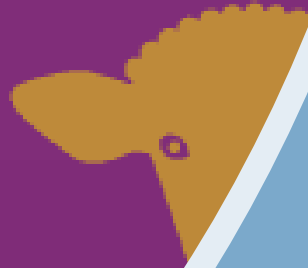
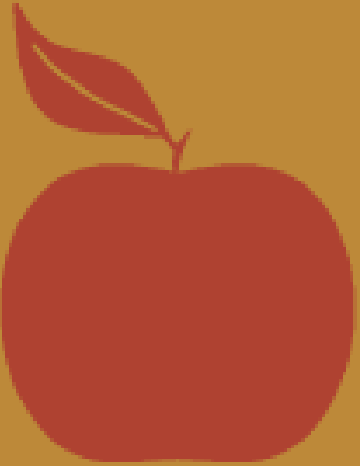
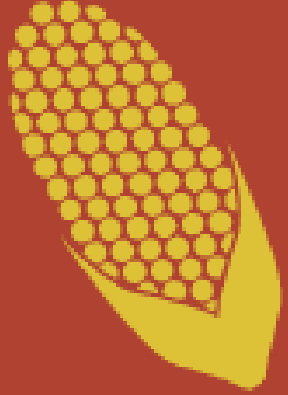


FARM LABOR



SEMINAR

Nationwide

Agritourism & Liability

Disclaimer



Nationwide®

- The information included in this presentation and accompanying materials was obtained from sources believed to be reliable. Farmland Mutual Insurance Company/Nationwide Agribusiness Insurance Company and its employees make no guarantee of results and assume no liability in connection with any training, materials, suggestions or information provided. It is the user's responsibility to confirm compliance with any applicable local, state or federal regulations. Information obtained from or via Farmland Mutual Insurance Company/Nationwide Agribusiness Insurance Company should not be used as the basis for legal advice or other advice, but should be confirmed from alternative sources.



What is Risk Transfer?



Its defined as conveying or shifting risk from one person to another.

When done effectively, risk transfer places responsibility for the risk equitably on the appropriate parties consistent with their abilities to control the risk.

Risk transfer is most effectively addressed through contracts with which your company does business.

Why transfer the risk?



Taking time at the beginning of the contract review process to negotiate equitable terms can save you a great deal of money and headaches in the future in case a problem arises.

How can risk be transferred?



The most common method of transferring risk is through an insurance policy.

You can also transfer risk to another party through a contract.

Generally, it is most beneficial to transfer as much risk as possible via contracts to lower your business's total exposure.



WHAT CONTRACTUAL CLAUSES CAN BE USED TO TRANSFER OR CONTROL RISK?

ADDITIONAL INSURED CLAUSES

This is a clause that requires one party to add another party as an additional insured on their general liability policy(ies).

HOLD HARMLESS AGREEMENTS

This is a clause found in contracts, easements, service contracts, purchase order agreements, consulting agreements, and leases that shifts (or attempts to shift) liability for loss from one party to another.

INDEMNITY AGREEMENTS

One party, agrees to indemnify or protect another party, against damage, loss or liability.

WAIVERS

A waiver is the relinquishment or surrender of a known right.



Insurance Requirements

INDEPENDENT CONTRACTOR'S INSURANCE

General Insurance Requirements - The Required Insurance as outlined below shall cover Independent Contractor, its authorized representatives, employees, agents and any other person (including its authorized representatives, employees and agents) performing any work under any contract or agreement with Company.

Independent Contractor shall cause each subcontractor of Independent Contractor retained by Independent Contractor to purchase, obtain and maintain the Required Insurance prior to commencing any portion of the Work. Upon request of Company, Independent Contractor shall provide Company with copies of certificates of insurance evidencing the Required Insurance for Independent Contractor and each subcontractor of Independent Contractor.

Insurance carriers must have at least an A.M. Best's Rating of "A" and shall be acceptable to Company. Insurance carriers must be admitted in the State of _____



Indemnification

INDEMNIFICATION

To the fullest extent permitted by law, Independent Contractor shall defend, indemnify, hold harmless, and insure Company and its subsidiaries, affiliates, directors, officers, employees and agents from and against any and all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, which may be imposed upon or incurred by or asserted against Company as a result of any negligence or misconduct on Independent Contractor's part or anyone employed directly or indirectly by Independent Contractor, including subcontractors, employees or agents of Independent Contractor, or from any breach or default of this Agreement which is caused or occasioned by the acts of Independent Contractor, its employees or agents. Independent Contractor shall insure that its employees, agents and subcontractors take all actions necessary to comply with the terms and conditions set forth in this Agreement.

