

# RISK Monitor

A Newsletter for Clients and Friends of Galloway Chandler McKinney Insurance

## Avoiding Slips, Trips, Falls Requires Changing Mindsets

**S**LIPS, TRIPS and falls constitute the majority of general industry accidents, cause 15% of all workplace deaths, and are second only to motor vehicles as a cause of fatalities.

Despite American employers' best efforts, slips, trips and falls result in more than 95 million lost work days per year and account for nearly 25% of all reported injury claims every year. Obviously, there is a disconnect between employer safety measures and the outcome.

A December 2018 survey of almost 1,300 safety professionals, carried out by Safety Daily Advisors, found the "big three" causes of slip, trip and fall incidents are:

- **Human factors** – 54%
- **Wet or slippery surfaces** – 25%
- **Poor housekeeping** – 16%

With human error causing more than half of all accidents, you have to take a multi-pronged approach to instilling in workers the importance of:

- Immediately cleaning up spills,
- Closing file drawers when done,
- Picking up loose items from the floor,
- Keeping aisles and walkways free from clutter, and
- Keeping their personal workspace clean and orderly.

But training your employees to be more mindful in areas with slip, trip and fall hazards is not as simple as telling them to "pay attention" or "don't get distracted."

Changing behavior takes time and commitment, but the best solution is a behavior-based safety approach.

### REPEAT THE MESSAGE

It doesn't pay to tell your employees once. Regular reminders help instill safety mindedness. Instead of long, all-encompassing meetings, it's best to hold short, but frequent safety meetings.

See on 'Proactive' page 4

### Welcome to the Galloway Chandler McKinney Insurance Newsletter!

It is with great satisfaction that we bring this newsletter to you. In this issue and in coming months, we will discuss pertinent risk management topics which may affect your organization. We sincerely hope that you will find this newsletter informative and please do not hesitate to contact us should you have any questions or needs.



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# Can Employers Require Their Workers to Vaccinate?

**A**S THE COVID-19 pandemic rages on and more employers bring staff back to the workplace, many businesses are considering implementing mandatory vaccination policies for seasonal flus as well as the coronavirus.

A safe and widely accessible vaccine would allow businesses to open their workplaces again and return to a semblance of normalcy. But employers have to juggle protecting their workers and customers from infection in their facilities as well as respecting the wishes of individual employees who may object to being vaccinated.

The issue spans Equal Opportunity Employment Commission regulations and guidance, as well as OSHA workplace safety rules. With that in mind, employers mulling mandatory vaccination policies need to consider:

- How to decide if a policy is right for the company,
- How they will enforce the policy,
- The legal risks of enforcing the policy, and
- Employer responsibilities in administering the policy.

## Proceed with caution

A number of law firms have written blogs and alerts on the subject of mandatory vaccinations, and the overriding consensus recommendation is to proceed with caution.

In pandemic guidance issued during the 2009 H1N1 influenza outbreak, the EEOC stated that both the Americans with Disabilities Act and Title VII bar an employer from compelling its workers to be vaccinated for influenza regardless of their medical condition or religious beliefs – even during a pandemic.

The guidance stated that under the ADA, an employee with underlying medical conditions should be entitled to an exemption from mandatory vaccination (if one was requested) for medical reasons. And Title VII would protect an employee who objects due to religious beliefs against undergoing vaccination.

In these cases, the employer would have to enter into an interactive process with the worker to determine whether a reasonable accommodation would enable them to perform essential job functions without compromising workplace safety (such as providing personal protective equipment, moving their workstations or telecommuting).

One issue that employment law attorneys say may not have any legal standing is if an employee objects to inoculation based on being an “anti-vaxxer.” In this case, depending

on which state your business is located, you may or may not be able to compel an anti-vaxxer to get a vaccine shot if they want to keep their job.

