

Risk Management ESSENTIALS

Tips, Knowledge and Tools
for Nonprofit Organizations

New Look, New Name, Same Great Content!

The *Community Risk Management & Insurance* newsletter that you've relied on for its great content for 14 years has a new name: *Risk Management Essentials*.

And a new appearance to deliver Tips, Knowledge and Tools for Nonprofit Organizations three times a year.

This issue is available as a PDF on our Web site, www.nonprofitrisk.org, along with articles from past issues of *Community Risk Management & Insurance*.

As always, you can rely on this widely-read newsletter to provide timely, practical information that you can use to manage scarce resources and protect your mission, staff and clients.

2007 Risk Management Resolutions

It's Never Too Late to Begin Anew

By Melanie L. Herman

Although the first month of your New Year is history and no doubt you have already made progress on many of your annual resolutions, we'd like to suggest three really important ones from a risk management standpoint. Unlike a resolution such as jogging 10 miles that can be painful to achieve and potentially cause injury, the risk management resolutions the Center offers are low risk and high reward. Followed carefully they will improve the good health of your nonprofit and increase the odds that your organization will be successful in advancing its mission. Another piece of good news: Rather than overwhelm you with pages of "to do" items, we present three straightforward resolutions. Each resolution includes a list of follow-up steps. Choose those steps that suit your nonprofit.

“Nonprofit leaders must commit to bringing the topic of risk to the board's attention”

#1 Turn a Vendor Into a Partner

An insurance professional (typically an agent or broker) should be a valued business partner. Too many nonprofit leaders view their insurance agent or broker as a vendor. This is a narrow view that doesn't take into account the potential value an insurance professional could bring to your nonprofit. A skilled, savvy agent or broker can:

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Vol. 16 • No. 1 • Jan./Feb. 2007

Published three times annually by the Nonprofit Risk Management Center, 1130 Seventeenth Street, NW, Suite 210, Washington, DC 20036, (202) 785-3891, FAX: (202) 296-0349, or Web: www.nonprofitrisk.org. Questions about the content of this publication should be directed to the editor, Barbara B. Oliver. For information on advertising, contact Sheryl Augustine. Both can be reached at (202) 785-3891.

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Workplace Safety Preserves and Protects

By Barbara B. Oliver and Jennifer Chandler Hauge

Workplace safety is about preventing injury and illness to employees and volunteers in the workplace. Thus, it's about protecting the nonprofit's most valuable asset: its staff members.

By protecting the staff's well-being, you can reduce the amount of money paid out in health insurance benefits, workers' compensation benefits and the cost of wages for temporary help. Also factor in saving the cost of lost-work hours, time spent orienting temporary help, and the programs and services that may suffer due to fewer service providers, stress on those providers who are picking up the absent workers' share or, worse case, having to suspend or shut down a program due to lack of providers.

Addressing Safety and Health Hazards

To make the workplace safer, the organization has to acknowledge which potential health and safety hazards are present. This involves determining *where, what* and *how* a worker is likely to become injured or ill on the job. Start by analyzing individual workstations and program areas for hazards—the potential for harm—be it a frayed electrical cord, repetitive motion, toxic chemicals, mold, lead paint or lifting heavy objects.

Job hazard analysis

OSHA describes job hazard analysis as a technique that focuses on job tasks to identify hazards before they occur. The Nonprofit Risk Management Center thinks of hazard analysis as looking at the parts to strengthen the whole. From

either viewpoint, the analysis examines the relationship between the worker, the task, the tools and the work environment.

Depending on the nature of the nonprofit's mission and programs, senior management may have to help workers manage specific hazards associated with their tasks. Examples can be found on OSHA's Web site, www.osha.org. Some universal examples are:

- ergonomics
- falls
- fire/heat
- noise
- struck by or against
- temperature extremes
- visibility
- weather conditions that increase or create a hazard

Workplace safety program

Any policy, procedure or training used by the organization to further the safety of personnel while working for the nonprofit is considered part of a workplace safety program.

Workplace safety programs to reduce work-related injury and illness are concerned with:

- promoting and rewarding safe practices at work;
- reducing injuries and illnesses at work;
- eliminating fatalities at work.

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- help the staff and board of the nonprofit appreciate current and emerging risks and exposures;
- alert the organization's key personnel to appropriate safety and risk management measures;
- shop for the most comprehensive coverage at a price the nonprofit can afford;
- advise the nonprofit's leaders about the need for high limits or additional lines of coverage;
- serve as an effective advocate and professional advisor when the nonprofit faces a claim; and
- assist the nonprofit's leaders understand the nature and details of the insurance program for which the organization has spent precious resources.

