



# Rolling Along E-Blast

July 21, 2011

## Product Safety in your Risk Management Plan

Let me paint a scenario for you:

An eight year old customer of yours has been left paralyzed due to the surrey he was riding in being hit by a car. Because the driver of the car is unemployed with no assets to speak of your business is named as a defendant. You are sitting in a courtroom in front of a jury of 12 people who see a wheelchair bound child while the plaintiff's lawyer asks you the following question: What procedures do you have in place to ensure the safety of your customers?

There are literally dozens of things that you can do to make the rental experience safer for your customer; from preventative product maintenance, to increased staff training, to increased customer awareness.



### Preventative Product Maintenance-Often Overlooked Items



The physical condition of the bike is the thing most people (such as a jury) can identify with. Think about how many high profile cases you've heard about where the jury wants to see the vehicle involved in a case or visit the scene of where the incident occurred. If you were sitting on a jury, what would you look for?

I'm sure you're all aware of the following safety checks, but are your staff? These are some of the items that could get overlooked both by new and returning staff members.

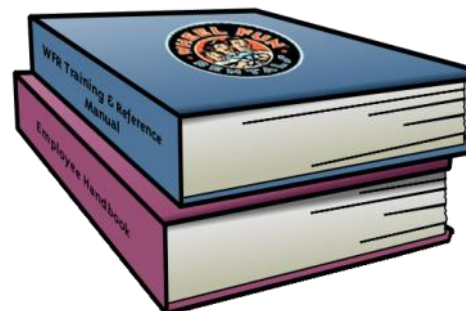
- **Surrey Brake Adjustment** – Does your staff test adjustment with the brake lever engaged to see if the Surrey still rolls? While they are checking adjustment, do they look for frayed or broken brake cables?
- **Specialty Product Brakes** – Does your staff check for coaster brake responsiveness often, or do they just push the bikes out every day?
- **Tires and tubes** – Do the tires have adequate tread or are they bald or have exposed threads?
- **Surrey rubber boots** – Do you have these on upper and lower steering joints and are they in good condition?
- **Chains** - Are chains tensioned properly to prevent derailment and coaster brake failure?
- **Chain guards** – Are these securely installed to prevent damage to clothing, injury, or bike malfunction?
- **Specialty Product Skins** – Are they torn, enabling a child to stick their hand into the moving spokes, or is the metal rod that keeps the skin in place exposed creating a poking hazard?
- **Reputable Businesses** – Are you purchasing your products from reliable sources that have a proven track record for safety and complete insurance coverage?

### Increased Staff Training

In addition to the physical condition of the bike, a plaintiff's attorney is going to want to know what employee training systems you have in place.

If he asks you "What are you doing to ensure your employees receive proper training?" are you prepared to answer that you have the following in place:

- **Training & Reference Manual and Maintenance Manual** – Does each location have these? More importantly, does your staff know what they contain?
- **New Hire Paperwork** – Do you make your staff sign an acknowledgement that they have read the Training Manual? This signed brief paragraph is one more document you can present to defend yourself years after the employee has left your company (Franchise Manual Document #05-03-12).
- **Accidents** – Does your staff know what to do if there is one? Do you always have accident forms in each location file box?
- **Orientation and Training DVD** - Did you use Training DVD? It includes information that all staff members should know and has an extended mechanic's training session
- **Laminated Safety Instructions** – Do you have these on hand for new staff members until they become familiar with the safety instructions? More importantly, have you customized these instructions to take into consideration the various safety concerns that may be unique to your location?
- **On-The-Job-Training** – Who handles this? If it isn't you personally, is it a lead person or supervisor who you can trust to effectively and thoroughly communicate the importance of safety instructions and safety checks? After all, it will ultimately cost you, not your employee if a lawsuit does occur. Can you trust the trainer with the future of your business?
- **Mechanics Checklist** – Do you have one in place? If not, we have a template you can use in the Franchise Manual (Document #12-01-04a)
- **Consistency** – Does your veteran staff ALWAYS give safety instructions and helmets as necessary for all products even to returning customers? One missed safety instruction could cost you thousands in legal fees, out of court settlements, and increased insurance premiums.



### Increased Customer Awareness

We know "failure to warn" is the area with the greatest liability exposure. If you are asked, "What do you have in place at your location to warn customers of the potential dangers of renting your products?" Can you say that you have: Rental Guidelines signs, laminated safety instructions for staff and hand out safety instructions at Share-Rev locations, easily readable warning stickers on the product, Assumption of Risk waiver always signed by every renter and an ample supply of helmets.

### Safety Products

In addition to all of the above, are you prepared to state that you have the following in place to further prevent potential injuries?



Helmets	Flags & Bells	Surrey Footrests
Warning Stickers	Wheel Covers	Crotch Straps for Surreys
Seat Belts for Surreys or Deuce Coupe Baskets	Headlights (LED) for nighttime riding	Front Freewheel System

If you have all of the above in place you can answer that lawyer's questions completely and with confidence that you have done everything reasonably possible to ensure the safety of your customers.

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