

~ ~ STATE ACCIDENT PREVENTION CHAIRMEN ~ ~  
**INFORMATION**  
 DECEMBER 2009



**REVISION OF ACCIDENT/CLAIM PREVENTION MANUAL**

We again ask that all State Accident Prevention Chairmen or other members provide suggestions for additions or changes to this manual that must be reprinted in March 2010.

This manual has been a useful tool for Elks Lodges and has been used in part by other charitable organizations. In order to keep it up to date and useful, suggested improvements would be welcome.

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**ATTENTION STATE ACCIDENT PREVENTION CHAIRMEN**

This is the final reminder for those of you who have not turned in your Accident Prevention Activities Status Report for 2009. Please return it to my attention immediately, so that I may include the figures from your report in my reports to the Insurance Subcommittee.

**LODGE ACCIDENT PREVENTION MANAGERS**

Section 12.070 of the Statutes of the Order require every Lodge to appoint an accident prevention manager. This must be done. This manager, along with any additional deputies, must utilize the "Accident/Claim Prevention Manual" and the "Liability Insurance Program Booklet" along with good common sense to assure that their Lodge operates in a safe and efficient manner. **THIS IS IMPORTANT.** (District Deputies will be checking for compliance.)

**TABLES/CHAIRS/STOOLS/EQUIPMENT**

During the holiday season, the Lodge usually sees an increase in activity. Before the increase in use, each Lodge should double-check all furniture and/or equipment used by members and guests to make sure they are in safe condition. Monthly or weekly inspections are always recommended.

Each year, the Self-Insured Master Liability Program receives a number of claims involving the collapse of chairs, stools, tables or other related equipment. Most of these claims could have been avoided if proper reviews were made. When making the inspection, keep in mind that many of the chairs collapse while being used by a very heavy individual. For example, if a chair won't hold a 300-400 pound person, they should not be in use.

If there is an accident, remember that the Lodge should always save the failed item for inspection.





### SELF-INSPECTION

In order for a Lodge to properly protect its property and the well being of its members and guests, a constant review of the Lodge's physical plant is a necessity.

1. In the District Deputy's visitation, the "Self-Inspection" report is required (a copy of this report is provided separately, but it is also on Page 18 of the "Liability Insurance Program Booklet" and on Page 29 of the "Accident/Claims Prevention Manual"). State accident prevention chairmen should be provided with a copy and will review these reports and request information on action taken to correct problems. In addition to the inspection at the visitation, Lodges should conduct this inspection during the year and also use other more detailed inspections indicated in the following recommendations.
2. The "Lodge Safety Checklist" on Page 30 of the "Accident/Claims Prevention Manual". This report provides supplementary data to the self-inspection reports.
3. The "Closing Time Checklist" on Page 31 of the "Accident/Claims Prevention Manual" has a very simple but very necessary report. If this report was used by all Lodges, the self-insured Property Plus Program could have avoided losses exceeding 10 million dollars and avoided the total destruction of at least 7 Lodges. All Lodges are strongly encouraged to order employees and/or volunteers to use this report at every closing.
4. The "Monthly Safety Inspection Guide" on Pages 32-33 of the "Accident/Claim Prevention Manual" is more detailed report that can be easily done to help in the detection of problems or changes occurring in the facility or in operating procedures, which might generate a claim or an unsafe condition.
5. The "Physical Hazard Questionnaire for Public Safety" on Page 34 of the "Accident/Claim Prevention Manual" should be reviewed periodically during the year to make sure the Lodge premises is safe for members and guests. This report will provide reminders of changes that can create loss possibilities.
6. The "Recreation Facilities" section on Pages 35-40 of the "Accident/Claim Prevention Manual" provides specific inspection reports for swimming pools, golf courses and tennis courts for those Lodges that may have such facilities.

All of these inspections should be done with the records from these inspections retained for comparison from year to year; however, if a problem is discovered, the Lodge will need to correct those problems or take action to avoid occurrences that might injure members or guests or destroy property. Simply doing the inspections will not correct the issues.

### EVACUATION PLANS

If any Lodge has large crowds, even if its not on a frequent basis, an evacuation plan should be established. A review of safety equipment and an evacuation chart can be helpful in planning (see Page 44 of the "Accident/Claim Prevention Manual" 4th Edition).

Consult with the local fire department and make sure that there are no code violations. Never exceed the crowd capacity allowed.

All fire doors must be unlocked. Smoke alarms are a must and sprinklers should always be considered.



## SERVICE OF ALCOHOL

We must continue to tell the story of proper service (refer to Page 9 in the 4th Edition of the "Accident/Claim Prevention Manual"). The Order in general has made great progress in cutting down the number of alcohol related claims, but we must do an even better job.

The servers at our Lodges must anticipate problems. It is good when a member or guest is informed by the server that they are cut off because they have had enough; however, the server might better have stopped the service prior to the last drink by stating that the member or guest is approaching intoxication.