## Protecting your firm

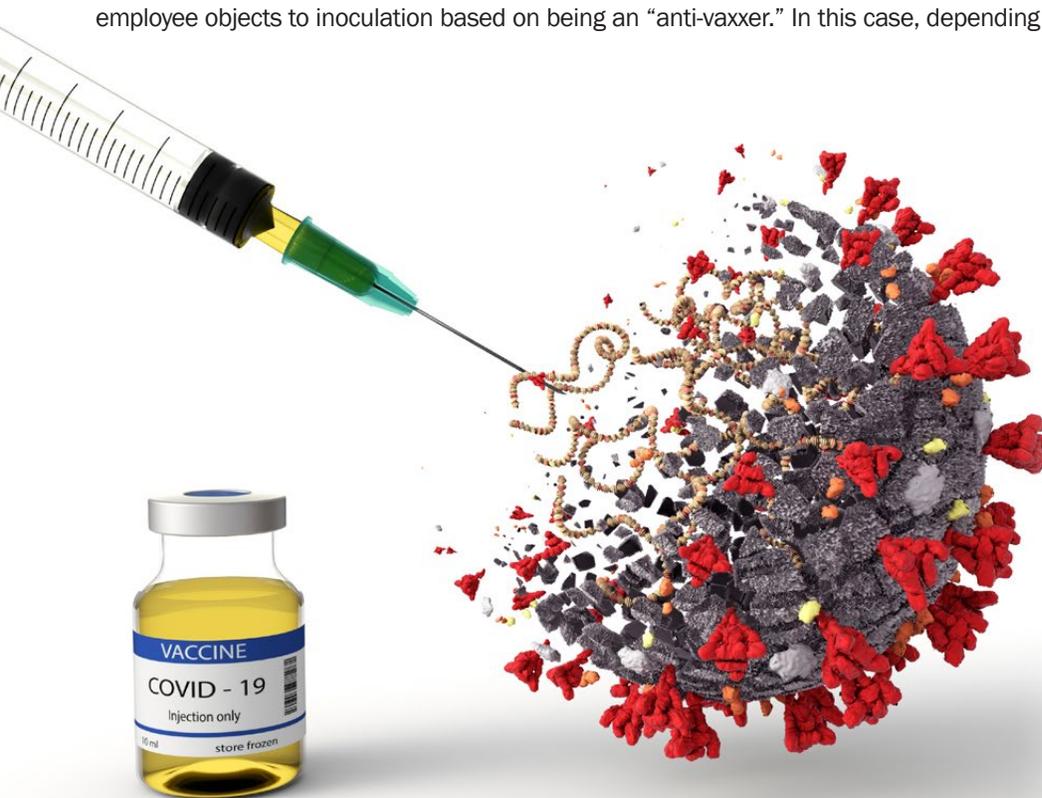
To mount a successful defense of a vaccination policy if sued, you would need to be able to show that the policy is job-related and consistent with business necessity. And that the rationale is based on facts, tied to each employee’s job description and that you enforce the policy consistently without prejudice or favoritism.

Also, you must ensure that any employee who requests accommodation due to their health status or religious beliefs does not suffer any adverse consequences. In other words, you cannot punish someone who is covered by the ADA or Title VII for refusing a vaccine.

Also, you will need to project and safeguard your employees’ medical information, under the law.

## The takeaway

Employment law experts say that once a vaccine is widely available, most employers will likely have the right to require that workers get it, as long as they heed the advice above about the ADA and Title VII. Until then, you may want to consider following the 2009 guidance. ❖



## VACCINATION POLICY GUIDELINES

- Consider fully covering vaccine costs if they are not fully covered by your employees’ health insurance.
- Allow workers to opt out if they have medical or religious objections.
- In the event of a medical or religious objection, engage in an interactive process to determine whether the worker can be accommodated.
- Implement safeguards for keeping your employees’ medical information confidential.
- Don’t abandon your other efforts to keep your workplace safe, such as the use of social distancing, regular cleaning and disinfecting, and the use of personal protective equipment.

# Protecting Your College Student's Property

**W**HILE YOU already have enough to worry about when your child leaves for college, you don't want the specter of them dealing with the theft or damage of their possessions while there.

For about \$180 a year, you can protect your child's possessions against theft or damage caused by fire, lightning, smoke, vandalism, electrical surges, windstorms or hail, water damage from utilities or appliances, and more.

The same insurance also provides liability protection for students living off-campus.

Considering that a laptop can cost anywhere from \$500 to \$2,000, that \$179 premium to replace such items doesn't seem so bad.

Also, your child likely has a number of other expensive items, such as a smartphone, TV, tablet, computer, printer, furniture, clothes, jewelry or bike. In other words, plenty of pricey stuff.

## What kind of insurance does my student need?

Renter's insurance, but they may not actually need it – depending on your current insurance coverage.

An added benefit of purchasing a renter's policy in the student's name is that any claims filed will not be on the record of the your policy.

Some insurers allow students rooming together off-campus to purchase a joint renter's policy, whereas others require that each student has renter's insurance.

## Is my child covered by my homeowner's policy?

Homeowner's policies typically cover the belongings of students younger than 26 who live away from home and are enrolled in classes.

Policies vary, so call us to learn the specifics of what is and isn't covered in your own policy.

But if you rely on a coverage extension from your homeowner's policy, your student would have limited coverage on their possessions, as most policies limit the amount of insurance to 10% of the total coverage for personal possessions.

Some possessions, like jewelry, electronics and computers, may each have specific coverage limits.

If your child lives off-campus, the possibility exists that their personal property will not be covered by your homeowner's policy.

## How much coverage would I need?

Ask your child to create an inventory of the items they have at college.

From that you can make an informed decision about the amount of coverage they need and whether any specific endorsements (like jewelry coverage) should be purchased.

