



*Founded by and dedicated  
to the professional  
insurance company loss  
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## Amendments to ILCA Articles of Association Approved

The ILCA membership voted to approve the proposed amendments to the Articles of Association at the annual meeting in October 2013. The approved changes primarily focus on restructuring the governance of ILCA. The approved changes included changing the current structure of the “Executive Committee” to a “Board of Directors”. Prior to these approved changes, the Executive Committee was elected on an annual basis to specific leadership positions: President, First Vice President, Second Vice President and Secretary. The Financial Secretary was and continues to be an appointed position by the Executive Committee. In the past, service terms were one year and traditionally, candidates would “move up the chairs” to higher offices at following annual elections.

It has been increasingly difficult to find members to serve on the Executive Committee. Many times positions had been vacated or had been vacant at the election, leaving the Executive Committee to appoint members to those vacant positions. The approved changes now allow for an election of a Board of Directors who will serve a term of three years. The approved changes will also provide for a minimum of five and a maximum of eleven directors. All Directors will now be elected “At Large” by the membership. The new structure will require the Directors to annually elect from within the Board, an Executive Committee comprising of a President, First Vice President, Second Vice President and Secretary. The Financial Secretary remains an appointed position by the Board of Directors. It is anticipated that this structure will provide ILCA with several benefits, including greater continuity in leadership with three year service terms; greater flexibility in filling Executive Committee vacancies with existing Directors that are already serving three year terms; and more opportunities for members to serve ILCA by creating “At Large” Director positions that do not require immediate responsibility for serving on the Executive Committee. The At Large Directors will be able to provide historical knowledge and assist in the continuity in operations for the Executive Committee.

Many of the other approved changes were technical in nature. The previous references to the “Executive Committee” were required to be technically changed to “Board of Directors”. Additionally, a new Article was inserted into the Articles of Association to outline the new governance structure, which in turn required changes to the numbering of the existing Articles and their Section numbers.

Lastly it was approved to change the current language in the Articles of Association to more accurately reflect our current usage of a paid Administrative Coordinator. The majority of the remaining changes were updating terminology; providing better descriptions; providing more contemporary descriptions and other technical changes as needed. A published copy of the approved Articles of Association is posted in the “Members Only” area of our website at [www.insurancelosscontrol.org](http://www.insurancelosscontrol.org). Please take the time to read and review them and consider getting involved in the governance of ILCA. There will be opportunities for additional Directors to be elected at the next annual meeting as well as many opportunities to immediately serve on committees, such as the conference planning committee and membership committee. Contact any current Director if you have an interest in serving on the Board or on a committee.

## Brock Bell Receives ILCA Meritorious Service Award

Brock Bell of Brotherhood Mutual Insurance Company was awarded the meritorious service award by the ILCA Executive Committee. Brock has been very active in ILCA and very supportive of ILCA for several years. He is an ILCA Past President and also served in other executive committee positions. He has encouraged and supported his loss control staff and underwriting staff from Brotherhood to attend the ILCA Annual Conference. He has also encouraged and supported several of his loss control staff members to serve on ILCA committees. Brock and Brotherhood have also contributed support and resources to the ILCA Annual Conference over the last several years, with sponsorships and providing audio visual equipment for conference presentations. Congratulations Brock!

Candidates for the Meritorious Service Award can be submitted in writing to the current ILCA President, within 90 days of the Annual Conference. The Board of Directors will review nominations for eligibility. Candidates must have been active by serving on committees, attending ILCA meetings (when they are within reasonable travel distance), participating or cooperating in program activities; if in a supervisory position, allowing his personnel to serve on committees and/or participate in program activities.



*Brock Bell (left) and Stig Ruxlow (right)*

You're Invited...

**ILCA**  
**Annual Conference**  
**October 20, 21 and 22**

**Renaissance Indianapolis North**

More details to follow.

## **THE DEEP FREEZE: LIMITING LIABILITIES FOR COLD WEATHER HAZARDS**

By Mark A. Lies II & Kerry M. Mohan

### **INTRODUCTION**

In one of the coldest winters in decades, employers must be mindful of the potential health and safety hazards cold weather can create and how cold weather can also result in OSHA liabilities. Unlike its Campaign to Prevent Heat Illness, OSHA has not announced a program to prevent cold-related illness. However, employers should anticipate that OSHA will apply the same scrutiny to both hazards. Consequently, proactive employers must consider developing cold illness programs including a job hazard analysis, personal-protective equipment (PPE) assessments for cold weather, and ensuring that employees are provided appropriate personal protective equipment and are trained to identify the signs and symptoms of cold illness. Further, it is important that all employers, regardless of whether they are subject to OSHA's general industry or construction standards, take such precautions.

### **OSHA LIABILITY**

Federal OSHA does not have a standard related to the hazard of exposure to cold. However, exposure to cold can temporarily diminish an employee's mental capacity and physical coordination and excessive cold can cause employees to lose focus or muscle control injuring themselves or co-employees as well as circulatory complications resulting in frostbite and respiratory illness from inhalation of frigid air. This is a particularly acute problem when operating mechanized equipment or working around hazardous machinery. Thus, exposure to cold carries its own unique hazards and liability issues, including OSHA.

### **WORKER'S COMPENSATION**

As all employers are aware, illness and injuries that arise out of and in the course of employment can result in worker's compensation liability. Thus, if an employee sustains a cold-related illness or injury, the employer will face this potential liability.

