

*Ontario School Boards’
Insurance Exchange
presents...*



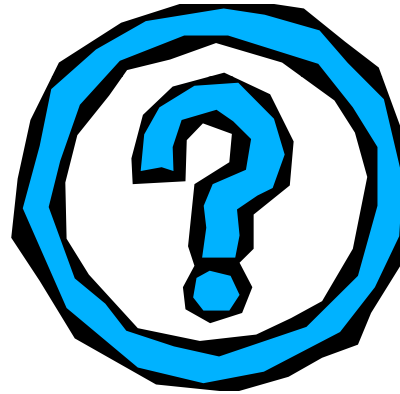
**General Liability Insurance and
Risk Management for
Technical Studies Programs**



Agenda:

- **Why the Concern?**
 - Social, Legal
- **Liability Insurance**
 - Who/What is Covered
- **Risk Management**
 - Where are **YOUR** risks?
 - Risk Management Strategies

Why all the concern?



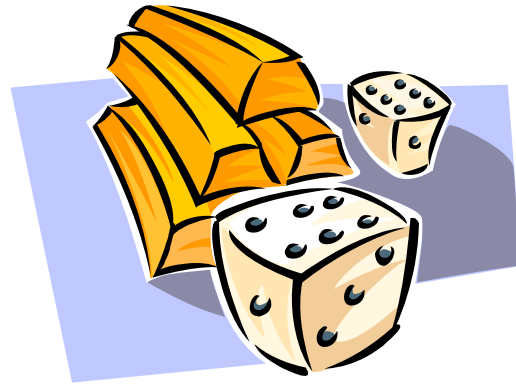
Social and Legal Concerns...

- **Changing attitudes – holding others responsible for misfortunes**
- **“Psychology of Entitlement” when injured – a.k.a “Winning the Lottery”**
- **Increased public awareness of laws and rights – challenges to authority**
- **More, larger law suits being filed**
- **Courts tend to be sympathetic to injured**

What can we do to protect ourselves, our school and our students from the risks of injury and law suits?



*Two main ways to handle
your risks...*



- **Purchase insurance**
- **Select and Control the risks you take**

Liability Insurance

Who/What is Covered?



The purpose of Liability insurance....

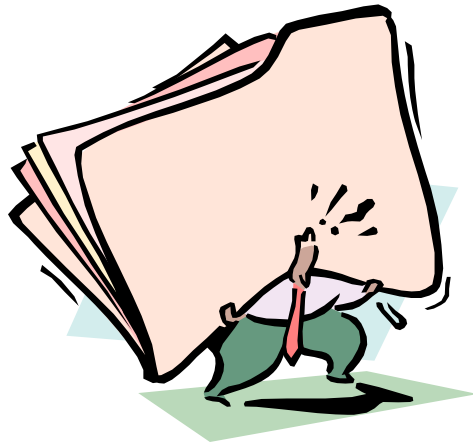
To protect a person or entity (such as a school board) against any legal responsibility arising out of a negligent act or a failure to act as a prudent person, which causes bodily injury or property damage to another party.

Who is covered?

- **Trustees**
- **Administrators**
- **Employees**
- **Teachers**
- **Co-op students on a work assignment**
- **Referees**
- **Volunteers**



*...while acting within the scope
of their duties....*



You are covered for:

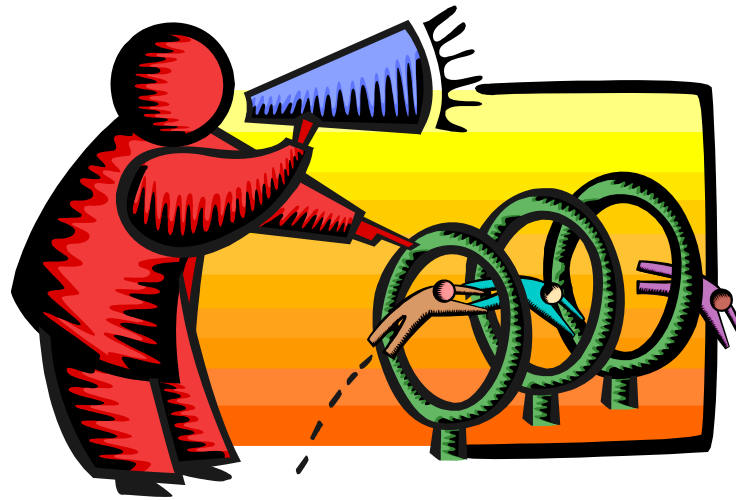
- **\$24,000,000 per occurrence**
- **Acts of negligence while acting within the scope of your duties that causes**
 - **Injury to a student, parent, volunteer , etc.**
 - **Damage to property of others**
- **Automobile Liability in excess of your personal auto limit to combined \$24,000,000**