If you're keen to turn your insurance vendor into a true partner, consider taking one or more of the following steps:

- Check out the firm's Web site to learn more about its client base, published services, areas of expertise, and access to the insurance marketplace. Remember that a relationship is a two-way street. Just as you expect them to check out your nonprofit, the firm should be able to count on your willingness to click your way to a basic understanding of the firm.
- Invite your agent to talk with you (by telephone or in person) about the services he/she can provide. Keep talking until you have a solid understanding of the resources available to you.

- Consider developing a broker services agreement that outlines the services and assistance you require and they are willing to provide. Remember that the agreement will be of little use unless it contains specific expectations and tasks. Give yourself extra points for including deadlines and accountability measures!
- Ask your insurance professional to help you identify the steps required to make your nonprofit an account that underwriters are eager to write.

#2 Get the Board on Board: Add a Risk Report to the Board's Agenda

In the United Kingdom the boards of registered charities are required to understand and on a regular basis to review the major risks facing their organization. (See www.charity-commission.gov.uk/investigations/charrisk.asp.) Charity boards are also required to ensure that systems have been established to manage those risks. Despite a wealth of resources available on the topics of governance and board leadership, little mention is made of the board's responsibility for risk awareness and risk management. Rather than bemoan the board's interest in the topic, nonprofit leaders must commit to bringing the topic of risk to the board's attention. Strategies for doing so include:

- Add a statement about risk management responsibility to the board's job description. For example:

The board of directors is responsible for understanding the major risks to which the charity is exposed, reviewing those risks on a

periodic basis, and ensuring that systems have been established to manage those risks. The term "risk" refers to the uncertainty surrounding events and their outcomes that may have a significant effect, either enhancing or inhibiting: operational performance; achievement of the nonprofit's mission, goals and objectives; or meeting expectations of stakeholders. "Major risks" are those risks which have a high likelihood of occurring and would, if they occurred, have a severe impact on operational performance, or achievement of goals and objectives, or could damage the reputation of the charity.

- Add the subject of "major risks review" or "risk assessment for ABC Nonprofit" to the board's meeting agenda at least once annually.
- Add a report on major risks and risk management strategies as a recurring item in the executive director's report contained in the board meeting materials.
- Schedule a briefing to the board delivered by a risk management consultant or other expert on a facet of risk facing the organization.

Responsibility for the oversight of a nonprofit rests with the board of directors and as such their involvement in the key aspects of the risk management process is essential. This doesn't mean that the board of directors is expected to undertake each aspect of the risk management process alone. In all but the smallest charities, the board is likely to delegate elements of the risk

“Many staff acknowledged never reading the entire policy manual, citing its volume as a barrier.”

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management process to paid staff professionals. At a minimum, the level of involvement should be such that the board is fully aware of major risks facing the organization and can articulate the organization's principal strategies for managing risk.

The board's responsibilities are likely to encompass:

- ensuring that the identification, assessment and mitigation of risk is linked to the achievement of the charity's operational objectives;
- ensuring the process covers all areas of risk, including financial, governance, operational and reputational risks, and is focused primarily on major risks;
- ensuring that the process seeks to produce a risk exposure profile that reflects the trustees' views as to levels of acceptable risk;
- reviewing and considering the principal results of risk identification, evaluation and management; and
- ensuring that the risk management is ongoing and embedded in management and operational procedures.

**#3 Practice What You Preach:
Get Your Policies in Sync**

During the past year the Center has been working closely with a Washington-based nonprofit that serves teens in the United States and abroad. Our most recent engagement for this nonprofit was a policy implementation initiative, where we were asked to assist in the updating of a voluminous policy

manual for staff and participants. At the start of the project we discovered the following realities:

- Some of the policies were so convoluted that they were subject to widely varying interpretations.
- In some cases, staff found it nearly impossible to comply with the strict requirements of a policy.
- On occasion, staff disagreed with the intent of the policy and voluntarily chose not to comply.
- Many staff acknowledged never reading the entire policy manual, citing its volume as a barrier.

The goals of our policy review and updating project included:

- getting the staff on board before the revised policies were put to bed;
- making certain that all policy language was unambiguous;
- differentiating between required policies and suggested strategies; and
- providing a policy road map with clear guideposts for personnel.

The lessons from this project and other client initiatives the Center has tackled in recent months can be applied in your organization. These lessons emerge in many consulting projects where our staff are asked to recommend changes to existing policies and procedures. Follow some or all of the steps below to get your policies in tune with reality at your nonprofit.

