

...OBTAIN INSURANCE

Insurance adds financial certainty to continuing operations for programs involved in a lawsuit or incident as covered by these insurances in the USA. Check for differences in other nations.

General liability insurance may cover claims of negligence against the EE program arising out of bodily injury, property damage, advertising injury, product liability, sexual or physical abuse or molestation, and personal injury (slander, libel, defamation, wrongful detention, invasion of privacy, or malicious prosecution). Coverage usually includes unlimited legal defense costs by the insurer and settlements/judgments, up to the limits of claims liability as set for that policy.

AD&D/accident medical expense covers death or injury of clients and the costs of evacuation or repatriation. For example, a boat, helicopter, ambulance, or other vehicle may be required, in addition to carrying the injured to that vehicle by a professional search and rescue team. Some programs require clients on out-of-country trips to carry personal travel insurance with the aforementioned benefits. These policies pay without regard to allegations of negligence and may be required by liability insurers to discourage client lawsuits.

INSURANCE COMPANY

Ask about a company's financial strength rating, past experience serving EE programs, and their claims process and service record. The answers can make a difference in an EE program's ability to quickly enter into new business relationships, add operations, respond to threats or crises, and recover from program reputation impacts.

Be aware of "claims-made" policies and phrases that will NOT: cover any claims reported after a policy expires, include unlimited defense costs, or cover contracted staff. Insurance companies may require programs to share their litigation protection waivers and risk management plans.

OTHER COVERAGES

The general liability insurance will never cover any and all claims and organizations will always see gaps between contractual indemnification agreements and insurance coverage. Some of these gaps can be insured on other policies.

Professional liability insurance covers the organization, staff, and contractors for mistakes in advice or professional services to clients.

Directors and officers liability insurance covers claims against board, staff or volunteers for alleged financial harm and impaired assets.

Employment practices liability covers claims arising out of the treatment of employees, volunteers or others, including discrimination, sexual harassment or retaliation and sometimes violations of the Fair Labor Standards Act.

Data-breach insurance covers loss of personally identifiable information subject to privacy laws and hacking of computer networks or systems.

Fidelity insurance covers loss through financial theft by employees and third parties.

Commercial property insurance covers physical losses to program buildings, their contents or equipment used, and any resulting lost income.

Commercial vehicle insurance covers bodily injury and property damage liability for owned, non-owned or rented vehicles, and damage to vehicles that a program is responsible for.

Commercial umbrella liability insurance increases the liability limits per incident for general, professional or automobile coverage.

Finally, **workers compensation, supplementary disability, and paid family leave** are statutory coverages that may be required by law in the jurisdictions where programs operate or reside.

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FURTHER RESOURCES

READING

Marlow, P. (1986). AEE's Report on the Insurance Issue. *Journal of Experiential Education*, 9(1), 29–33.
<https://doi.org/10.1177/105382598600900107> (Historic Perspective).

VIEWING

Current Insurance Topics of Interest for Outdoor Experiential Education Organizations:
<https://nols.edu/en/risk-services/wilderness-risk-management-conference/wrmc-resources/>

General explanations of applicable insurance by type of policy, with detail on each coverage:
www.Phly.com/products

Insurance Concepts By Type of Policy: <https://www.travelers.com/business-insurance/products-services>
or <https://www.thehartford.com/business-insurance>

Understanding the relationship with your insurance agent or broker and explanation of how they are compensated: <https://www.trustedchoice.com/insurance-articles/i/pay-insurance-agent/>

Basic information about types of insurance required for your organization:
<https://www.trustedchoice.com/ask-an-insurance-agent/what-insurance-do-i-need-to-start-a-business/>

Specifically for current Insurance topics of Nonprofits: www.blueavocado.org

OTHER

Basic explanation of workers' compensation laws, requirements & benefits by state, published annually in July: US Chamber of Commerce Analysis of Workers' Compensation Laws. Order at publications.uschamber.com