You are NOT covered for:

- **Criminal Code convictions**
- **Penalties, fines under statute:**
 - HTA, WHMIS, OH&S
- **WSIB coverages**
- **Punitive damages**
- **Intentional acts**



*What does a Court expect of you
and your school board?*



(1) Exercise an appropriate Standard of Care

- **Act as a “careful and prudent parent”**
- **Address foreseeable risk of injury**
- **Provide adequate supervision**
 - Will vary dependent upon age, ability, experience, nature of activity, # students
- **Consider nature and condition of equipment being used**
 - Inspections, damaged, missing guards

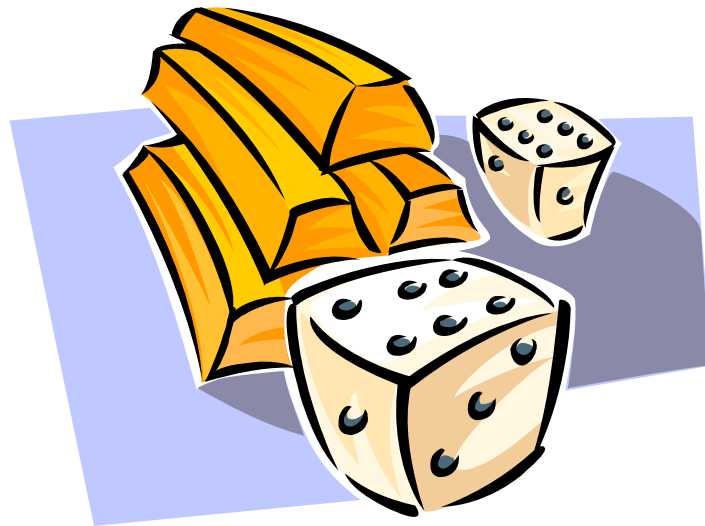
(2) Exercise Due Diligence

- Perfection is not expected...but....
- A consistent, systematic approach to identify and manage foreseeable risk is...
- Do you meet the 3-P's test?
 - *POLICY* – consistent and board wide
 - *PROCEDURE* – progressive, systematic
 - *PROOF* – attendance, test scores, certificates

How do we do this?



The Elements of Risk Management.....



Key elements of Risk Management

- Identify and analyze risks
- Identify various RM strategies
- Select and implement appropriate strategies
- Monitor results
- *....meets Due Diligence Test*



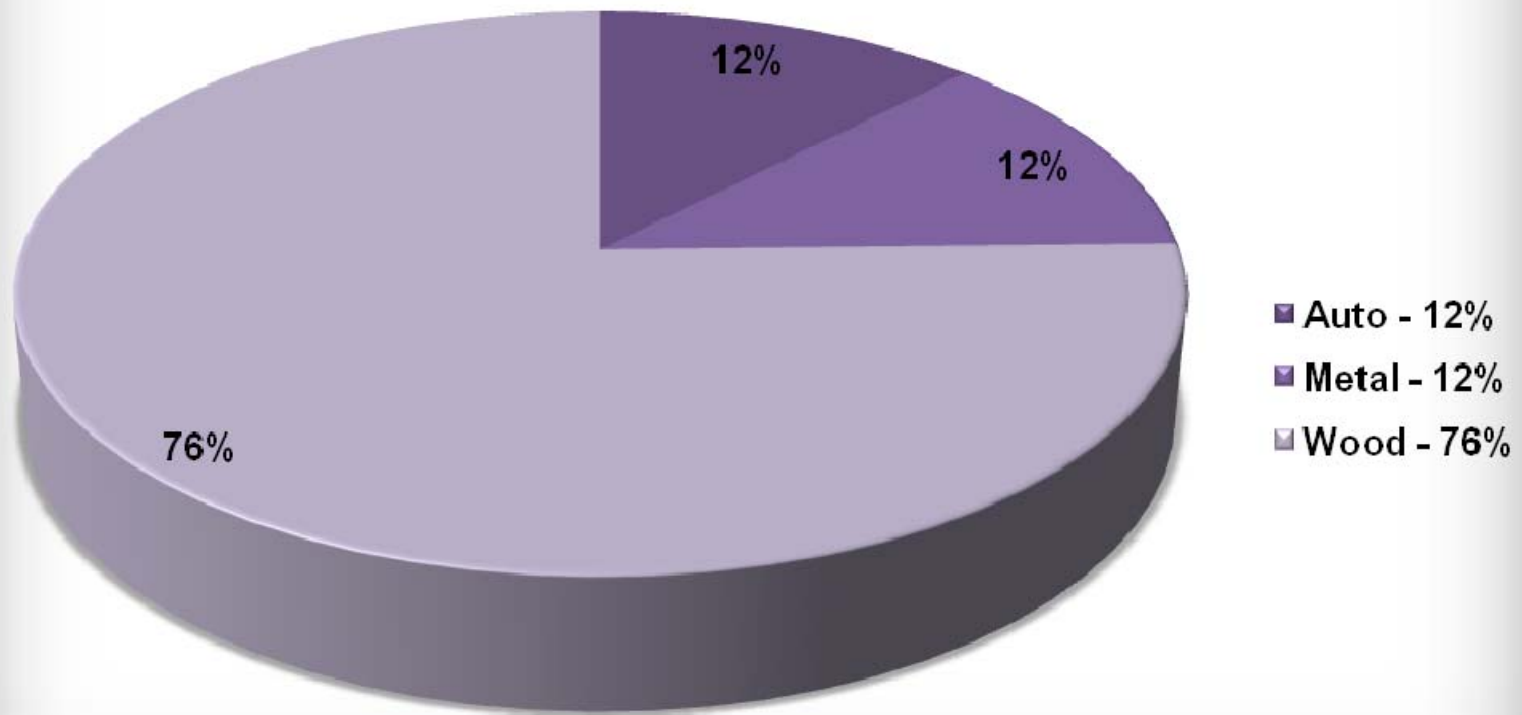
(1) Risk Identification - Where are your risks?



