

# DUTY OF CARE

A Safety Bulletin for the Nonprofit Sector  
From Gallagher National Risk Control

December 2023

## Gallagher National Risk Control

produces Duty of Care, an electronic publication promoting safety and covering insights relevant to our clients working in the nonprofit arena. These bulletins will enable you to review your program and provide information to assist you in strengthening your risk management plans.

## Gallagher National Risk Control

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## Creating an Effective Safety Committee

It takes a village to implement and sustain an effective safety program. The purpose of a safety committee is to bring employees, volunteers, and management together in a cooperative effort to achieve and maintain a safe, healthful environment while reducing the total cost of risk for your organization. It is easy to start a safety committee, but developing an effective one requires administrators and staff who are committed to achieving that goal. Nonprofit organizations are unique in the fact that they offer many different services for their clientele. Therefore, it is imperative that all areas are included and participate in the safety committee.

### Nonprofit organization safety committee

To ensure that your safety committee is properly structured and will be effective, you first need to accomplish the following:

- Begin with your administration's commitment and understanding of the importance of this committee.
- Develop your message to the team.
- Select members for your safety committee.
- Create your schedule, timeline for implementation, and metric goals for success.
- Define activities that your committee will be focused on.
- Be accountable and involve employees, volunteers, and organization members in achieving its goals.
- Continuously evaluate your organization's strengths and weaknesses and always look for a way to improve in a positive manner. Establish a review process for your committee, as well as your goals and objectives.

### Mission statement and goals

Develop a written policy or mission statement that clearly states why the committee was established and what it intends to accomplish. One of the most important functions of the safety committee is setting goals for the year. Not setting any goals is like the committee being a ship on the ocean without a sail. Goals should be attainable to keep the safety committee engaged in moving forward with their safety efforts but still have an impact on protecting the organization's total cost of risk.



## Membership

When selecting members for your safety committee, you want employees who are outspoken and willing to participate. You will want to ensure that you have a well-represented team consisting of management and nonmanagement staff, as well as members from all departments.

Membership in the safety committee is determined by the nature of your organization's operations. Here are some elements to consider when developing roles and responsibilities.

- **Identify key personnel** to serve on the committee. All members are responsible for reporting safety and health concerns, accidents and near-miss incidents, and unsafe conditions to the committee. Members are also responsible for suggesting solutions to address or prevent identified issues, as well as suggesting improvements to written safety programs. Members are encouraged to suggest items to include in the monthly meeting agenda, and promote safety and incident investigation procedures to other employees and volunteers.
- **Select a chairperson** from the key staff members identified. We recommend having two co-chairs, one management and one non-managerial. Their role is to schedule meetings, develop agendas, and conduct meetings.
- **Select a record-keeper** who will be responsible for taking notes at each meeting and distributing them.
- **Select safety champions/peer leaders** who will be responsible for promoting and communicating the safety program (culture/behavioral changes), and provide training to new hires and other employees and volunteers as needed.

## Safety committee meetings

- **Meeting agenda:** Establish an outline for meeting topics. Common topics to cover include the following.
  - ◆ Following up on action items from previous meeting
  - ◆ Review new incident reports and conduct a root cause analysis
  - ◆ Review committee inspection reports
  - ◆ Discuss safety and health issues that have been reported or referred to the safety committee
  - ◆ Review accident prevention programs
- **Frequency of meetings:** Initially, have meetings monthly until your committee is established and effective, then taper off to quarterly meetings. Setting a regular time, date, and place for meetings — for example, 9 to 10 a.m. on the first Tuesday of each quarter — makes it easier for everyone to remember.
- **Participation:** Make sure representatives understand that they will be committing to attending quarterly meetings and participating in committee activities.
- **Establish ground rules:** Ground rules keep meetings orderly and efficient. All representatives should understand the ground rules, and the chairpersons should enforce them.
  - ◆ Keep the discussion focused on agenda topics.
  - ◆ Listen to others and let them finish before responding.
  - ◆ Cooperate to achieve effective solutions.
  - ◆ At each meeting, establish responsibility and completion dates for each task.
  - ◆ Finish the meeting on time.
- **Establish policies & procedures:** The committee must establish procedures for investigating on-site accidents, near misses, illnesses, and deaths. It is not necessary for the committee to conduct or participate in accident investigations; however, the committee should ensure that management does so. The committee should also carefully review accident reports to help management identify their causes and determine how to control them. As a reminder, be sure to communicate with your head/corporate office as they may have plans that you should incorporate at your site



## Employee, volunteer, and membership involvement

To be effective, a safety committee needs help from everyone who works and volunteers for the organization. The committee must have a method for employees, volunteers, and members to report hazards and offer safety suggestions. Ways the safety committee can get volunteers involved include the following.