### **SLIPS AND FALLS**

Both OSHA's general industry and construction standards require employers to provide safe walking and working surfaces. This obligation to ensure safe walking/working surfaces extends not only to immediate work areas, but also to building entrances and even company parking lots. Thus, an employer's failure to de-ice a parking lot or to mop-up wet floors not only exposes employees (and bystanders) to dangerous slips and falls, it also exposes the Company to OSHA citations and civil litigation. These hazards can extend to operating equipment such as forklifts or other powered industrial equipment on icy surfaces where the operator can lose control of the equipment.

### **PERSONAL PROTECTIVE EQUIPMENT**

All employers are required to undertake job hazard assessments and provide employees personal protective equipment that is necessary for the job at hand. Thus, before an employee is assigned to a job that could expose him or her to the hazard of cold, the employer must evaluate the extent of the hazard (i.e., how cold are the conditions), how long the employee(s) will be exposed to the hazard, and what personal protective equipment is required to ensure that the employee(s) can perform the job safely. Specific to the hazard of cold, such PPE may include additional layers of clothing, insulated footwear, gloves and multiple changes of clothes to permit the employee to remove wet work clothes.

### **SNOW REMOVAL FROM HEIGHTS**

One major hazard associated with cold weather is snow and snow removal. In addition to ensuring that employees removing snow from sidewalks and parking lots are provided the necessary personal protective equipment and are safe from slips and falls, employers must take extra precautions to protect employees involved in snow removal from roof tops and elevated areas. Many tragic accidents have occurred when employees have slid off of roof tops that were icy or had insecure footing due to accumulations of snow. For instance, employers must ensure that employees working four (4) or more feet above a lower level (or six (6) or more feet for construction work) are provided adequate fall protection. Moreover, when an employee accesses a rooftop or elevated area with a ladder, the employer must take extra precautions to ensure the ladder is secure and de-iced.

### **SNOW REMOVAL EQUIPMENT**

Snow removal can involve numerous tools and equipment, all of which can present potential hazards to OSHA. For instance, the use of shovels or other ice or snow removal tools presents the risk of musculoskeletal injuries, struck-by hazards, and potential death due to overexertion. Further, the use of snowblowers or heavy snow moving equipment can raise issues regarding machine guarding, electrocution, and lockout/tagout. Employees who operate snowblowers will need to be provided with protective eyewear to prevent injury from the snow and ice that is being discharged from the equipment. Thus, though these tasks may be “one-off” or short in duration, employers must still ensure employees follow any existing safety rules.

### **GENERAL DUTY CLAUSE**

Perhaps most importantly, OSHA can regulate the hazard of cold exposure in the workplace under the General Duty Clause (Section 5(a)(1)). As OSHA’s Safety and Health Guide to Cold Stress provides, cold is a “recognized” hazard to human safety and health. Its impact on employees ranges from frostbite to death, depending upon exposure. OSHA requires that employers evaluate whether a cold hazard exists by evaluating the temperature and wind conditions within the workplace. If a cold hazard exists, employers must develop means and methods to protect employees from cold hazards. These range from changes in work practices (rest breaks, job rotation, providing warming stations), to personal protective equipment, to engineering controls (radiant heaters, wind shields). Employers who fail to take such steps are subject to citations and monetary penalties.

## **ADDITIONAL CONSIDERATIONS**

In addition to the issues identified above, employers must remember to comply with OSHA record-keeping requirements when it comes to cold illness as it does with any other injury or illness. For instance, when an employee becomes incapacitated by cold and requires medical treatment, loses consciousness, has days away from work or restricted duty—or dies—this information must be recorded on the OSHA 300 Log. Further, widespread cold-related illnesses may prompt an employee to contact OSHA, resulting in an on-site inspection, so the employer must be prepared to demonstrate its efforts to protect employees against this hazard.

## **COMPLIANCE RECOMMENDATIONS**

Cold-related illness can be very subtle. For example, exposure to cold can lead to dehydration, frost-bite, trench foot, and hypothermia. Yet, by the time an employee begins to feel the cold's negative effects, the illness may have already set in.

To prevent cold-related illness and injuries, the employer should develop a written cold exposure program which includes the following elements:

- Hazard Identification—Identify potential cold hazards (job functions, equipment, etc.) Employees should be consulted in this process to ensure that the employer has not overlooked any hazards.
- Hazard Correction—Correct, or reduce the potential cold hazards identified.
- Employee Training to encompass
  - description of various types of cold-related illness
  - information on how cold-related illness occurs, including
    - a) environmental conditions
    - b) working conditions
    - c) individual employees health conditions or work practices (e.g. failure to consume adequate water, wear adequate PPE, or remove PPE during breaks)
  - how to recognize the common signs and symptoms of cold illness
  - duty to promptly report to a supervisor if the employee or co-employee is experiencing the signs and symptoms of cold illness and to obtain assistance
  - inform employees that no employee will be subject to any retaliation or adverse action for making such report
  - documentation of the training
  - Training must be provided in a manner that employees can understand it, including training in the employee's native language if necessary
- Supervisor Training
  - Train supervisors to recognize the signs and symptoms and how to respond
  - Explain employer's program and how to implement it
- First Aid—Adequately train and provide readily available first aid services, using either in-house or outside providers
- OSHA Recordkeeping—compliance with OSHA recordkeeping for any illness or injury which occurs that is recordable

## **CONCLUSION**

If the employer follows these recommendations, it will substantially reduce the potential for cold related illness by its employees as well as its potential legal liabilities associated with cold illness.



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**Please visit the ILCA Website. Follow the links to our Vendor Directory for info about these companies and their services:**



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