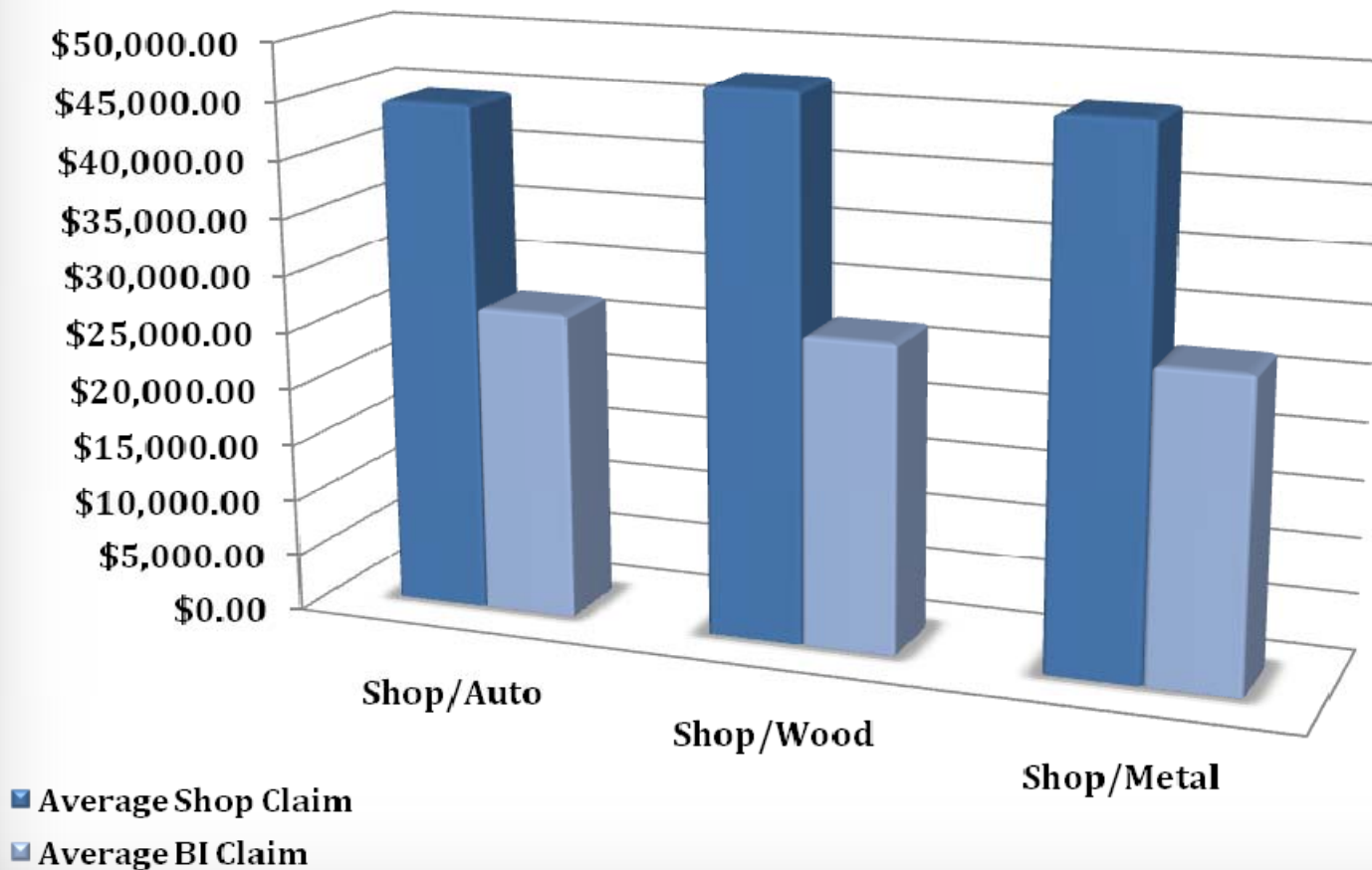
Risk # 1: Dangerous Conditions

- **Exposing students or other building occupants to dangerous conditions**
 - Machinery, hazardous materials
 - Permit use of unsafe equipment (no guards)
 - Lack of proper supervision
 - Completed operations
 - Outside groups using shop equipment (e.g. drama club, custodian)
 - After hours use of school facilities
 - Students driving vehicles

2005-2010 OSBIE Tech Study Claims by Shop Category



Comparative Analysis Average Shop Claim vs. Average Bodily Injury Claim



Risk # 2: Lack of Regular Maintenance Programs

- **Machinery – blades, belts, motors**
- **Machine guards – in place, functional**
- **Push sticks – approved; good condition**
- **Housekeeping - Wet floors, debris**
- **Carpets, stairs, floor (trip & fall hazards)**
- **Fire – protective containers functional**
- **Exhaust fans, dust cyclones, fire sprinklers –
damage/dust, animal nests**





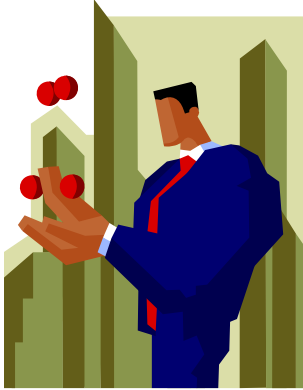
Risk # 3: Failure to Document

- **Documentation – Shop Safety Agreement; Training Certificates; Attendance Records, Test Scores, Safety Hand-out Materials**
- **Equipment inspection checklists**
- **Establishes that a reasonable routine was in place**
- **Validates that activity took place**
- **A common reason law suits succeed:
Lack of Documentation!!**

Risk # 4: “It’s not MY job...”



Safety and Risk Management is
everyone's
job!



Risk analysis....

- **Assess risks versus benefits of activity**
- **What types of injuries may occur?**