- Review your written policies in order to identify policies that are 1) out of date, 2) poorly written, or 3) routinely ignored.



- Rid your organization of any unnecessary (e.g., dated or no longer needed) policies. For example, is it really necessary that all female staff wear light-color hosiery?
- Solicit volunteers from your staff to fix what needs fixing.
- Establish a timeline for rewriting the broken policies and drafting new policies that reflect your current circumstances, environment and service delivery.
- Circulate a draft of the revised policies to a wide audience representing varied perspectives.
- Schedule a briefing or a series of briefings to introduce the new policies and solicit questions.
- Distribute electronic and print versions of the revised policy manual, far and wide.
- Hold your personnel accountable for adherence to the new policies.

When You Want Help

Remember that the Nonprofit Risk Management Center exists to help nonprofits address risk management challenges. We're here to take your phone calls and e-mails on any imaginable risk management topic. We offer frank risk management advice and point you to resources and materials that will help you better understand the dilemma you're facing and the solution we recommend. To access this free service, visit www.nonprofitrisk.org and click on the tab marked ADVICE.

Melanie Herman is executive director of the Nonprofit Risk Management Center. She welcomes your feedback or questions about any of the topics covered in this article. Melanie can be reached at (202) 785-3891 or Melanie@nonprofitrisk.org.

Workplace Safety Preserves and Protects continued from page 2

Injury and illness prevention

According to OSHA, work-related injury and illness prevention falls into three categories in order of priority: engineering controls, administrative controls, and personal protective equipment controls. We have adapted this list to make it more applicable to most nonprofit organizations:

- administrative controls
- written procedures and safe work practices,
- exposure-time limitations (temperature and ergonomic hazards),
- hazardous materials use monitoring,
- alarms, signs and warnings,
- buddy system, and
- training.

Workplace safety initiatives can be as simple as closing and locking the front door; replacing burned out lights inside and out; closing drawers before walking away from a desk or a file cabinet; knowing and using proper lifting techniques; providing adjustable workstations; and using the proper tool in an appropriate fashion for the task. These and other basics should be universally adopted safety procedures in any workplace.

Size does not matter

Workplace safety programs are important to all nonprofit organizations. Remember: employees and volunteers are a nonprofit's most important asset. One might argue that a nonprofit run by one employee or one volunteer is at greater risk than a nonprofit with hundreds of staff

members. The argument would be: If that one person is out of commission, the nonprofit's mission is nonfunctioning. For all intents and purposes that nonprofit is defunct. That is not to say the nonprofit with thousands of paid and volunteer employees is at less risk, just that there's more of a chance that someone can step into the void and perform the tasks of the injured or ill person.

Create program ownership

Paid and volunteer staff members' health and safety are affected not only by their own actions but by those of their co-workers. Senior management must help staff members manage hazards associated with their work (tasks or responsibilities). They also need to make certain employees and volunteers are fit for work. Fitness for work involves drug and alcohol issues, physical and emotional well-being, and fatigue and stress.

For a workplace safety program to succeed, people need to be engaged with the creation and implementation of the program. For example, the nonprofit is responsible for supplying employees and volunteers with appropriate safety equipment, but individual staff members are responsible for wearing the safety equipment at the right times and in the right places. The nonprofit should provide all staff with training to help them carry out their assignments, but these staff members are responsible for attending this training, asking questions and telling supervisors if they don't understand what is being explained. This may require staff members to act assertively—to speak up for themselves. For instance, instead of nodding in agreement when asked if they understand, it's the responsibility of those who don't to say: "I don't understand how to use these. Could you please show me?"

“ To make the workplace safer, the organization has to acknowledge which potential health and safety hazards are present. ”

*Workplace Safety Preserves and Protects
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Measure performance

Continuous improvement in safety and health involves seeking better ways to work, measuring performance and reporting against set targets. It's also about systematically evaluating compliance with procedures, standards and regulations; understanding the causes of incidents and injuries; and openly acknowledging and promptly correcting any deficiencies.

Performance can be measured by:

- reduction in lost-time injury frequency
- reduction in medical treatment injury frequency (beyond first aid)
- reduction in sick days used
- lower workers' compensation costs
- lower medical benefits payments (doctor's visits, prescription drugs)

Workplace Safety Policy Statement

It's up to the management of a nonprofit to vigilantly protect staff safety. Implementing a safety policy for your organization should be a top priority.

Staff—paid employees and unpaid volunteers—should be encouraged to report any unsafe conditions right away

and should be educated how to react in an emergency involving potential violence at the workplace.