The excuse that is told by members that they have a designated driver or they are walking or not driving is not acceptable. Do not allow a party to approach intoxication. In some states, you may be responsible for allowing a person to become drunk.

We have had claims made by person not driving but walking and being injured on the way home. We have had claims made by a person driven home by a Lodge member. This person sustained an injury in his own home after the Lodge member left.

In many states, claims can be made against a server of alcoholic beverages no matter how culpable the Lodge is. To protect your Lodge and the Order, every Lodge must be strict with their service policies. Cut the patron off early and don't be sorry. Remember, the Lodge's services are a privilege, not a right.



## LODGE BUSINESS OPERATIONS

As I have previously requested, I would ask all state accident prevention chairmen to let me know if Lodges in their state associations have substantial business operations not directly related to the day-to-day operations of the Lodge. In no case should (or will) the Elks Self-Insured Master Liability Program provide any coverage to others involved in any business operation of any sort.

In this review, one should consider:

- Large facilities rented to others.
- Commercial business enterprises.
- Operation of large commercial events.
- Large business operations or services conducted at the Lodge or away from the Lodge premises.
- An endeavor or business activity where there is an attempt to utilize the Elks Self Insurance Programs to provide insurance to other corporations or individuals.

In order to maintain low per capita assessments for the Order, nobody can be allowed to attempt to improperly obtain coverage for activities not directly related to the core activities of the Order.

## BRIEF REMINDER

If a Lodge has fidelity coverage under the Property Plus Program, there is no need to purchase bonds separate bonds for Lodge officers or others required by the Lodge By-Laws.



## HOTELS

For state meetings or other meetings where a group rents rooms for overnight stays by participants in a meeting, do not sign a contract indemnifying the hotel or agreeing to name the hotel as additional insured. The Master Liability Program will not provide this.

Some hotels are attempting to try to avoid their innkeeper's liability. This is not appropriate. Read any contracts and object and reject any such unethical attempts.



## LEASING PORTION OF LODGE OR OTHER BUILDING

On some occasions, Lodges will lease a portion of the Lodge building to other businesses. In some cases, I have observed that Lodges have badly managed this process. The Lodge has accepted a lease prepared by the tenant, prepared an inadequate lease written by a non-lawyer or a person not familiar with the proper terms required to protect the Lodge. The following are some major points that must be followed:

- Make sure that the tenant's business or occupancy does not present a hazard or increase the risk of fire or other fortuitous events. Don't rent to a paint store or manufacturer, fireworks store, furniture finishing store, heavy manufacturer, etc.
- The lease with the tenant must have a section in which the tenant indemnifies and holds harmless the Lodge for any and all claims by individuals, including employees of the tenant arising out of the tenant's operations, except for the sole negligence of the Lodge. The tenant must also name the Lodge additional insured under the tenant's general liability policy. If asked, the Lodge may give the tenant evidence of the Lodge's insurance under the Self-Insured Master Liability Program, but we will not name the tenant additional insured under the Elks self-insured policy under any circumstances. The Lodge may agree to a mutual waiver of subrogation clause that will require the Lodge and the tenant to rely on their own property insurance to respond to any damages to the Lodge's building or contents or the tenant's contents. (Each party must make a claim against its own insurance company. The insurance company can't attempt to subrogate against the other party.)
- The Lodge should have appropriate and speedy recourse to evict the tenant for non-payment of rent or conducting dangerous or potentially dangerous activities.
- Long-term leases or leases involving large financial numbers must be approved in accordance with the Statutes of the Order.
- Use common sense and make sure that there is proper consensus in the Lodge. The renting of a separate building not housing the Lodge should follow the same process but, if a tenant will occupy the total building, the Lodge may want to require that the tenant obtain fire insurance in the proper amount naming the Lodge and provide expenses, including taxes and any maintenance.

Please make note that this process of leasing should not be considered unimportant and relegated to haphazard treatment by members or trustees who have little knowledge or experience in this area of business.

## DANGEROUS EVENTS

If a Lodge is considering sponsoring an event or conducting a fundraiser, it must carefully review the potential hazards involved. Generally, the Master Liability Program will not provide additional insured status for a governmental body, private for-profit corporation or another not-for-profit corporation except in very special circumstances. This is particularly true for events considered to be hazardous or presenting even a remote possibility of generating a catastrophic type injury.

- Any kind of racing or competition involving vehicles of any type.
- Rodeos, parades, carnivals and fairs (unless conducted by professionals who have insurance for the Lodge).
- Fireworks.
- Unrelated business operations.
- Use of the Lodge for business purposes or to support activities of a member or other parties (the user must have insurance that also covers the Lodge).

Any contracts entered into by the Lodge for any activity should be reviewed by the Lodge's attorney or someone familiar with contracts and liability issues.





