

Baptist Insurance Services

APRIL 2019

SOCIAL MEDIA

Many churches and christian organisations use a broad range of social media platforms. Through these platforms they are able to reach a much broader audience and keep up with people and issues no matter their geographical location. Social media is a viable method of expanding church community and outreach into the virtual and physical worlds, communicating with current members and reaching out to new ones.

Social media continues to expand and evolve and it is critical for churches and christian organisations to develop a comprehensive social media policy.

A joke among friends is one thing but a joke with the world at-large is much different. When potentially offensive content is posted online, the amount of feedback can be excessive and is often brutal. This is particularly true with highly opinionated subjects like politics and religion. A seemingly innocent comment can do major damage to a church's reputation and can even have legal ramifications.



There is a story of a church who baptised a former Muslim man as a new convert to Christianity. He expressly asked the church not to publicise this in any way. Unfortunately, in their excitement a photo was posted. When this person returned to Syria to see his family, he was kidnapped and tortured and barely made it out alive. He ended up suing the church for damages.

Guidelines should include

- Roles and responsibilities for content including conversation and moderation of posted comments.
- Decide on the purpose of a particular platform.
- What person/s have the right to speak on behalf of the church?
- Effective controls on posting. If anyone has access to post on a church page, then the church has lost control on who speaks on its behalf. Nominate an Administrator/s who review content before it can be posted.
- Guidelines on what content is not acceptable, including copyright material, use of language, offensive material, bullying or discrimination.

Further information be found on our website: Risk Information - Churches Social Media

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Are we covered if we serve alcohol at our events (eg weddings)? Yes you are covered if alcohol is served at events. The only stipulation the insurer has provided in relation to alcohol is that it is not 'sold' at events. When money is exchanged for alcohol, then cover is excluded.

Someone from the community wants to hire our hall for their wedding? Do they have to get their own public liability insurance? No they don't. The Insurer has agreed to extend the church's cover to include 'private family functions'. Private family functions include events such as weddings, funerals, anniversaries, birthday parties. This cover not only includes those who go to your church, but also those outside the church.

We received an email from a company we deal with on a regular basis advising they have changed bank accounts and requesting we update our records. Is that normal? Many companies do notify their customers in this way. However, social engineering is an ever-increasing concern allowing hackers to divert funds. Always ensure that you follow up these types of emails with a phone call to the Company to verify the email was sent by them.

Our building has flooded and damaged our carpets. Who should we call? If you have sustained carpet damage, it is important that you tend to this immediately. If carpets are able to be dried as soon as possible, it can mean that they do not require replacement. Replacement is not only costly, but adds additional time that a room cannot be used. For this reason, we recommend the services of **Steamatic**. They can be contacted 24/7 on 1300 783 262. You do not need to contact our office for approval as this type of service is classed as an emergency repair. We do however, need to be advised of the claim as soon as practically possible.

I am travelling on behalf of my church/organisation, am I covered if I have a pre-existing medical condition? Our Insurer, TravelCard, has advised they will cover pre-existing conditions as long as you have a letter from your GP stating that you are fit to travel with this condition. Whilst cover will not pay for medical costs in treating your condition, it will cover costs for unforeseen medical costs relating to this condition, subject to policy terms and conditions. If you are in doubt, or you are unable to obtain a letter from your GP, please contact your local BIS office.

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CHURCH-RUN PLAYGROUPS

Many of our churches organise playgroups for the children of their congregation and also for the wider community. Playgroups can present great opportunities for parents to develop relationships as well as providing a great environment for children to learn and develop. Playgroups typically encourage parent participation but not always.

As with any activity involving children, we have a duty to keep children safe while they are participating in a playgroup. The checklist below addresses playgroups held in church owned premises and is intended to assist in the identification of risks that might compromise child safety. A more comprehensive checklist can be found on our website. If your church runs a playgroup, we encourage you to download the document, "Risk Information - Churches Playgroups".

