

H & S Update – an Insurance Perspective

For

ACHMM Conference
at the Riviera Hotel & Casino, Las Vegas, NV

August 1-4, 2004

Introduction

- Why are insurers interested in OSHA?
- What elements of the insurer/insured relationship are affected by OSHA?
- What are the important documents?
- Where to start improving your company's insurability?
- Example of a program on the horizon

Why are insurers interested in OSHA?

- Money – Premiums, Claims and Claims Expense
- Account Management
- Underwriting Expense
- Insurability – Consider the Broker as well
- Viability of Insured's Operation
- Subrogation Potential

What elements of the insurer/insured relationship are affected by OSHA?

- Worker Compensation Insurance
- General Liability Insurance
- Automobile Insurance
- Specialty – Professional Liability, Contractor Pollution Liability, and Bonds
- Excess – Umbrella Policies
- Underwriting - Insurability

What are the important documents?

- Worker's Compensation – Injury and Illness Rates and Missed Days – (\$4,000/claim plus \$ \$1,000 in insurer claim expenses)
- Fall Protection Program (Written and Enforced)
- Machine Guarding (Written and Enforced)
- HazCom Program (Written and Enforced)
- Worker Safety - PPE Program
- Lockout-Tagout Program (Written and Enforced)
- Electrical Safety Program

What are the important documents? (cont.)

- Contract language (Limitation of Liability)
- P.O. language
- Daily reports, logs, sign-in sheets
- Toolbox meeting minutes
- Project meeting minutes
- Accident/Incident Investigation Report and Corrective Action Taken

Where to start improving your company's insurability?

- Provide your Risk Manager with these written programs
- Establish a response protocol for all incidents involving insurance
- Enforce, Enforce, Enforce
- Ask to Participate in your Company's insurer and insurance selection and purchase process

A Program on the Horizon

The United Kingdom's Proposed

Contingency Planning, Risk Reduction, and
Resilience:

Protection Against CBRN and other Attacks

An Example of Civil Contingencies

- The United Kingdom's proposed Civil Contingencies Bill, with the accompanying non-legislative measures, will deliver a single framework for civil protection in the United Kingdom.

The Elements of Emergency Planning

- Corporate arrangements
 - Risk Assessment ****
 - Emergency planning
 - Plans and planning arrangements
 - Resources
 - Training and plan validation
 - Inform and warn
 - Information sharing
- Local Government/Authority arrangements

An Authority Assessment, not an Emergency Planning Unit Assessment

- The assessment applies to local authorities as a whole. There may be questions in the assessment that an emergency planning section alone cannot answer. Where there is a cross authority group covering risk and emergency issues it may be appropriate for that group to consider certain questions.

Who's this for?

- The Assessment is designed primarily for local authority staff responsible for and involved in emergency planning and business continuity. It could be used by **internal** auditors as a basis for reviewing local preparedness. It could also be used by any groups of staff who look at risk and service continuity issues across an area or region

How it is Arranged

- The Assessment looks first at corporate issues including awareness, responsibilities and commitment. This section can also be used independently to give a broad overview for an authority.
- The next seven sections follows the main duties outlined. There is a short introduction to each section that highlights some of the background and relevant issues. Users may decide to use individual sections separately.

Joint Arrangements and Regional Issues

- There are some specific “client/provider authority” issues that only apply to authorities in areas of joint arrangements.

How to develop the Assessment

- The Assessment is in the form of a checklist. Each question can be answered with yes, no or partly.

I. Corporate awareness and commitment

- Clarity on responsibility for delivery internally and with other organisations
- Corporate and multi agency emergency arrangements in place and tested
- **Performance review, learning and improvement**
- *In areas of joint arrangements [including two tier arrangements].*

II. Risk Assessment

- Hazard identification
- Structured risk assessment
- *Partner involvement*
- Use of risk assessment
- Regular updating and review
- *Areas of joint provision*

How to Develop the Assessment (cont.)

III. Emergency Planning

- Appropriate plans are in place (*see also inform and warn*)
- Quality assurance
- Arrangements (structures and procedures) in place to respond in a co-ordinated way to different levels of threat Plans and arrangements are integrated internally and externally

IV. Resources

- Resources: emergency expenditure
- Resources: Personnel
- Resources: Equipment/services available and accessible in a crisis
- Resources: Mutual aid

How to Develop the Assessment (cont.)

V. Training and plan validation: tests, exercises, review and maintenance including version control

- Training strategy and program
- *Specific issues in areas of joint provision*
- Planned programme of checks and exercises to validate and improve plans
- Plan maintenance and review
- *Specific arrangements in areas of joint provision*

VI. Inform and Warn

- Education/awareness raising (see also risk assessment)
- Clarity of responsibility and clear messages
- Tested arrangements for warning
- Plans are tailored to the needs of your local community
- Media links and arrangements
- Information to support recovery
- *specific arrangements in areas of joint provision*

VII. Information sharing

- Robust systems for information storage and analysis (link to risk assessment)
- Information sharing and information governance

Conclusions

- Provide your Risk Manager with written safety programs
- Establish a response protocol for all incidents involving insurance
- Enforce, Enforce, Enforce
- Ask to Participate in your Company's insurer and insurance selection and purchase process
- To Begin CRBN Resilience Planning
 - Planning Begins with Assessment
 - Assessment Must Be Integrated with Inside and Outside Authorities
 - Emergency Plans Must Be Written and Practices
 - Local Government Entities Must Be Involved

Advertisement

- R.A. West Associates, Inc.
2865 South Eagle Road
359
Newtown, PA 18940
- 215-860-5026 T, 215-860-0883 F
- www.rawestassociates.com
- 1-800-598-0295