Goals of policy

1. A primary goal of a workplace safety policy is to establish the expectation that it's the responsibility of all personnel to create and maintain a safe work environment.
 2. The organization's safety policy should also address the organization's obligations under the Occupational Safety and Health Act to maintain a safe workplace.
- The federal government, through the Occupational Safety and Health Act, regulates all workplaces to ensure that certain safety standards are met.
 - OSHA regulations require that all workplaces train their staff annually concerning workplace hazards, such as hazardous chemical substances and blood borne pathogens.
 - Most workers' compensation insurance policies require the organization to report a work-related injury or illness within a certain number of days, or risk loss of coverage.
 - To ensure proper coverage, it's wise for the organization's policy to require employees to report

Sample Workplace Safety Policy

It is the intent of [organization name] to provide a safe environment for employees, and volunteers. It is also our intent to properly manage any incidents that occur so as to minimize injury and other forms of loss. A well-managed workplace safety program can benefit our organization and its people in countless ways.

In order for [name of nonprofit] to achieve our goals, we have developed a workplace safety program outlining the policies and procedures regarding employee and volunteer health and safety. Each and every individual must become familiar with the program, follow and enforce the procedures, and become an active participant in this workplace safety program.

While management [the workplace safety officer and workplace safety committee] will be responsible for developing and organizing this program, its success will depend on the involvement of each employee and volunteer. We look forward to your cooperation and participation.



any incidents resulting in work-related illness or injury immediately or within 24 hours.

- If your organization's activities include taking care of children, the elderly or other vulnerable populations, employees run the risk of being exposed to diseases while taking care of their clients.
3. The organization's workplace safety policy should require employees to use universal precautions when applying first-aid or providing personal care to clients or each other. Exposure at the workplace to diseases that are transmitted by body fluids, such as Hepatitis and AIDS, is regulated by OSHA.

It's a basic tenant of employment law that the employer is responsible for the safety of employees while they're at work. Federal and state laws require employers to maintain a safe work environment and to report unsafe conditions and educate employees about hazards and dangerous substances that they might encounter at the workplace. The federal Occupational Safety and Health Act of 1970 (OSH Act) requires all employers to report workplace accidents and deaths to the local or regional office of OSHA and to provide safety training to employees (notably on hazardous substances, bloodborne pathogens and communicable diseases) and engage in safe practices in all aspects of the employer's work. An overview of the OSH Act and compliance assistance, as well as a notice that is required to be posted in the workplace, are available from the U.S. Department of Labor's Web site (www.dol.gov/compliance/laws/comp-osh.htm).

Many state laws mirror the OSH Act's requirements. Twenty-four states, Puerto Rico and the Virgin Islands have OSHA-approved state plans and have

adopted their own standards and enforcement policies. For the most part, these states adopt standards that are identical to federal OSHA. However, a few states have requirements that go beyond or are different from the federal requirements or that may have different enforcement policies. All states that have their own version of the OSH Act prohibit retaliation against employees for filing a grievance or otherwise blowing the whistle on their employers for unsafe working conditions. Some of the states provide authority to the state department of labor for inspections and monetary penalties for safety code violations.

Of course, many municipalities also have fire and health codes and general safety codes, and many nonprofits are regulated by their own accreditation or certification requirements for safe work conditions to ensure employee or client safety. Nonprofits with kitchens or where food is prepared generally have specific health codes to meet.

Summary

Safety is a highly regulated area. A nonprofit's legal obligations will depend on the type of workplace/industry, as well as the particular state law(s) that may impose compliance with safety standard obligations.

Policies on workplace injuries and illnesses should require employees to bring injuries or illnesses or unsafe conditions to a supervisor's attention immediately so that the employer can address dangerous situations in a timely fashion and also so that the employee can file a claim for workers' compensation insurance. Most workers' compensation policies require a claim to be filed promptly, and some specify within 24 hours. Consequently, most nonprofits have a policy that requires employees to report work-related health concerns or injuries immediately.

OSHA-Approved State Plans

Section 18 of the Occupational Safety and Health Act of 1970 encourages states to develop and operate their own job safety and health programs. OSHA approves and monitors state plans. The following states have approved plans as of January 2007. To link to individual state plans and/or to check if there has been a change in the list of states, go to www.osha.gov/dcsp/osp/index.html.

| | | |
|---------------|----------------|------------------|
| Alaska | Michigan | South Carolina |
| Arizona | Minnesota | Tennessee |
| California | Nevada | Utah |
| Connecticut * | New Jersey * | Vermont |
| Hawaii | New Mexico | Virgin Islands * |
| Indiana | New York * | Virginia |
| Iowa | North Carolina | Washington |
| Kentucky | Oregon | Wyoming |
| Maryland | Puerto Rico | |

* The state plans in Connecticut, New Jersey, New York and Virgin Islands apply to public sector (state and local government) employment only.