- 1. Safety protocols:** Develop and recommend safety protocols and guidelines tailored to the specific needs of your community.
- 2. Emergency response:** Collaborate with relevant authorities to establish comprehensive emergency response plans, including evacuation procedures, medical aid, and communication strategies.
- 3. Safety education:** Organize workshops and/or training sessions to educate employees, volunteers, and members about safety measures and emergency preparedness.
- 4. Regular site safety walk-throughs:** Conduct routine safety walk-throughs (at least quarterly) to identify any new hazards, and ensure that existing safety measures are effective and up to date.
- 5. Reporting:** Compile and present safety reports to site leadership on a regular basis, detailing the committee's findings, recommendations, and actions taken.

## Record-keeping

You may not think of record-keeping as an essential activity, but accurate, well-organized records document the committee's accomplishments and inform the committee about what it needs to do to improve. We recommend maintaining the following information in the safety committee's file for a minimum of three years:

- Accurate minutes of each safety committee meeting
- Committee reports, evaluations, and recommendations
- Leadership response to committee recommendations
- Documentation for both projected and actual completion dates for safety suggestions or hazard concerns

## Training for safety committee representatives

Representatives must understand the purpose of the safety committee, how to apply the safety committee rules, and how to conduct safety committee meetings. They also must be trained in hazard identification and accident investigation.

## Take accurate notes

Accurate meeting minutes are important because they document the committee's accomplishments. The person who has this responsibility should be able to grasp the main points of a discussion and record them. It is important to share these meeting notes with Gallagher so we can communicate your safety efforts to insurance carriers to showcase your commitment to safety and health. Meeting notes should include the following:

- A brief summary of the discussion of each topic
- A copy of committee reports, evaluations, and recommendations

## Resources

We're here to help! Please contact your Gallagher representative and/or assigned risk control consultant if you need a sample safety committee meeting minutes form, safety policies and procedures, hazard identification checklists, emergency plan, incident reports, or anything else related to safety committees.



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## Who Did That — Managing Vendors To Work Safely While on Site

Third-party vendors play a key role for many organizations. They provide specialized services or products that you need but may not have the capacity to provide internally, and undoubtedly, they can have a positive impact on your organization. However, if the vendor is not qualified or you do not have a written agreement with them specifying who is responsible for risks associated with their work, you could be liable for the losses they cause and end up paying the price.

Having a comprehensive vendor management program that includes vetting, monitoring, and transferring risk to third-party vendors can help minimize liability for your organization, and protect your reputation, property, and people.

### Vendor selection

Do your due diligence on vendors' capabilities and track record to ensure you're not hiring a company that can pose a risk to your reputation or bottom line, and to ensure they are fully aligned with and capable of meeting your needs. Here are some things to consider:

- Obtain multiple proposals before selecting a vendor.
- Request that certificates of insurance be submitted along with the bid so you can see what coverages and limits they carry upfront. Once a vendor is selected, ask for the certificates of insurance to name your organization as an additional insured.
- Communicate expectations to avoid misunderstandings.
- Check the Better Business Bureau and the state Attorney General's office to see if there have been any complaints against the vendor.
- Conduct a quick OSHA Establishment Search to determine if the vendor has any OSHA citations within the past five years or open investigations: <https://www.osha.gov/ords/imis/establishment.html>.
- Confirm that all professional licenses and certifications (if applicable) are current.
- Get a list of references and check them.
- Check reviews online from independent websites.



**Pro tip:** Compile a list of reputable vendors before you need one. This can help when the stress of an emergency might impair your judgment. Keep this list updated for trusted use in emergency situations. If applicable, consider adding this list to your organization's business continuity plan.

Contact your Gallagher representative and/or your assigned risk control consultant if you need assistance. Gallagher continues to form strategic relationships with a variety of specialty vendors in an effort to get clients the most competitive pricing and exclusive benefits available.

## Contractual risk transfer

When you hire a third-party service provider, you may expect that they'll cover any losses they cause, but that is not always the case. Written contracts often have language that shifts risk from one party to another. Meaning, if a loss arises from the services provided by the vendor, the contract may dictate who is responsible. This can work as an advantage or disadvantage for you. Be wary of signing contracts that have your organization assuming liability for the vendor's operations, and **DO NOT** sign a contract containing blank sections or if it doesn't have the vendor's signature already. When the contract is being negotiated, you should consider adding language that transfers risk to the vendor via an indemnity clause (also known as a hold-harmless agreement). Having a written indemnification agreement can help protect your organization's interests by requiring the vendor to defend, protect, and hold your organization harmless from claims made against your organization as a result of their services. Gallagher and insurance carriers have sample language you can use as a starting point; however, it is **strongly recommended** to always have indemnification language and contract terms reviewed by your legal counsel.

