

4. Help your community be informed.

5. Involve safety consideration in all planning of activities and events.

6. Study every project for hazards.

7. Transfer risk to others wherever possible through hold-harmless agreements and a positive requirement for insurance certificates to assure the financial responsibility of the party or firm who agrees to hold Kiwanis harmless.

8. Protect your insurance from unjust or unmerited claims by eliminating hazards and transferring risk wherever possible.

9. Train several members in first aid.

10. Report incidents promptly and completely.

11. Remember your insurance is there to protect your organization and when it must pay, you must pay ultimately in increased cost of insurance.

PRESIDENT: Pass this information to your safety coordinator!