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REPORT
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Accident Prevention

Report, Investigate Close Calls to Improve Safety

ONE OF the most important workplace safety tools you can implement is reporting near misses and correcting the factors that lead to them.

A near miss is an event that could have led to a workplace injury, illness or death. While you are not required to report near misses to your insurer, you should take note of them because they can help identify deficiencies in your safety protocols.

You should use near misses as a starting point for inspections that can help prevent actual workplace injuries. But you can't investigate what you don't know, so it's crucial that your staff report such events.

Program essentials

The National Safety Council recommends that the following be included in your safety program:

- Clearly define "near miss."
- Establish a reporting system that reinforces that every opportunity to identify and control hazards must be acted on.
- Investigate to identify system weaknesses or employee actions that led to the near miss.
- Use investigation results to address the failure that led to the near miss and to improve safety systems.
- Use the lessons learned and new protocols in employee safety training.

Near miss defined

An OSHA fact sheet defines a near miss — or close call — as an incident in which no property was damaged and no workers were injured, but given a slight shift in time or position, damage or injury could have occurred.

Resist the urge to chalk a near miss up to luck. The fact sheet stresses that although near misses cause no immediate harm, they may precede events in which a loss or injury could occur.

Typically, near misses are the result of a faulty process or inadequate safety rules. Try to investigate where the breakdown occurred and how it can be improved.

Tracking strategies

Resolve and plan: A chemical manufacturer tracks lower-level claims and near misses to identify areas where more significant injuries are likely to occur. The company encourages employees to resolve issues on a temporary basis until permanent controls can be implemented.

Event system: Another manufacturer uses near-miss analysis to head off future incidents. It uses an event system that records near misses, including detailed information on what led to them and the lessons learned. These lessons are shared throughout the organization.

Reporting system

Encourage your workers to report such incidents because they may occur out of sight of a supervisor or manager.

Provide clear instructions for all personnel on how to report near misses, including who to report to. Create forms that detail what happened and why it constituted a near miss.

Do not retaliate against any employee for raising a near miss or other safety concerns. Instead of trying to assign blame when investigating a near miss, focus on what precipitated it.

Rooftop Solar Panels Can Complicate Building Fires

WHILE SOLAR technology can provide significant long-term benefits for commercial property owners, they should also understand how these systems can affect fire safety.

Solar panels do not frequently cause fires on their own. However, when a fire occurs, the presence of a rooftop solar array can complicate firefighting efforts and increase the severity of the loss.

As insurers encounter more claims involving solar-equipped buildings, many are paying closer attention to how these systems are installed and maintained.

How they interfere with firefighting

Fires often require firefighters to quickly access rooftops, ventilate buildings and locate hidden fire conditions. Solar arrays can interfere with these efforts in several ways:

- Panels continue producing electricity when exposed to light, even after power is shut off.
- Large arrays can limit roof access and reduce available work areas for firefighters.
- Panels may block ventilation openings used to release smoke and heat.
- The area beneath panels can allow fire to spread across a roof.
- Solar equipment can interfere with thermal imaging and efforts to locate hot spots.
- The added weight of panels can affect structural stability during a fire.
- Burning components and battery systems may produce toxic smoke and hazardous gases.

Installation and maintenance

Most solar systems are safe when installed correctly. However, poor workmanship, incompatible electrical components, damaged connectors and inadequate maintenance can create additional hazards.

Steps to reduce the risk

- Hire qualified, certified solar installers.
- Ensure systems has rapid-shutdown capabilities.
- Maintain adequate roof access and firefighter pathways.
- Clearly label disconnect switches and electrical equipment.
- Remove debris that accumulates beneath panels.

One of the most effective steps commercial property owners can take is to work with the local fire department before installation begins.

Large building owners should consider inviting the fire department to review installation plans and develop a firefighting strategy before the project is completed. Sharing information about roof layouts, equipment locations, shutoff procedures and access points can help emergency responders prepare for a possible future incident.

Written emergency procedures should also clearly identify who is responsible for shutting down solar equipment and communicating with first responders.

