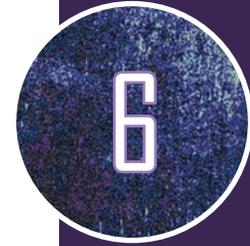


PROPERTY AND INJURY CLAIMS

When damage to property, an accident, injury or near miss occurs, agricultural society staff, volunteers or camp hosts often play a key role in securing the scene to prevent further damage or injury, as well as in gathering information for the post-incident documentation and investigation process.

Timely action can assist in controlling costs and identifying corrective measures, and lead to better outcomes.



PROPERTY AND INJURY CLAIMS



CLAIM, NEAR MISS PROCEDURES

Members should adopt an incident response plan or procedure. This process should include steps to take after an incident, such as emergency response procedures; gathering photographs, witness statements or other supporting evidence; and prompt reporting to MCIT.

Fair workers should know whom within the organization is responsible for coordinating and submitting incident notices (claims) to MCIT. The person may be different for property and liability, and workers' compensation claims. The agricultural society employee, volunteer or camp host should work with this individual to ensure the prompt submission of information to MCIT.

Many claims are at least partially caused by weather or other rapidly changing conditions, so the sooner the scene and facts are memorialized, the better. Agricultural society staff should include prompt evaluation of the information to identify steps necessary to prevent or reduce losses in the future.

PROPERTY DAMAGE

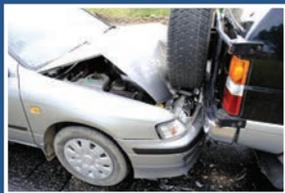
When property is damaged, members must take certain actions to ensure that coverage applies. Conditions are

Vehicle Damage

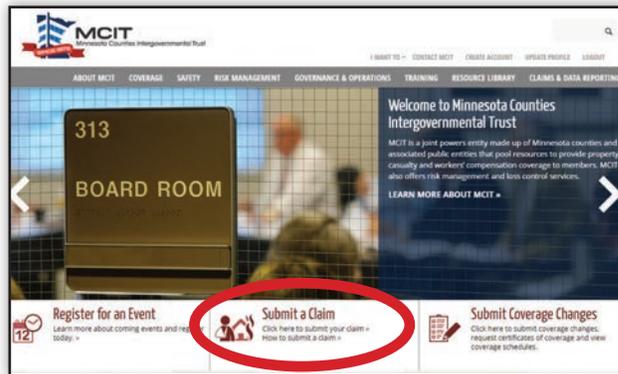
If an incident involves a vehicle accident, for example in a parking lot, the member should take photos of the scene and vehicles involved, regardless of whether the vehicle(s) is owned or not owned by the entity. Photos should be taken from all corners of all vehicles (even if no damage is visible) and include license plates.

If possible, agricultural societies should take photos of the driver(s), driver's license(s) and insurance information. It is much easier to take photos at the scene than to write down everything.

Agricultural societies should follow their incident reporting procedures and upload copies of all relevant photos through the member portal at MCIT.org.



Follow proper documenting procedures if a vehicle accident occurs.



Members should promptly report any incident to MCIT using the online member portal at MCIT.org.

detailed in the MCIT Coverage Document. Generally, members must:

- Protect damaged and undamaged property from further loss.
- If a potential crime has occurred, report it to law enforcement.
- Report the loss to MCIT via the online member portal at MCIT.org as soon as practicable.

Photos

Identify, document and retain any evidence of the loss. Photographs of damaged property can be helpful in the claim adjusting process. They provide essential documentation of the property itself and the conditions at the time of loss discovery.

INJURIES

Gather Facts Promptly

Gathering incident facts is critical to an injury claim investigation and to future incident prevention. When an injury occurs:

- Obtain information, such as the injured party's name, address, age and a detailed account of the facts.
- Retain in writing any statement from the injured party, especially related to his or her awareness of the surroundings or level of distractedness.
- Document details regarding injuries or medical treatment being sought. For a serious injury, members should follow policies and practices about calling emergency response services.
- Record other details as appropriate, such as photographs, whether police responded, video surveillance footage and witness statements.



Third-party Property Damage

Damage to someone else's property, for example, a slip, trip and fall that damages a laptop or a vehicle damaged by debris from a mower, also should be carefully

documented. Take photos of the damaged property and obtain contact information and any statement from the property owner. Follow the organization's incident reporting procedures and upload copies of all relevant photos through the member portal at MCIT.org.



A cracked windshield from lawn mower debris is considered third-party damage and should be documented.

- Promptly report the incident to MCIT via the online member portal.

When an employee is injured, a similar process should be used, including prompt reporting to MCIT, as statute requires a determination of compensability within 14 days of the incident. (See *discussion of employee injuries later in the chapter*).

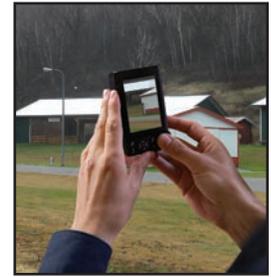
When evaluating a liability claim or lawsuit, the facts of the case are the most important factor in determining the chances of a favorable outcome or the need for early resolution. Although MCIT's claims professionals work diligently to investigate the details, early member documentation greatly assists their work.