**Pro tip:** Consider developing a vendor packet and/or template third-party vendor agreement for consistency and to ensure your preferred contractual language is always being used.

## Financial risk transfer

While the indemnification and hold harmless agreement is designed to transfer the risk of financial loss from your organization to another, the big question that remains is whether the other party has the financial ability to protect your organization in the event of an accident. Insurance is one of the most common forms of financial risk transfer. This means it is essential for your organization to establish a comprehensive and well-written set of insurance requirements into your contract and implement a process to manage and verify coverage is in place before allowing any work with a third party to begin. Contractual insurance requirements should include, at a minimum:

- Types and minimum limits of insurance coverage required.
- Additional insured status for your organization on the vendor's liability policies.
  - » Being an additional insured adds a layer of protection for your organization. It gives you certain rights under the vendor's insurance policy, and may provide coverage even if a court nullifies your indemnification agreement.
- Waiver of subrogation in your favor for all policies.
- A statement that the vendors' insurance is to be primary, and any coverage that may be carried by your organization is noncontributory and excess insurance only.
- 30 days advance written notice of cancellation (with the exception of 10 days' notice of cancellation for non-payment of the premium).
- Your preference of the insurance carrier or the minimum insurance carrier rating requirements.
- Vendor must provide a Certificate of Insurance ("COI") accompanied by an additional insured endorsement to their policy evidencing required coverage limits and attributes are in place prior to commencing work.



While not all inclusive, below is a list of common risks and insurance policies that may provide coverage:

Common risk	Potential coverage
Injuries to vendor's employees	Workers Compensation*
Third party injuries or property damage caused by a vendor's acts or omissions	General Liability
Injuries or damages caused by products a vendor makes, sells, or distributes	Product Liability
Motor Vehicle Accident	Commercial Auto
Loss arising from inaccurate advice or errors resulting from a professional service not covered by the General Liability policy	Professional Liability (also known as Errors & Omissions)
Environmental (e.g., dealing with hazardous substances, remediation)	Environmental Liability (also known as Pollution Legal Liability)
Data breach involving sensitive customer/tenant information	Cyber Liability
Service provider interacts with minors or vulnerable adults and is accused of committing verbal, sexual, or physical abuse	Sexual Abuse and Molestation (SAM)
Security guard restrains someone in good faith and the individual alleges they were assaulted and suffers injury	Assault and Battery
An employee gets overserved by a bartender at an organization/company event and causes an accident	Liquor Liability

\*Oftentimes, sole proprietors are not required to obtain workers compensation coverage under state law. If you waive the coverage requirement in these circumstances, to avoid potential issues, we recommend including an independent-contractor clause in the agreement that establishes the relationship in writing (neither party is the employee or employer of the other) and has the independent contractor acknowledge that (a) they are not entitled to any employment related benefits, and (b) you do not carry any insurance for their benefit to cover medical expenses they incur resulting from the work performed under the agreement.

Please contact your Gallagher representative(s) to inquire about current insurance industry best practices for required coverages, limits, and insurance carrier rating requirements.

### Vendor management

After the relationship with the vendor has begun, it's important to monitor their performance and compliance with contractual requirements on a continuous basis. At a minimum, the vendor management program should include a procurement process to collect, track, and verify Certificates of Insurance throughout the entirety of your project or scope of work. By doing so, you will effectively improve the likelihood that risks can be transferred back to your vendor's insurance carrier and keep you from being financially liable for losses outside of your control or sustained by another firm.





Here at Gallagher, we offer a solution for clients to assist with the COI tracking elements of their vendor management process. This tool is called “Gallagher Verify” and it is a cloud-based software system that actively monitors virtually any documented insurance requirement for your organization. This can include COI tracking and verification of policy limits, sublimits, policy endorsements, and policy exclusions, to name a few. Other use case scenarios include: safety certification tracking, background checks, motor vehicle records, and many other required vendor documentation. Simply put, this tool tracks everything you need to keep your company organized, compliant, and properly protected, so you can focus on your day-to-day operations. [Click here](#) to access the tool and get started today!