Waiver of Right of Recovery - Independent Contractor and its insurers waive all rights to recovery of subrogation or contribution against Company for any losses or damages that are covered under the any insurance policies as outlined in this agreement.

Subcontractors



PERSONS HIRED BY INDEPENDENT CONTRACTOR

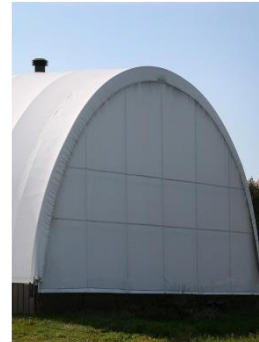
All persons hired by Independent Contractor to assist in performing the tasks and duties necessary to complete the Scope of Work shall be the employees of Independent Contractor unless specifically indicated otherwise in an agreement signed by all parties. Independent Contractor shall immediately provide proof of Workers' Compensation insurance and General Liability insurance covering said employees, upon request of the Company.

Agritourism



Nationwide®

- Expanding urban centers
- Greater rural population from urban areas
- Limited agricultural knowledge of public
- Boosts the bottom line



Agritourism



Nationwide®

On farm tourism/entertainment or activities

- Corn mazes
- Hayrides
- Farm tours
- U-Pick/Cut your own
- Bed and Breakfasts
- Petting zoos
- Pumpkin patches
- Hunting Camps
- Wineries
- Events



Insurance Considerations



Nationwide®

- Discuss changes in your operation with your Agent!
 - Review what you are planning to make sure coverage is in place before you start an activity or conduct an event
- Things to know:
 - What type of event
 - Number of people on premise
 - Controls in place – what is already in place to create a safe environment for our customers?



Identifying Risks Around the Farm



Nationwide®

Liability Exposures

- Could our operations cause harm/damages to others?
- Could our product cause harm/damages to others?
- Could others be hurt while on our farm?



Customers Onsite



Nationwide®

Considerations:

- Parking
- Walkways
- Attractive Nuisances
- Customer Access
- Customer Supervision (Children)
- Dogs
- Bathrooms
- Emergency Action Plan

How could someone get hurt or their property be damaged?



Parking



Nationwide®

- Parking Surface
- Entryway Visibility
- Directions
 - To parking area
 - To Agritourism activities



Sidewalks - Walkways



Nationwide®

- How are people getting around?
- Slips/Trips/Falls?
- Controlling access
- Providing customers information
 - Signs/Warning Info



Customer Supervision



Nationwide®

- How do we monitor customers while on-site?
 - Do we have enough employees?
 - Willing/able to enforce our rules?
- How do our customers communicate with us if there is an emergency?



Hazards Around the Farm



Nationwide®

- Chemicals
- Electricity
- Tools
- Machinery
- Animals
- Noise
- Heat/Cold
- Slips/Trips
- Toxic Gasses
- Dust
- Ladders/Falls
- Lifting
- Confined Spaces
- Ponds
- Fuel Storage
- Unguarded Belts/Gears

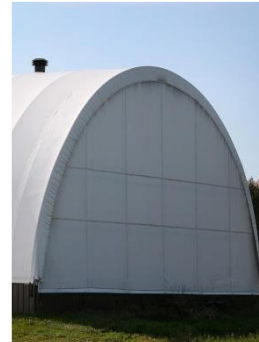


Corn Mazes



Nationwide®

- Fire
 - No Smoking
- Emergency Action Plan
- Customer Communication
- Employee Communication
- Verify Visitors Exited
- Paths/Walkways



Corn Maze Parking Fire



Nationwide®

More than 20 vehicles burned

“The smell of burned rubber and wisps of smoke remained along with the charred frames of more than 20 cars damaged in a blaze spread by wind in a wheat field Saturday.”



Petting Zoos



Nationwide®

- Hand Washing Stations
 - E. Coli Outbreaks
- Animal Temperment
- Customer Supervision
- Employee Communication



Hay rides



Nationwide®

- Lighting & marking?
- Brakes?
- Running gear condition?
- High exposure!