For example, when faced with a slip and fall incident, items such as snow/ice removal records, salt/ice melt or abrasive use, inspections, repairs and photographs of the incident site provide a record of conditions at the time of incident. These documents not only aid the agricultural society and MCIT in the claim process, but also helps the organization review its applicable facility maintenance policies and procedures to identify any deficiencies.

Scene Photos

An important area where members can assist in the investigation is taking photos of the scene soon after

an incident occurs, especially when conditions could change rapidly. For instance, if a person falls on a sidewalk and alleges that the conditions were slippery, a photograph taken as soon as possible after the incident would show whether the sidewalk had been shoveled or salted, if snow or ice were present and whether other sidewalks or safer routes could have been taken.



Take photos of the scene soon after the incident occurs.

In one instance, photos provided by a member showed a mostly clear sidewalk with safe access to a building the claimant did not take. The pictures allowed MCIT to deny liability early in the investigation, causing the individual to drop the claim.

Conversely, if photos show that a hazardous condition existed and possibly was not addressed in a timely manner, MCIT can quickly make that determination and discuss with the agricultural society options for resolving the claim and preventing potential future claims.

General Tips

When an injury occurs, the agricultural society should:

- Check fair-owned security/surveillance cameras at or near the accident location (on the agricultural society's property) to see if the incident was captured. If so, pull a copy of the video and mark it so as not to record over it.
- Use the MCIT-provided Nonemployee Accident Injury Report or Employee Accident/Incident Investigation Report to gather information from all witnesses, including the injured party. Forms capture what occurred in the individual's own words. They can be downloaded at MCIT.org/reporting-mcit/.
- Note what the injured party says right after the incident. Some admit they were distracted, they were not paying attention, they had their hands full, etc.
- Obtain witness names and contact details. MCIT claims staff can gather formal statements later.
- Comment on any signage warning of dangerous conditions and whether it was present.



- Take measurements when an incident involves a minor rise in sidewalks, steps, ramps, etc., such as a trip and fall.
- Provide comments about any alterations to the area, e.g., change in lighting, re-routing due to cleaning or repairs of the floor, etc.
- Take note of any factors that may have contributed to the incident. Note weather, lighting, even footwear worn by the claimant and sole composition for a slip and fall incident. Flip flops versus tennis shoes can be an important fact.

Employee Injuries

Although uncommon for agricultural societies, when an employee injury occurs:

- Obtain relevant information, such as the employee's name, address, age and a detailed account of the facts.
- Retain in writing any statement from the employee.
- Document details regarding injuries or medical treatment being sought. For a serious injury, agricultural societies should follow policies and practices about calling emergency response services.
- Record other details as appropriate, such as photographs, whether police responded, video surveillance footage and witness statements.

- Promptly report the loss to MCIT via the online member portal, especially if an employee:
 - Dies at work.
 - Suffers a serious injury.
 - Reports an occupational illness.

Followup notification is required when:

- An employee receives medical attention after the employer has filed an "incident only" report (requiring no medical attention or lost time).
- A claim is initially reported as medical only and the employee later loses time at work for treatment of the injury or illness.

INTERNAL PROCEDURES

Prompt claim reporting, loss reduction and the resulting benefits to MCIT and its members are achieved through the implementation of simple and efficient internal claim procedures.

For example, upon receiving immediate notice of a potential claim, one designated person is responsible for completing the online loss notice in the member portal and submitting it to the MCIT claims department. When that person is unavailable, the member has a backup authorized to submit claims/suits.

Spoliation of Evidence

Spoliation of evidence is the destruction, loss or alteration of evidence involved in a claim that could have a dramatic effect on a court proceeding, such as the defense of a lawsuit brought by a party against an agricultural society. Spoliation does not have to be intentional to occur. Simple negligent or accidental spoliation of any evidence can cause significant issues in defending a claim and protecting the reputation of the fair.

Evidence related to an accident, claim or lawsuit should be preserved and stored in a secure area or otherwise protected until the claim or lawsuit is resolved. Accessibility to it should be limited, and the item should be clearly identified as to what it relates, the date and any other details to identify it later.

Some examples of physical evidence would be a roof truss that fails, resulting in property damage; a

hand rail that breaks, causing a person to fall; office equipment that is alleged to have a flawed design or construction that results in injury or property damage.

Less obvious but equally important examples of evidence include paper and electronic data or documents, such as video, voicemail recordings and e-mails that may relate to a topic that is the subject of a claim or lawsuit.



Spoliation of evidence, either intentional or accidental, could have a negative impact on a lawsuit.



Although procedures vary, from a risk management perspective, it is important that agricultural societies:

- Establish prompt claim reporting procedures.
- Communicate procedures as appropriate (procedures could be included in an operational handbook and communicated during agricultural society orientation), obtaining signed acknowledgements.
- Follow procedures consistently.
- Update procedures periodically.
- Document thoroughly to demonstrate that procedures are established, communicated, followed and updated.

Resources



The following articles are available at MCIT.org and provide additional information about claims reporting:

- "First Report of Injury: Avoid the Penalty Box!"
- Workers' Compensation Claims Reporting Guide
- "Claim Reporting and Internal Claim Procedures"
- How to Submit a Claim
- Nonemployee Accident Injury Report
- Employee Accident/Incident Investigation Report