- **Can the activity be made safe?**
- **Is there another way to do this that reduces the risk of injury**

(2) Three Common Risk Management Strategies...

- *Avoid the risk (100% Effective)*
 - Demonstrate difficult cuts, use alternatives, prohibit non-curricular use of shop equipment
- *Select and Control your Risks*
 - Remove known hazards, Shop safety Agreement, Safety Certificates, guards
 - Safety rules, appropriate supervision
 - Equipment inspection program
- *Reduce the loss (Loss Reduction)*
 - Emergency response procedures

(3) Select and implement strategies....

- **No “silver bullet” solution**
- **Usually combination of strategies**
- **Not a “one time” effort – must be an on-going program**
- **Involve all stakeholders – students, staff**





(4) Monitor results...

- **Document all problems and action taken**
- **Inspection Log books, Safety Test scores**
- **Injury reports – increasing/decreasing?**
- **Feed back from staff**
- **Feed back from students**
- **Annual review of program**
- **New Risks – machines, chemicals, etc.**

Risk Management Tips.....



- **Conduct Risk Identification/Analysis**
- **Document - Shop Safety Agreement, Certificates, safety training attendance records**
- **Demonstrate unusual cuts/procedures**
- **Supervise according to risks**
- **Inspect & maintain machines, tools**
- **Follow board policies & procedures**
- **Guards in place – lock-out if not**
- **Risk Management is everyone's job...**

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