## Documentation

Remember: Document, Document, Document

Maintain a copy of the executed contract, certificates of insurance, professional license, written warranty, plans and specifications, and invoices and receipts in one file. Your file should also include any change orders, letters, notes, or correspondence with the vendor.

Having a detailed record will be extremely helpful if there is a breach of agreement, a claim arises, or if you need to evince work that was done for compliance purposes.



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## Slip, Trip, and Fall Prevention Self-Inspection Checklist

According to the U.S. Department of Labor, slips, trips, and falls make up the majority of workplace accidents. Wet floors, spills, and excess clutter can mean disaster for employees, causing many every year to suffer from loss of pay and serious pain. Injuries caused by slips, trips, and falls range from sprained or strained muscles and joints to broken bones and head injuries. There are several precautions you should take to ensure your safety and the safety of your employees, including the utilization of a slip, trip, and fall inspection checklist.

### Self-Inspection Guidelines

The inspection team or designated safety coordinator must always conduct themselves in a manner that encourages safety awareness.

Problems should be approached from a positive rather than a negative perspective.

#### Before beginning an inspection, the inspection team or designated coordinator should:

- Review previous inspections for outstanding problems and recommendations.
- Use known accident/problem information to plan inspection goals/focus.
- Emphasize the identification of hazards related to accident/problems.

#### During the inspection, the safety members should:

- Correct minor hazards as they are observed.
- If hazards are observed that cannot be addressed right away, post a warning.
- Record their observations on the self-inspection form.
- Follow up to make sure that previous recommendations have been completed.
- Solicit safety recommendations from department heads and employees.





**After completing the inspections, the safety member or members should:**

- Discuss the observed problems and recommendations with the safety committee.
- Refer the improvements to the appropriate individual or department for handling.

While the provided checklist list is not a comprehensive list of every hazard associated with your operations, it's a great starting point. Please adjust the form to ensure that you encompass all areas within your property. Your Gallagher contact can provide further instructions and alternative checklists if interested.



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## Slip, Trip, and Fall Prevention Self-Inspection Checklist

<b>Location Name</b>			
<b>Address</b>		<b>Date of Assessment</b>	
<b>Person Conducting Inspection</b>			

Instructions: Answer each item with “Yes” or “No.” Support all “No” items in the follow-up section and indicate the date when corrective action is planned to be completed.

OUTDOOR AREAS	YES	NO	SAMPLE ACTIONS TO TAKE IF NO:
All paths, steps, and entrances/exits free of buildup of leaves, wet grass, moss, or mud?			<ul style="list-style-type: none"> <li>Set a regular work schedule for clearing paths (work on the busiest areas first).</li> <li>Make sure plants and trees do not overlap paths.</li> </ul>
Are paths free of water pooling? (e.g., from rain or sprinkler alignment)			<ul style="list-style-type: none"> <li>Monitor weather conditions and ensure all paths have proper drainage.</li> <li>Consider using safe alternative routes.</li> <li>Ensure all sprinkler heads are aligned and do not spray onto walking paths.</li> </ul>
Paths free of any uneven levels? (e.g., raised concrete, loose bricks, and dips in the asphalt)			<ul style="list-style-type: none"> <li>Highlight the hazards by improving the lighting, applying contrasting colors to the slope, or creating clearly marked signs.</li> </ul>
Paths are free from holes or potholes in the paving?			<ul style="list-style-type: none"> <li>Block off the areas as a temporary solution. Ensure that barriers cannot be easily moved.</li> <li>Conduct proper maintenance — fill in holes, re-lay paving, and replace broken paving stones.</li> </ul>
Additional notes or comments:			

DOORWAYS AND ENTRANCES	YES	NO	SAMPLE ACTIONS TO TAKE IF NO:
Threshold and entrance matting are free of any potential slip and trip issues? (e.g., floor mats or rugs)			<ul style="list-style-type: none"> <li>Consider extending the mats, applying a slip-resistant coating, or changing to a more slip-resistant material.</li> </ul>
Floors are free from water from the rain or other outdoor elements?			<ul style="list-style-type: none"> <li>Construct canopies over entrances, improve external drainage, and keep doors closed. Consider using alternative routes.</li> <li>Prevent water from spreading by fitting large and absorbent entrance mats so people can dry their shoes.</li> <li>Remove any water quickly. Review cleaning procedures and introduce dry mopping. Consider introducing underfloor heating to speed up drying.</li> </ul>