The takeaway

If you are considering solar panels for your commercial property, please call us to discuss your plans. If you can show your insurer that you've taken steps to mitigate damage should a fire occur, you may positively affect your insurance rates.

Telematics Offers Protection, Potential Liability

FOR COMPANIES that operate fleets, telematics has become one of the most effective tools for improving safety, reducing accidents and controlling insurance costs.

Cameras, GPS tracking, driver scorecards and vehicle sensors can help identify risky behavior before it results in a serious crash and provide vital data after a crash. But the same data that helps defend a company after an accident can also be used against it if the technology is not properly managed.

To ensure that your organization benefits from telematics rather than suffers from it, establish a program that emphasizes regular driver analysis, strong follow-up and a strict focus on safety.

The wonder of telematics

Telematics systems collect a wide range of information, including:

- Speed
- Braking patterns
- Location
- Route history
- Driver behavior

Many systems also include forward-facing and driver-facing cameras that provide valuable evidence after a crash.

Fleet managers can use telematics to identify drivers who speed, brake aggressively or drive while distracted and intervene before an accident occurs. The technology can also help exonerate drivers when another motorist causes a collision.

Telematics also provides valuable insights for insurers and claims adjusters. Data from the units can help reconstruct accidents, speed up claims investigations and reduce fraudulent claims. Some systems can automatically trigger a first-notice-of-loss report after a crash.

How it can hurt an insurance claim

Telematics provides those benefits only when the system is functioning properly and the firm acts on the information it receives.

For example, a camera mounted too low or slightly out of alignment may miss critical accident footage. In other cases, video timestamps may not match electronic logging device (ELD) or GPS records, creating inconsistencies that can complicate accident reconstruction.

Missing footage can also become an issue. If a company's retention settings overwrite video before it is preserved, critical evidence may be lost before investigators can review it.

In those situations, telematics data can strengthen allegations of negligent supervision or retention.

Issues that can affect claims

- Cameras that are improperly positioned or not functioning, which can obscure fault in an accident.
- Video and ELD timestamps that do not align, creating inconsistencies that can complicate accident reconstruction.
- Missing trip or event data.
- Inadequate video retention policies, which can make a legal defense more difficult if records are subpoenaed.
- Poor documentation of coaching or disciplinary actions.
- Failure to regularly review telematics reports.

Perhaps the greatest risk arises when telematics identifies a problematic driver and the employer fails to take action.

If telematics records repeatedly show speeding, distracted driving or other unsafe behaviors, plaintiffs' attorneys will ask what the company did in response. If there is no evidence of coaching or disciplinary action, that may be used to argue that the employer knew the driver posed a risk and allowed them to keep driving.

Best practices

- **Be open with your drivers.** Telematics is not always popular with drivers. Make sure they know that the cameras are there for their protection, not constant surveillance. Clear communication can turn skepticism into trust and acceptance.
- **Turn data into coaching moments.** Use video to provide actionable feedback. When drivers see what happened, like driving while distracted, they're more likely to change their habits.
- **Keep reviewing and following up.** Check your video data regularly to spot patterns early. Logistics companies that adopt this proactive approach have cut accident rates by up to 40% and fuel costs by around 10%, according to the Department of Energy.
- **Regularly inspect equipment.** Run timestamp tests and monitor cameras to ensure they are positioned correctly.

Growing Legal Threat

Study Finds AI Hiring Tools May Increase Bias Risks

A NEW STUDY has found that artificial intelligence hiring tools can disproportionately screen out Black and Asian job applicants and may repeatedly reject the same candidates across multiple employers that use the same technology.

The findings raise new concerns for employers as AI increasingly becomes a fixture in recruiting. According to the World Economic Forum, about 90% of companies now use artificial intelligence to help vet job applicants.

Researchers at Stanford's Institute for Human-Centered Artificial Intelligence analyzed 4 million job applications submitted to more than 150 employers using the same third-party hiring platform. They found that 26% of Black applicants and 15% of Asian applicants applied for positions where the AI system produced outcomes that met the Equal Employment Opportunity Commission's standard for adverse impact.