Effective Risk Management will identify ways of minimising the impact of those risks to help keep our children safe. Where your playgroup is held in 3rd party owned premises (e.g. a private home or a community hall) you will need to ensure that appropriate risk assessments and insurance arrangements are in place.

- Venue is cleaned and checked for hazards (including choking hazards) prior to any session. This includes outside play areas.
- Sufficient space for the number of people attending for the anticipated activities.
- Adequate toileting / potty facilities.
- Chemicals secured in locked containers.
- Protective plugs into power points to protect curious young fingers.
- Play equipment regularly maintained and cleaned.
- Pathways cleared to prevent trip hazards.
- Sunsmart guidelines (hats, sunscreen).
- Appropriate outdoor fencing enclosure.
- Leaders/participants to have Working With Children Checks.
- Foodhandlers to have adequate training, eg handwashing, use of equipment.
- Allergies to be identified and clearly communicated.
- Emergency action plan in place, including contact numbers of parents.



Insurance for this ministry of the church includes personal accident cover for volunteer leaders and public liability that will provide protection to the church if a family sues the church in the event of an injury sustained by their child.

WHY DO I NEED TO CONTACT BIS IMMEDIATELY IN THE EVENT OF A CLAIM?

There are times when BIS finds out about a claim well after the incident triggering the claim has taken place. For example, a cyber claim. An organisation receives a ransomware threat. Instead of contacting our office immediately, they take matters into their own hands and pay the fee to unlock their server, or someone they know has IT contacts that can assist and so they employ them to assist. By the time BIS hears about it, thousands of dollars may have been paid. If money has changed hands without the Insurer's approval, we cannot guarantee the Insurer will provide cover as their rights may have been jeopardised.

Also, all our Insurers are specialists in their fields. In most cases they can handle issues directly, meaning claim costs are reduced and stress on the church or organisation is minimised as the Insurer acts on their behalf.

Any class of claim, ranging from property to a liability claim, should be notified to our office immediately. We are here to assist you.



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EMPLOYMENT PRACTICE CLAIMS

We are seeing an increased number of employment practice claims being made by our constituents. These are usually the result of a person’s employment being terminated incorrectly, ie not following the right process or on grounds that don’t warrant termination. The cost of these claims are generally high. Currently, the excess for schools is \$10,000 and for churches, \$5,000. Obviously, the balance of any claims is paid by the insurance company.

Should claims numbers continue to escalate, the Insurer may be forced to raise these excesses and possibly increase the premium for this cover. Whilst Baptist Insurance Services works hard with our insurers to keep premiums below market benchmarks, it becomes a far more difficult task when claims costs remain high.

When your church/organisation’s management body becomes concerned about an employee’s performance or an aspect of their employment and are questioning whether they should remain employed, by law we are required to follow certain processes. If these processes are not followed, no matter how justified you may feel in dismissing someone, the law will invariably favour the employee.

EMPLOYEES **MANAGEMENT**
DISCRIMINATION **LAW**
EMPLOYMENT **GENDER**
WRONGFUL **TERMINATION**

If there are performance issues, then a three warning process must take place over an appropriate period of time. In this period, you must advise the employee where they are not meeting agreed requirements for the role and provide advice/training/assistance to them so that they have a chance to improve to the level required. An adequate amount of time must be given to them for improvement. All meetings must be minuted and the employee in question must receive, in writing, a summary of each discussion, outlining requested areas for improvement. If after the third warning (through a formal meeting), they fail to meet the level required, then and only then, can their employment be terminated. If it can’t be clearly shown that you have given them the chance to improve, then in most cases the employer will be held liable.

If the issue is not so much performance on the job, but a ‘moral’ issue or difference of opinion on religious grounds, then it can become more complex. The church/organisation can be sued for discrimination. Litigation in this area is increasing. There are a number of areas that can assist your organisation in this area, such as ensuring your Letter of Employment and Code of Conduct detail as much as possible and are signed off by both parties. Many dismissals are based on the assumption that the values of a christian organisation will simply be an accepted part of employment in a court of law or bodies such as Fair Work. Unfortunately, assumptions are not enough. The Law will always look to contract wording as a major part of their decision making.

