



Liability for municipal facilities

By Ken Fingler, Risk Manager, HED Insurance

Liability issues, related to the operation of municipal facilities such as arenas, curling rinks and community halls, have become important concerns for municipalities and operating committees.

Society continues to be more litigious with fewer people taking responsibility for their own actions and more looking for someone else to pay for any injury or accident that may befall them. This could mean anything from a slip and fall on an icy stair to an accident following an event where liquor was served.

We need only look at the newspaper or television to see endless accounts of huge settlements from injury claims and advertising for injury lawyers.

A range of problems can occur as a result of alcohol misuse that affects not only the person or persons misusing, but also other people who use the facility, as well as the facility owners and operators.

Such problems include:

- Alcohol related accidents/injuries
- Slip and fall type injuries
- Vandalism and destruction of property
- Loss of enjoyment by others at the event
- Liability action/lawsuits

What can you do to reduce your exposure to lawsuits?

Start with the basics by looking at your property and operations for potential hazards that could lead to a liability claim. Although a municipality may not be able to eliminate risk entirely, the development of alcohol and rental policies with inspection and maintenance procedures is a reflection that the municipality is taking effective steps to manage and reduce the chances of liability claims.

1. Prevent slip and fall accidents

Keep your premises in good condition with regular inspections and maintenance with prompt repairs whenever a problem is encountered.

- A) Ensure that carpets, stair runners, handrails etc. are in good condition (not loose, torn or broken).
- B) Clean snow, ice and water build up around entrances, exits, sidewalks and ramps.
- C) Sand and/or salt icy areas around entrances and handicapped parking areas.

- D) Check parking areas for potholes, water pooling and adequate lighting.
- E) Document your actions on log sheets, even if it is only an inspection with no action needed.

(Maintenance logs are the evidence you need to prove that you have met the Standard of Care needed to avoid liability for accidents.)

2. Prevent injuries/deaths in the event of a fire

- A) Check exit signs and emergency lights at least monthly and before a big event to ensure proper operation.
- B) Have fire alarms, fire extinguishers and fire suppression systems checked at least annually by a qualified contractor.
- C) Check emergency exit doors regularly and before events. Ensure that they are not locked, they open easily (are not blocked by snow or ice), and there are clear and safe ramps and sidewalks on the exit route.
- D) Ensure that your staff has training in handling an emergency. Your local fire department may be able to assist you.

3. Reduce liability related to the operation of your hall or banquet room by outside users (events where liquor is served)

- A) Ensure that bartenders/servers have the "It's Good Business" server intervention course for all events where liquor is served. Do not allow renters to serve their own liquor.



- B) Supervise all entrances and exits to the event at all times.
- C) Have a minimum of two security guards at liquor events to ensure the safety of event goers. (This requirement may be optional for weddings, anniversaries and family reunions.)
- D) Have a municipal official (or designate) on hand to supervise as well as to help the permit holder follow the policies for the use of the facility.
- E) Ensure that any outside party that is renting the hall has a minimum of \$2,000,000 liability insurance to cover the event.

(If a hall renter does not have insurance the hall owner/operator could be held responsible for an accident that results from the event.)

4. Offer liability insurance coverage to hall renters without coverage

Previously, it was not always easy for hall renters to obtain liability insurance for events with liquor sales. Often, this has placed municipal officials in the awkward position of having to refuse to rent the hall or to allow a local resident to run an event without insurance.

HED Insurance has now been able to arrange a master insurance policy to provide liability insurance for hall renters. Municipalities and hall operators can now access this policy directly from HED to offer it to their hall renters. Hall operators can include this liability insurance coverage as part of the hall rental unless the renter can provide proof that they have other coverage.

For information on this coverage contact your local Manitoba Municipal office or Linda Baker at HED Insurance, 1-800-665-8990 ext. 7220. ☎

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Cummins Inc. has announced that the company is ready to meet the challenge of the Tier 4 Interim off-road diesel emissions rule scheduled to take effect beginning in 2008 continuing through to the end of 2011. Cummins solution will ensure OEMs long-term platform stability in the face of regulation changes for as much as 10 years with the Tier 3 lineup including the new QSB.

From Tier 3 levels, Tier 4 represents a 90-percent reduction in emissions of Particulate Matter (PM) and a 50-percent reduction in emissions of Nitrogen Oxides (NOx). Cummins is focused on achieving customer benefits as well as meeting emissions regulations.

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Cummins Western Canada

P.O. Box 1860

489 Oak Point Highway

Winnipeg, MB

R3C 3R1

Ph: (204) 632-5470

Fax: (204) 697-0267