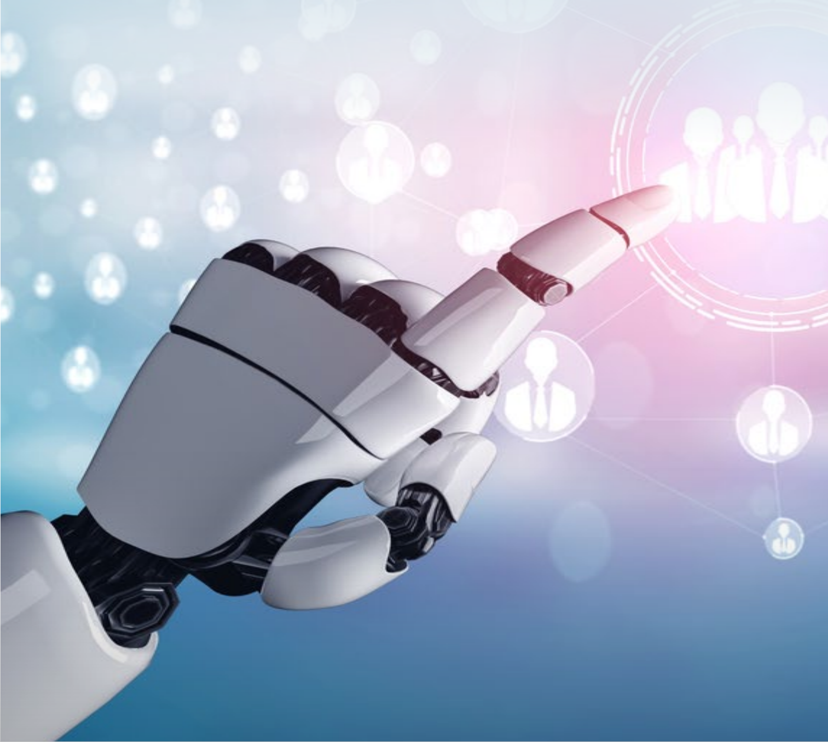
That means about 40,000 applications by these applicants could have moved to the next stage of the hiring process.

The study's findings mean that employers need to be mindful of potential discriminatory results from using AI during the hiring process. The risks may be particularly acute in California, where regulations that took effect in 2025 require employers to ensure that AI and other automated decision systems used in hiring do not discriminate against protected classes.

Bias may be hidden

The study found that discriminatory outcomes can be difficult to spot because aggregate data often masks problems.

For example, an AI system might recommend Black applicants for one type of job but reject them for another. When all positions are combined, the disparities may disappear statistically even though significant differences exist for individual jobs.



That is an important distinction; courts typically analyze disparate-impact claims on a position-by-position basis.

Also, many employers rely on the same small third-party vendors to screen candidates. As a result, the same algorithms may influence hiring decisions across hundreds of companies.

The researchers found that applicants who applied to multiple jobs screened by the same AI platform were more likely to be rejected by every employer than would be expected if each company made decisions independently. One in 10 applicants who submitted four applications through the platform was rejected by all four employers.

Steps employers can take

Employers that use AI in recruiting may want to consider the following safeguards:

- Conduct adverse-impact analyses by individual job position.
- Require vendors to provide validation studies and bias-testing data.
- Maintain human review of applicants screened out by AI.
- Periodically audit hiring outcomes for potential disparities.
- Document how AI systems are selected, tested and monitored.
- Establish oversight teams that include HR, legal and technology personnel.
- Train managers on the limitations and risks of automated decision-making.
- Closely monitor evolving federal and state regulations governing AI in employment.

The takeaway

Employers remain responsible for the tools they use. Even when using systems from third-party vendors, courts are likely to hold employers accountable for discriminatory outcomes.

As a result, employers should treat AI governance as a central part of their compliance efforts and build in safeguards that can provide a solid defense if sued.

If you have any questions regarding any of these articles or have a coverage question, please contact your broker at:

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