If you find a disgruntled employee does claim against you, we ask you to contact our office immediately. Do not engage your own lawyers and do not respond directly to the claimant. Should you take matters into your own hands or use your lawyers, the Insurer may not be able to cover those costs. The Insurer has their own lawyers who specialise in this field.

Should you have someone in your employ whose employment you are reviewing, please contact our office to discuss so that we can provide assistance. Alternatively, contact your local State office to discuss. Ensure those who manage HR in your organisation are up to date with current employment legislation.

BIS Insurance Panel

Below is a summary of your insurance providers for the period 30 September 2018 to 30 September 2019:

Property	Allianz Insurance
Liability and Professional Indemnity	CCI
Personal Accident (Volunteers and Youth)	Accident and Health
Personal Accident (Pastors and Spouses)	Accident and Health
Corporate Travel	TravelCard
Management Liability and Comprehensive Crime	CGU
Cyber Protection	CGU
* Motor Vehicle (Cars, Trailers, etc)	Zurich Insurance
* Marine (Canoes, rafts, kayaks, boats)	Vero Insurance
* Contract Works (for works over \$500K)	Vero Insurance

** This is only available for those who have paid an extra premium for this cover*

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COMMUNITY GARDENS

Community Gardens are becoming more widely used amongst churches. They are a great way to involve and reach out to the local community. Setting up and running an effective community garden requires a good risk management process.



Below are some of the areas we would recommend for consideration:

- Do you provide orientation for new gardeners, including training in correct use of equipment?
- Have you decided how the garden will operate - individual or communal plots?
- Have you developed usage guidelines for communal plots?
- Have you developed and communicated a dispute resolution procedure?
- Have you developed procedures for reporting incidents?
- Do you use hazardous equipment? If so are they regularly maintained and used safely?
- Are gardeners aware of any protective equipment, eg gloves, masks, hats, ear protection, sunscreen, etc?
- Has the site been prepared to eliminate slips and trips?
- Are gardeners trained in lifting correctly?
- How are dangerous chemicals stored and handled?

Further information can be found on our website under Risk Management

IMPORTANT!

Please note that Property Claims need to be notified as soon as possible, ie within 14 days. If claims are not reported in a timely manner after the date of loss/damage and/or the insurer's rights have been prejudiced, your claim may not be accepted. Unless there are extenuating circumstances, claim notification outside 6 months will not be accepted.

Motor Vehicle Insurance

(This relates only to those who have paid an extra premium for Motor Vehicle Insurance)

For those who have their motor vehicle insurance through BIS, if you do have a motor vehicle accident, please contact Zurich direct to lodge your claim and quote the motor vehicle policy number. The Zurich claims consultant will assist you with the claims process. Zurich will direct you to use their own Repair Centres. If the Insurer or Repairer asks you to pay the excess directly, please do not pay, but contact the BIS office as all excess invoices come through our office, and not through the repairer or insurer.

Potential Claims

Please contact your local State BIS office as soon as you are aware of any potential claims, ie where you receive/have:

- A verbal complaint which cannot be easily solved and without expense
- A letter threatening legal action from an individual
- A solicitor's letter threatening legal action
- A writ/summons/subpoena/legal court document
- Have a contentious employee termination

If you have any potential claims that have not yet been reported to us, please advise us immediately.

BAPTIST INSURANCE SERVICES CONTACTS:

Queensland	Alison Ellem
New South Wales/ ACT	Tim Williams
South Australia/ NT	Glenn Dixon
Western Australia	Natalie Coulson
Tasmania	Rodney Marshall
National/Victoria	Kym Bennetts Chris Mackenzie Sue Roggero Erica Purcell