

Protect the Legal Health of Your Organization, Too

Several years ago, a kennel attendant for Noah's Ark Animal Welfare Association in Ledgewood, New Jersey, contracted toxoplasmosis. She filed a workers' compensation claim, alleging that she had contracted the disease at the shelter. "It was her doctor's assessment that the disease was directly related to the job," says Nichola Redmond, shelter manager at the time and now program coordinator for The HSUS's Mid-Atlantic Regional Office. "I was told by the insurance company that where she contracted the disease could neither be proven nor disproved, and that to avoid litigation we should pay the claim."

The state reimbursed the employee for missed work. The shelter's general liability insurance policy reimbursed her for medical bills.

Fortunately, Redmond had earlier been given responsibility for making sure that Noah's Ark was legally protected, and had taken appropriate steps. "I came up with scenarios that might occur and made sure that we were covered," she said. "Our board of directors instructed us to do this."

Managing Risks

This case illustrates the potential liability any shelter faces from claims based on occupational hazards such as zoonotic diseases. It also shows how a responsible humane organization took steps to protect itself.

Succeeding at risk management means instituting sensible safety precautions, updating forms and contracts, and buying the right insurance coverage. The first step is to make sure adequate safeguards are in place to protect staff and volunteers. Make sure your facility complies with workplace-safety rules mandated by the federal Occupational Safety and Health Administration (OSHA). In addition, your shelter must have proper air-circulation systems, wash stations, access to first aid, cleaning and disinfecting procedures, personal protective equipment (such as gloves of various thickness and eye wear), animal-restraining equipment, and record-keeping procedures.

Also, your shelter should conduct training programs for staff and volunteers that include dissemination of health-related information. Your agency should understand the Americans with Disabilities Act and accommodate employees who are immunocompromised (such as those with HIV/AIDS) or who have other disabilities as defined by that federal law. People who are immunocompromised are most at risk of contracting a severe zoonotic illness.

Shelter managers tread a fine line when balancing the need to protect employees with the right of employees to perform their jobs. The classic shelter example involves a kennel worker who becomes pregnant and thereby puts herself at risk of complications resulting from contracting

toxoplasmosis. The shelter manager should educate the employee about the risks associated with cleaning litter pans, and then offer the employee a different assignment until after the pregnancy. The shelter must not force the employee to accept that assignment. If a pregnant employee refuses to be temporarily reassigned, then the shelter should have her sign a waiver of liability stating that she was apprised of potential risks, and provide her with protective clothing, such as gloves.

Adoption Program Risks

Keep in mind that a shelter's potential liability might not end with employees or volunteers. Say an adopter or a member of her family contracts a zoonotic illness shortly after adopting a pet from you. If the family sued your organization, would you be protected?

To date, according to the American Veterinary Medical Association, lawsuits against veterinarians in the United States for negligence resulting in human harm from zoonoses have either been dropped or settled out of court. A pet store settled with a family for \$1.5 million after a child who purchased a puppy there lost sight in one eye as a result of a zoonotic infection. The pet store allegedly was deficient in both record-keeping and deworming procedures.

The HSUS knows of no case to date in which a shelter was sued after an adopted animal was believed to have transmitted a disease to the adopter or a member of his family. However, shelters have been successfully sued in cases where adopted animals have bitten humans or required veterinary care. Last summer, for example, the Escondido (Calif.) Humane Society was ordered to reimburse two families \$1,109 for the veterinary bills of puppies adopted from the organization who were allegedly diseased and later died.

Your shelter's adoption contract should already state that your shelter makes no representations or guarantees about the health of shelter animals. It should also require that the adopted animal be examined by a veterinarian within three to seven days after leaving your shelter. Your shelter should develop a vaccination and deworming program for all pets up for adoption if your shelter does not already have such a program.

Also add information to your adoption kit to educate adopters about potential zoonotic risks and the steps they should take to reduce their exposure.

Finally, check to make sure your shelter's general liability policy protects your organization. If your policy already covers your agency for adopting out a dog who later bites someone, then your organization is likely covered for any human harm that might result from the transmission of a zoonotic disease. *Animal Sheltering/March-April 1996*