The best practice safety standard for all nonprofits is best summed up by The Safe Place Act of Wisconsin (Chapter 101, Subchapter 1, Section 101.11 – www.legis.state.wi.us/rsb/Statutes.html), which provides that employers must furnish a safe workplace and must do “every...thing reasonably necessary to protect the life, health, safety and welfare of employees and others who frequent the workplace.”

For more information, explore *Workplace Safety Is No Accident, An Employer's Online Toolkit to Protect Employees and Volunteers* (<http://nonprofitrisk.org/ws/wsp.htm>). Find help with a particular area, such as ladders, transportation or food service. Set up a workplace safety program. Print out sample forms. Follow lots of links to detailed information on special topics, such as bloodborne pathogens, AEDs, and workplace stress.

Professional Development and Training Calendar

Set up your 2007 calendar now with professional development and training opportunities brought to you by the Nonprofit Risk Management Center. You won't want to miss any of these.

The dozen Webinars and the regional conferences in Arkansas, Maine, Montana and Texas are sponsored by the Public Entity Risk Institute (PERI), www.riskinstitute.org.



2007

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17

Webinar 2–3 pm EST
1st in a series of 12

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7

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4

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MAY

2

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10

Regional Conference
Risk Management Essentials for Leaders of the Nonprofit Sector of Texas

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22

Regional Conference
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JUNE

6

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Volunteer Risks: Guarding Against and Insuring Harm Suffered by and Caused by Volunteers

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13–14

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Regional Conference
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27

Regional Conference
Finance & Risk Management Essentials for Nonprofit Leaders

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11

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1

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5
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OCTOBER

3
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 10th in a series of 12

Outdated or Poorly Written Governing Documents: What Are the Risks and What Can You Do?

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24–26
Annual Conference
2007 Summit for the Nonprofit Sector
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7
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DECEMBER

5
Webinar 2–3 pm EST
 12th in a series of 12

Crisis Management and Crisis Communications for Your Nonprofit

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Note: The dozen Webinars are brought to you at an affordable price through a generous grant from the Public Entity Risk Institute (PERI), www.riskinstitute.org.

All Year Long • Every Day • Round-the-Clock

The Nonprofit Risk Management Center provides training January 1 – December 31 at www.nonprofitrisk.org that is free or inexpensive. Take advantage of these accessible training programs. Incorporate these training tools into your orientation programs, onsite training and employee/volunteer skill improvement strategies. Staff, volunteers and board members will be better prepared to handle their responsibilities.

Risk Management Classroom: <http://nonprofitrisk.org/software/rmc.htm>

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Workplace Safety Is No Accident: <http://nonprofitrisk.org/ws/tutorial/1.htm>

Volunteer Risk Management: http://nonprofitrisk.org/tutorials/ns_tutorial/intro/1.htm

My Risk Management Plan:
<http://nonprofitrisk.org/software/mrmp.htm>

My Risk Management Plan is a Web-based tool that enables nonprofit leaders to develop customized risk management plans for their organizations.

Nonprofit CARES™
<http://nonprofitrisk.org/cares/cares.htm>

The Nonprofit Computer Assisted Risk Evaluation System is a Web-based tool that enables nonprofit leaders to evaluate the nonprofit's risks, safeguard its assets, and protect its clients and staff from harm. Easy-to-navigate menus guide the user through the entire process. Short video clips offer insights on coping with risk management challenges. A detailed report with recommendations offers strategies that are ready to use and customized to your situation.

Pillars of Accountability
<http://nonprofitrisk.org/pillars/pillars.htm>

This online assessment tool introduces six Pillars of Accountability that provide a foundation for preserving and protecting the integrity of an organization. This program explains accountability and presents an easy way to get started with practical goals and action steps.

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- Polished, professional keynote addresses, plenary sessions, and seminars.

For information about customized training, contact Melanie Herman (Melanie@nonprofitrisk.org) or John Patterson (John@nonprofitrisk.org); e-mail or call at (202) 785-3891.

RISK MANAGEMENT MARKETPLACE

Welcome to the Risk Management Marketplace, a regular feature in *Risk Management Essentials*. Inclusion in the Marketplace does not constitute an endorsement by the Nonprofit Risk Management Center. To inquire about space availability for future editions of the Risk Management Marketplace, contact Sheryl@nonprofitrisk.org.

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