

How to File a Liability Claim

A member or guest has been injured or has informed you that they would like to make a claim against your club. The following is a step by step guide for filing a claim. Please have all staff members become familiar with these procedures.

- 1) Take immediate steps to make sure that the injured party is O.K. Regardless of the severity of the injury, you must always offer to call 911. The injured party may refuse HOWEVER, if the injury is serious, i.e. loss of consciousness, dazed, non-responsive, collapsed from exhaustion, excessive bleeding, cannot answer questions, or suffered other severe trauma, you must contact 911 regardless of the injured party's refusal.
- 2) When in doubt, contact 911. If the injured party is adamant about not going with paramedics, allow them to refuse service to the paramedics directly. There is no consequence to the injured or the club if paramedics are denied upon arrival and the club is relieved of any liability in terms of "not taking action"
- 3) Document Everything: The acting manager is to complete the "Club Incident Form" immediately. Regardless of how minor the incident or accident appears; you still need to complete the incident report. **Be careful to fill out the incident form objectively, without bias. DO NOT incorporate any opinions or make any assumptions/speculations. (I.E: "The treadmill sped up on its own..." vs. "the member alleges that the treadmill sped up on its own...")**
- 4) Witnesses? Make certain that you ask any witnesses (other members or staff) to also complete a "Witness Report Form". Again, complete the report at the time of the incident.
- 5) It is not necessary for the injured party to fill out an incident report. However, if the person wants to complete a report, by all means, let them fill out the "Club Incident Report" and include their report with yours.
- 6) **Submit the "Club Incident Report" and "Witness Reports" as soon as possible along with a copy of the injured person's membership agreement or signed waiver to your agent/representative.**
- 7) You may want to write a separate letter detailing the events or any other information that may be of interest concerning this claim. For example, if the injured person is well known or a long-time member of the club and has indicated that they are "O.K.", let us know that you do not expect any problems. Conversely, if you feel that the incident could turn into a "problem", we would like to know your opinion as to the disposition or attitude of the injured party.

- 8) Be sure to follow up with the injured person the next day to see how they are doing. Common courtesy can go a long way toward protecting your relationship with the injured party and help retain them as a long-term member.
- 9) For your protection, document all conversations with the injured party and put your notes in their file. If the incident involved any faulty/broken piece of equipment DO NOT discard any of these items. Immediately following the incident, contact your supervisor/manager and request video footage from the surveillance system. Saved footage, along with any photos should be submitted with your completed incident report.
- 10) Acts of kindness toward an injured member does not constitute admission of guilt. Should you decide to extend a free two-month membership at the end of their agreement, send flowers, offer a free personal training session, by all means do so. Remember the Golden Rule. Treat others as you wish to be treated.
- 11) Contact your agent/representative immediately if you have any questions about claim filing procedure.

***PLEASE RETURN FORM TO NEAL REINIG

Neal@theinsuranceguy.com

Phone: 800-668-2340 x 2

Cell: 720-227-3634

Fax: 303-800-0548

CLUB INCIDENT REPORT

(TO BE COMPLETED BY ACTING MANAGER)

Today's Date: ___/___/_____

Name of Club: _____

Club Address: _____

Name of person completing this form: _____

Your job description: _____

Date of Incident: ___/___/_____

Time of the Incident: ___: ___AM / PM

Name of Injured: _____

Age: _____

Injured Person's Address: _____

City: _____

State: _____

Zip: _____

Home Phone # (____) ____-_____

Work Phone # (____) ____-_____

How long has this person been a member of your club? _____

Describe the Incident Below (what happened?):

****Please attached a 2nd page for additional information on this incident

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Describe the Possible Injury (sprained ankle, cut, slip and fall, etc.):

Describe the type of equipment involved (if applicable to the injury) and make any comments concerning the use of the equipment at the time of the accident:

*****If the incident involved any faulty/broken piece of equipment DO NOT discard any of these items*****

List any type of treatment performed at the club or by a doctor (Include Doctor, Hospital Name, Address if applicable):

Is there any surveillance footage of the incident? **YES / NO**

If so, contact your supervisor/manager and request video footage from the surveillance system right away.

Were there any witnesses to the incident? **YES / NO**

If so, please have each witness write a brief statement about what happened (copy of witness form is attached).

YOUR SIGNATURE: _____

Attachments to include: Copy of member's contract, Witness Reports, Saved video footage/photos of the incident

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WITNESS REPORT OF INCIDENT

Date of Incident: ___/___/___

Name of Injured (if known): _____

Witness Name: _____

Address: _____

City: _____

State: _____

Zip: _____

Home Phone # (____) ____-_____

Work Phone # (____) ____-_____

Are you an employee of the club? **YES / NO**

-If Yes, what is your job description?

Are you a member of the club? **YES / NO** -If Yes, for how long? _____

Do you know the person who was injured? **YES / NO**

-If Yes, please describe your relationship:

Describe what you witnessed about this injury/incident:

YOUR SIGNATURE: _____