DOORWAYS AND ENTRANCES	YES	NO	SAMPLE ACTIONS TO TAKE IF NO:
Area is free from any trip hazards in the area, such as cables, deliveries, curled-up mats, or other objects?			<ul style="list-style-type: none"> <li>Conduct proper housekeeping. Put away cables, provide a safe delivery area, clear away boxes and equipment, and fix down mat edges or replace if necessary.</li> </ul>
Additional notes or comments:			

CORRIDORS AND OFFICES	YES	NO	SAMPLE ACTIONS TO TAKE IF NO:
Areas are free from any subtle changes in floor level, such as slopes, small steps, and abrupt changes from one flooring material to another?			<ul style="list-style-type: none"> <li>Highlight the hazards by improving the lighting, applying contrasting colors to the slope, or creating clearly marked signs.</li> </ul>
Floors are not smooth or matted in areas where contamination, such as liquids, food, or condensation, can be found on the floor? (e.g., water fountains/coolers, coffee, or break rooms)			<ul style="list-style-type: none"> <li>Stop contamination from getting onto the floor by providing waste bins, fixing leaks, fitting lids for containers, and closing doors leading from working areas.</li> <li>Prevent contamination from spreading by placing drip trays beneath plants, machines, and water coolers.</li> <li>Remove any contamination quickly. Review cleaning procedures and spot clean spills.</li> </ul>
Area is free of trip hazards such as cables, boxes, curled up mats, or other objects?			<ul style="list-style-type: none"> <li>Conduct proper housekeeping. Keep walkways clear, tidy away, or use cable covers, provide additional storage, and clear away boxes and equipment.</li> </ul>
Tiles or flooring are not unstuck or curling at the edges? Floor is free of any holes?			<ul style="list-style-type: none"> <li>Conduct proper repairs and maintenance by fixing down tile and carpet edges. Replace it if necessary.</li> </ul>
Anti-slip flooring is not worn down or damaged?			<ul style="list-style-type: none"> <li>Replace damaged or worn flooring.</li> </ul>
Light levels are bright enough to clearly see the floor?			<ul style="list-style-type: none"> <li>Improve lighting with new bulbs and additional lights.</li> </ul>
Light does not reflect on smooth flooring and does not create a glare?			<ul style="list-style-type: none"> <li>Re-angle the lights or install blinds or anti-glare grills or glazing films. Consider removing the floor surface shine.</li> </ul>
Additional notes or comments:			



STAIRS AND RAMPS	YES	NO	SAMPLE ACTIONS TO TAKE IF NO:
Edges of steps easy to see and not rounded, damaged, or slippery?			<ul style="list-style-type: none"> <li>• Make sure the lighting is sufficient to see step edges clearly.</li> <li>• Highlight the edges of steps with something that has high visibility, a square edge, and non-slip finish.</li> </ul>
Handrails available, and they easy to reach and useable?			<ul style="list-style-type: none"> <li>• Provide a handrail on at least one side of the stairs if the stairs are wider than 22 inches. Provide handrails on both sides and a third, middle handrail if the stairs are 6.5 feet or wider.</li> <li>• Handrail heights should be at least 38 inches above the stairs and be parallel to the pitch line (slope) of the flight of stairs.</li> <li>• Use applicable standards and regulations to determine handrail shape, diameter, and distance from the wall.</li> </ul>
Stair treads are not slippery?			<ul style="list-style-type: none"> <li>• Conduct regular maintenance and regularly clean to remove contaminants.</li> <li>• Replace stair coverings with ones that have better slip resistance.</li> </ul>
Ramps or slopes in and around the workplace that are easily identifiable and easy to see?			<ul style="list-style-type: none"> <li>• Check and improve lighting levels and consider slip-resistant flooring.</li> </ul>
Additional notes or comments:			

TOILETS, BATHS, AND SHOWER ROOMS	YES	NO	SAMPLE ACTIONS TO TAKE IF NO:
Floor is not slippery?			<ul style="list-style-type: none"> <li>• Stop water from getting onto the floor by improving shower curtains/screens and positioning hand dryers close to sinks.</li> <li>• Monitor and remove water quickly. Spot clean and dry mop wet areas.</li> <li>• Improve floor drainage where possible and consider slip-resistant flooring.</li> </ul>
Sinks or pipes are free from any leaks?			<ul style="list-style-type: none"> <li>• Fix leaks and taps and perform regular maintenance. Provide drip trays as a temporary solution.</li> </ul>
Additional notes or comments:			







## Areas Needing Improvement (Continued)

(All NO Answers)

Area	Follow-up Item	Plans for Improvement
<b>Additional notes or comments:</b>		
Reviewed By:	Date:	



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