

Considering Claims

A review of the dance program claims Markel has received revealed three major claims areas: slips and falls, theft and vandalism, and dance-related injuries. This issue of *Dance Risk Management News* focuses on claims and gives you tips on how to prevent them.

Slips and Falls, Trips and Falls

Approximately 27% of the claims filed in the dance program involved an injury resulting from a slip and fall or a trip and fall. Many of these claims occurred at a rental location during off-site recitals.

When you rent an off-site location, it is important to understand that you are likely assuming liability for accidents that occur while the area is in your control. It is your responsibility to safeguard others from both internal and external hazards that may be present at that location.

Here are some points to consider when you make arrangements for your next recital:

- Review the rental agreement: Many leases include a hold harmless clause. This means that you agree not to sue the landlord if you or someone at the recital is injured due to the landlord's failure to maintain the property. If this clause is part of your rental agreement, it's crucial to thoroughly inspect the facility before your event, and ask the landlord to fix any problems.
- Inspect parking areas and sidewalks: Look for defects that can cause someone to trip and injure themselves, such as potholes and broken curbs. Inspect grassy areas next to sidewalks—trenches or other problem areas can cause an unsuspecting visitor to trip and fall. Make sure parking areas are brightly lit. You might consider holding recitals during the day to eliminate hazards.
- Check lighting of steps and aisles: Check stairways and aisles to make sure the steps are visible and aisles have no hidden hazards that someone could trip over when the lights are dimmed for the performance. If you notice any burnt out lights, ask the landlord to replace them before your event.
- Eliminate internal tripping hazards: Make sure electrical power supply cords and sound system wires are taped down. Check carpeting and mats for any areas that have pulls or lumps, and make the landlord aware of the hazard.
- Check the performance floor: If you apply rosin to the stage floor, apply it sparingly, as excess rosin can quickly become a tripping hazard. Remove gym bags, extra clothes and shoes, and stage props from walking paths. Designate a specific storage area for these items and block that area off to guests.
- Remove snow and ice: Thoroughly clean snow off sidewalks and parking areas, apply ice melt or sand in walkways, and constantly monitor walkways for refreezing.
- Use absorbent mats and warning cones: Place skid-resistant, absorbent mats at entrances during inclement weather. Post Wet Floor cones and signs warning visitors of slippery conditions during wet weather or in the event of a spill.

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- Clean up spills: Designate someone to clean spills immediately and monitor restrooms every 30 minutes for hazardous floor conditions. It's a good idea to keep a record of your activities in case you need to defend your safety efforts in court.
- Prohibit seating once the performance has begun: Do not allow seating once the lights have gone down, unless an usher can provide guidance with a flashlight.
- Put it in writing: If you find defects, ask the landlord to fix them before the event takes place. Make your request verbally and in writing.

You can use these risk management efforts at your primary location as well.

Theft and Vandalism

Theft and vandalism made up 17% of the dance program claims reported. There are a number of easy things you can do to deter vandals:

- Increase perimeter lighting.
- Eliminate places where people can hide in and around your building.
- Remove objects from your property (rocks or bottles) that can be thrown through windows.
- Leave lights on inside your building to make the inside more visible from the outside.
- Post notices that computers and other items are marked for easy identification.
- Never place computers or stereo equipment in locations where they are visible from the street.
- Never leave cash or jewelry in a visible, unprotected area.
- Request that clients leave valuables at home.
- Communicate any specific concerns about possible vandalism, burglary, and theft to police and public fire officials.

Dance-Related Injuries

Dance-related injuries accounted for 10.2% of claims filed. These injuries typically involved dancers injuring themselves due to a bad landing or twisting an ankle while performing a dance step. Although practice makes perfect, injuries may still occur. If an injury occurs, do not allow a dancer to continue dancing, and provide immediate medical attention. This will help reduce the severity of the injury and support a quick return to performing. It is recommended that participants in aerobics, dance, Pilates, or yoga classes obtain a physical before entering your program. With your attorney, create a waiver that allows you to request emergency medical assistance for participants, and require all participants to sign it.

If you have a safety or risk management question or a suggestion for a topic, please contact Markel's Risk Management Department at safety1st@markelcorp.com.