### **STAIRS**

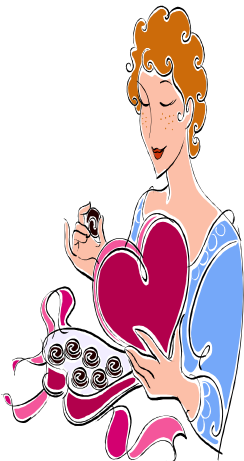
We continue to have members and guests who fall on stairs; especially stairs associated with entryways. Most are caused by the injured party not paying attention or by their physical condition, but all Lodges must attempt to eliminate any conditions of the premises that contribute to the users' already existing problems.

- Make sure that all stairs are in good repair. Add non-skid strips or material and make sure that they are replaced when needed.
- Make sure that, to the extent possible, the stairs meet code requirements. If there is any deviation from code requirements in existing stairs that cannot be readily corrected, warning signs might be displayed that could read something like "narrow steps", "wide steps", "steep incline", etc.).
- In almost all situations, a railing is required. For stairs with two-way traffic, railings should be provided on both sides. If the stairways are very wide, a railing in the middle might be used.
- Do not block or clutter entrances to stairways with notices, signs or other such equipment.
- In inclement weather conditions, make sure that outside stairs are clean and properly treated. Make sure that inside stairs are cleaned to remove moisture or debris tracked in from the outside.

### **WASHROOMS/LOCKER ROOMS**

These are areas where falls occur. Each Lodge must review their situation and eliminate hazards.

- Lodges must properly place instructions and warning signs.
- Keep these areas clean and free of any debris. During times of heavy use, it is wise to log inspection and cleaning times.
- To the extent possible, eliminate potential hazards. If this cannot be done, place warning signs; such as in an area with several levels or where moist conditions are likely to create slippery floors.
- If possible, place the towel dispenser and the garbage container in the sink console rather than across the room. This will avoid water dripping on the floor that can cause many spills.
- In the shower areas, place railings or hand holds. These are useful to persons with disabilities as well as an aging membership.



### **MOTORCYCLE RUNS BAD IDEA**

The Master Liability Policy cannot provide certificates of insurance for any such runs between Lodges or other destinations. First, it has been indicated that the Master Liability Program affords no liability protection for actions of any rider. Second, such runs do not generally generate large donations to charity. **THESE ARE A REALLY BAD IDEA!**

In motorcycle runs from Lodge to Lodge or other points where drivers chose to have a drink, riding a motorcycle is less forgiving than driving a car. Even riding a motorcycle and drinking within the legal limits is dangerous and foolhardy for any rider.

Lodges must never serve anyone approaching intoxication under any circumstances, but even a lower service level would be in order for such riders or, better yet, serve no alcohol if such runs are to be held.

# President's Day

## EMPLOYEE SAFETY

The following is a draft of a safety review that should be done by all employees (new and current) on a periodic basis. Each Lodge should add or delete items that better deal with their specific Lodge's operations. Remember that injuries to employees must be reported to the Lodge's Workers' Compensation insurance carrier, **NOT TO GALLAGHER BASSETT** (the third-party administrator for the Master Liability Program). **The Master Liability Program does not cover employee claims.**

### ACCIDENT PREVENTION REVIEW FOR NEW EMPLOYEES

*NOTE: This form should be completed by the manager before a new employee starts working.*

Name \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_ Position \_\_\_\_\_

- 1. MOST IMPORTANT!** Review the Lodge's policy for service of alcoholic beverages if relevant to the job. (Training in the serving of alcohol is recommended and mandatory where required by law.)
- Review possible hazards and how to prevent those that are unique to this department, i.e. cuts, burns, slips, chemicals, etc. Specific hazards covered: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.
- Review employee's role during an emergency, i.e. fire, bomb threat, power failure, natural disaster, etc.
- Regarding floors: wipe up any spills, pick up any trash or articles.
- Explain where the fire exits are and why they must be kept clear. Explain the location and use of fire extinguishers.
- No running and/or horseplay—explain why.
- Explain why equipment must be in good repair before use....especially electrical equipment.
- Review safe lifting procedures.
- Explain why tools or equipment should not be used unless the employee has been properly trained.
- Review the proper care one needs when dealing with chemicals, including cleaning materials.
- Review the proper use of doors, especially to and from kitchens.
- Explain the use of protective devices and clothing as prescribed by the job: safety gloves, shoes, aprons, etc.
- Tour all areas. Explain the extra care needed in certain hazardous areas.
- Explain voice signals such as "behind you", "hot" or other warning terms and why it is important to continually use them.
- Make sure that all employees understand that ALL accidents are incidents and must be reported to management immediately.

### PLATFORMS/HIGH LEVELS

We continue to have claims made by persons misusing platforms or by persons who do not notice the different levels of the floor surfaces.

The entrances to platforms should be blocked except when being used properly. Platforms should also have railings. Different floor levels should have distinct warnings and, if possible, railings when moving from one level to another. It is also preferred to limit access to different floor levels by blocking off all but one entrance and exit area to restrict use and to emphasize the need to notice the different floor levels.