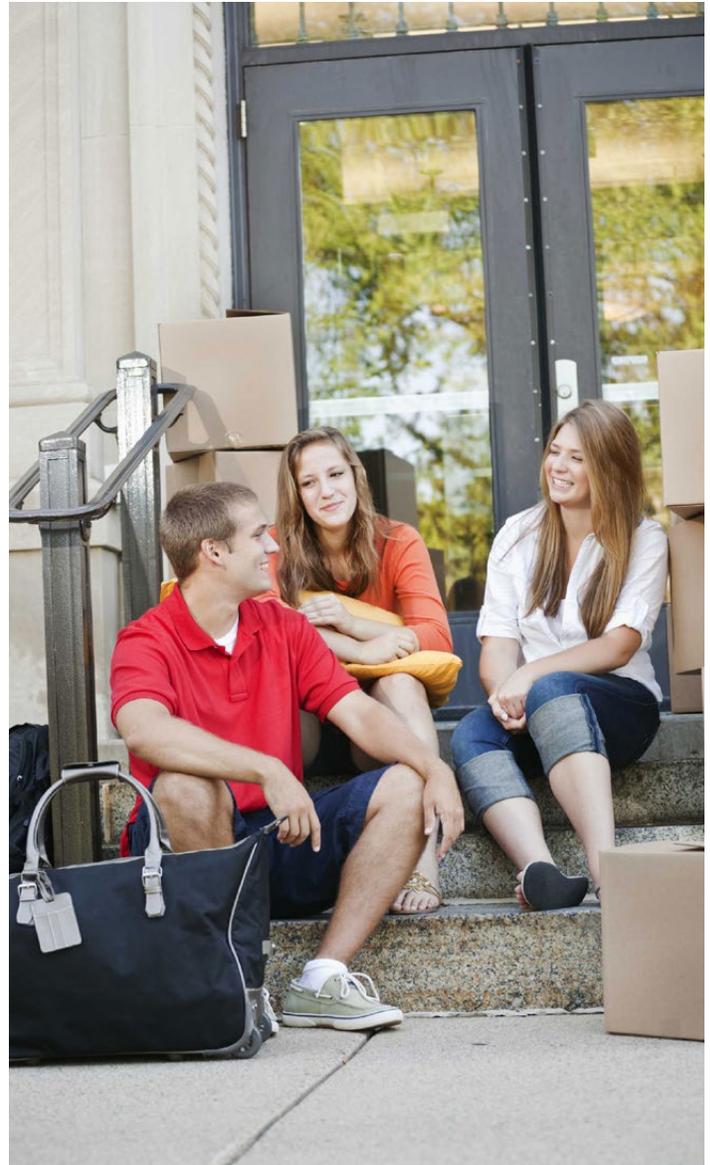
Creating an inventory is easy. An internet search will provide inventory templates that your child can fill out and send home to keep off-site.

They can also use a free iPhone or Android inventory app called myHOME Scr.APP.book.

Back up this written list with photos or videos of valuables.

## What else can my child do to be protected at school?

Aside from purchasing insurance, here are some common-sense tips you can share with your son or daughter.



- Tell them to engrave their electronics and other possessions with their name and phone number or mark items with an invisible permanent marker – a simple action that can help police validate stolen items.
- Keep digital copies of store receipts for high-ticket items.
- Tell your child and their roommates to lock their dorm room door every time they leave the room. They should also store valuables like wallets and keys out of sight as a habit.
- If they have something really valuable they can do without, ask them to leave it at home.
- Tell your child not to leave their backpack, laptop or other possessions unattended in dining halls, in the library or anywhere on campus, including in classrooms. Use a laptop security cable to deter thieves.

It's easy to gamble and say no to insurance. But for an average rate of under \$15 a month, you can get peace of mind, and if the unexpected happens, you'll be covered. ❖



*Continued from page 1*

## *Proactive Approach Can Foster Safety-First Behavior*

### **ZEN OF SAFETY**

The first step you need to take is to help your employees become aware of unsafe habits and analyze their mistakes. Good habits include:

- Walking with caution and making wide turns at corners.
- Testing footing before committing weight.
- Opening doors with caution.
- Using railings on stairs.
- Ensuring three points of contact on ladders and equipment.
- Looking before moving.
- Wearing appropriate footwear.
- Being aware of weather forecasts.
- Pushing (not pulling) carts to allow a better line of sight.
- Keeping eyes and mind on task; no multitasking.
- No texting or talking on phone while walking.
- Being alert for trip hazards.
- Recognizing dangers of walking on ice.
- Taking designated walkways, rather than shortcuts.
- Not wearing sunglasses in low-light areas.
- Reporting all potential hazards.

It will take time and effort to change employees' perception of risk and personal responsibility. But with a proactive approach that builds a culture and fosters an attitude and behavior that put safety first, workplace injuries will be reduced.

#### **On your end, you can:**

- Implement good housekeeping practices.
- Install proper lighting, traction aids and require safe footwear.
- Keep walking surfaces clean and in good repair.
- Install railings and guards.
- Display warning signs in high-risk areas ('slippery when wet' - type signs). ❖



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