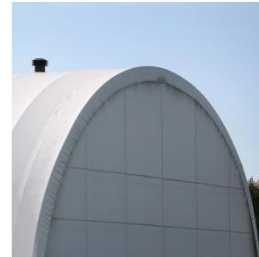


Attractive Nuisances – Farm



Nationwide®

- Silos/Grain Bins
- Manure lagoons/Pits
- Machinery
- Ponds
- Ladders
- Animals
- Unsecured Vehicles



Attractive Nuisances - Home



Nationwide®

- Trampolines
- Pools
 - Gated
 - Fenced
 - Locked



Attractive Nuisances – Farm



Nationwide®

Approximately 33,000 children seriously injured each year

1/3 to 1/2 are non-farm kids --- visitors

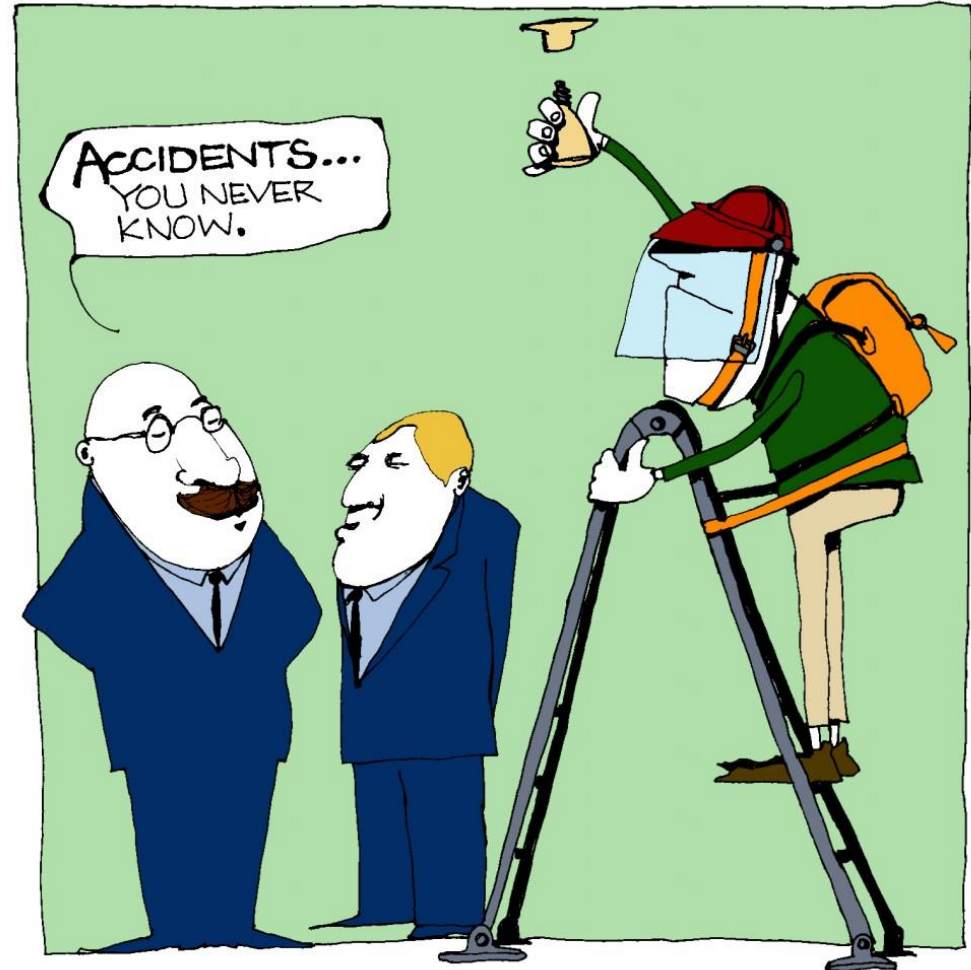


Employee Training



Nationwide®

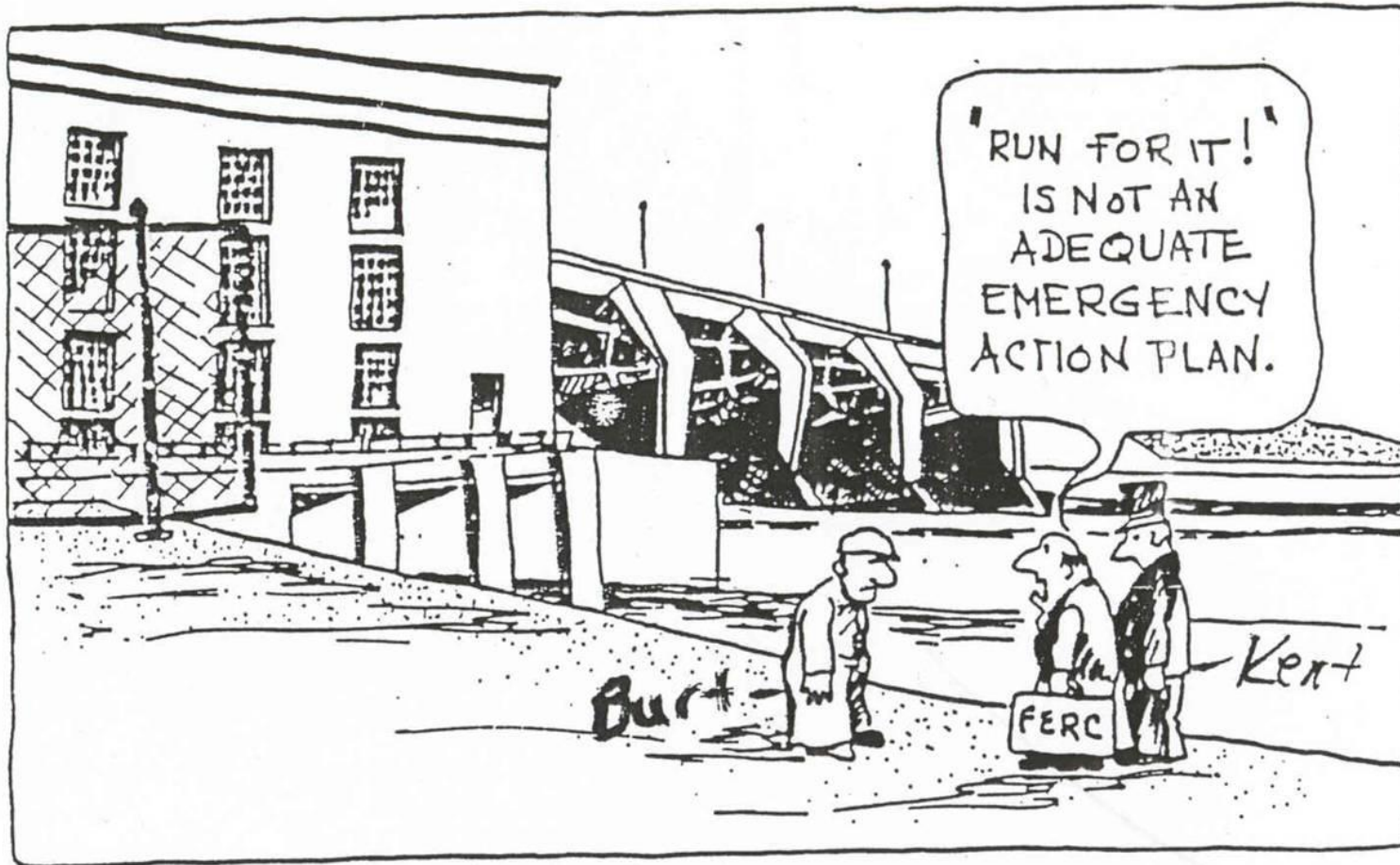
- Equipment Safety
- PPE/Chemical Safety
- Animal handling
- Confined Space
- Driver Safety
- Food Safety
- Emergency Action Plan
- Documentation!



Emergency Action Plan



Nationwide®



Emergency Action Plan



Nationwide®

- What is our Emergency?
 - Fire, Weather, Medical, What if?
- What do we do?
- Customers accounted for?
- Alerting customers?
- Employees
- First Responders
- Media
- Document!



EAP Components



Nationwide®

- Identify Emergencies
- List/Emergency Phone numbers
- Facility Map – (Additional Locations)
- Evacuation Routes
- Shelter/head count areas
- Contingency
- Document



Media Contact



Nationwide®

- Who is the designated media contact?
 - Employees should refer questions to one person.



Wrap-up



Nationwide®

- Employee Training
- Customer Communication
- Walkthrough of operations
- When considering operational changes discuss with agent





Nationwide[®]
is on your side

Questions?