

GUIDELINES FOR LOSS CONTROL COMMITTEES

The State of North Dakota is committed to the protection of its employees, visitors, facilities, information systems, and financial resources. Safety and loss control programs are provided for the benefit of employees, visitors, taxpayers, and the environment.

An agency's risk management program and its loss control committee shall serve as a source for leadership and policy guidance on matters affecting risk management, environmental and occupational health, safety, and the security of persons and properties. Loss control requires the commitment of everyone at all levels — agency/division directors, risk management contacts, safety directors, and all employees.

Loss control committees should have representation from all areas of an agency. This structure will help the committee to effectively address issues, disseminate information, and delegate tasks that may need to be accomplished by the agency.

Loss control committees serve various purposes, including:

- to promote policies and programs that will provide a safe and healthy working for employees, and members of the public, and that will protect public property from injury or damage;
- to endorse and systematically promote employee safety training;
- to identify, correct, and report potential hazards and/or unsafe work practices; e.g. to review accident and loss summarized reports and statistics; and
- to report at least annually to the agency head on safety initiatives and program development.

See [Risk Management Manual](#) for more information.

A loss control committee should meet as needed, but at least annually. If an appointed member is unable to attend, it is his/her responsibility to ensure another representative from that division attends the meeting in his/her place.

Privileged Communication—Exempt Records: All communications at a loss control committee involving agency incidents or claims are privileged under N.D.C.C. §32-12.2-12 and committee members should not disclose those communications and discussions when they involve claims or incidents that could potentially give rise to liability except as directed by the agency head or legal counsel. Records created by a loss control committee are privileged as well and should not be disclosed when the records relate to an incident or claim that could give rise to liability except as directed by the agency head, legal counsel, or the Risk Management Division. Risk Management records, including incident reports, claims, investigative reports, and other records of a pending or reasonably predictable claim are exempt and may only be disclosed if the Director of the Risk Management Division determines that disclosure will not prejudice any pending or reasonably predictable claim.

Senate Bill 2232 of the 2011 legislative session was introduced and passed to clarify that agency loss control committees are not governing bodies within the meaning of the open meetings laws. As a result, agency loss control committees should no longer provide notice of meetings to the Secretary of State or purport to go into "executive session" to discuss agency losses or incidents.