

SHIELD

a quarterly publication from Protective Insurance

**Shining a Light
on a Healthy Winter**

**"Mandatory" Hair Testing for
Driver Drug Tests**

**How to Staff for Peak Season While
Minimizing the Cost of Bad Hires**

**Don't drive a car...
WHEN YOU
NEED A TRUCK**

FALL 2020

 **PROTECTIVE
INSURANCE**

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Shining a Light on a Healthy Winter

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NEWS & NOTES



OFFICER CREDITS TAT TRAINING FOR HELPING HER RECOGNIZE POTENTIAL HUMAN TRAFFICKING

When the 18-wheeler rolled over the scale in mid-June at the Fort Collins, Colorado Port of Entry, Officer Jeanay Angel began what turned out to be anything but a routine inspection stop.

Almost immediately, she noticed the passenger in the truck looked significantly younger than the driver. Having recently completed the Truckers Against Trafficking (TAT) in-depth law enforcement human trafficking training, she took this as a suspicious sign and pulled the truck in to verify the passenger authorization required by the Federal Motor Carriers Safety Administration and to talk to both parties in the truck.

"In addition to the age difference between the passenger and driver," she explained, "I parked the truck, because the girl appeared to be no visible relation to the driver and the tattoo on her neck, from a distance, looked like a barcode... Like you typically find on food."

The driver, who came into the office, had the necessary authorization and stated that the girl, who was almost 30 years younger, was his girlfriend of a few months. Angel asked if she could talk to the girl and was given permission.

"I typically do my interviews one-on-one," Angel said, "so I have practice there, but, with this contact, she said everything that's

taught in the human trafficking classes about what survivors go through or what the traffickers use against them or prey on to convince the survivor to stay.”

The girl, who was covered in tattoos, stated she was an out-of-work model, was broke and had cut all her own hair off, because she was depressed following her dog’s death. Angel asked her several times if she was okay, felt safe and wanted help, and the girl declined to give a clear answer.

The IDs of both the driver and passenger were clean in Colorado’s law enforcement database, so Angel told them they could go. The driver brought up human trafficking in conversation and said he thought it was a theory and scam, that he had a party bus in Oklahoma and had never been in trouble.

After they left, Angel still believed “none of it felt or sounded right,” so she ran their IDs through a national database and found an outstanding arrest warrant from Oklahoma on the driver for child sexual abuse.

“It was very hard to have the knowledge and training I’ve had and not be able to do anything about it without the help of the passenger,” Angel recalled. “It was also emotional for me to have had the attitude the driver displayed, the indicators from the passenger, and then to find out about his warrant after they left.”

She continued, “After learning about the warrant, my first step was to contact the first port they would be in contact with next in Wyoming, even though, based on the time, they most likely had passed already. I had no idea they would take my information so seriously to put out a BOLO (be on the lookout) for the truck. I hated to have to admit my mistake that I let them go, but if I wouldn’t have, he would have gotten away and she would still have been in the truck.”

After contacting Wyoming troopers, Angel alerted TAT. TAT confirmed the arrest warrant in Oklahoma and also spoke with Wyoming Highway Patrol, who stopped the truck, arrested the driver and worked with Oklahoma to extradite him. Additionally, TAT made a number of other contacts to law enforcement and trucking entities to alert the driver’s company in another state of what was occurring.

“Once getting out the information to both Wyoming and TAT,” Angel stated, “finding out how many agencies were contacted from there was honestly so relieving and heartwarming. Also, getting updates frequently from different officers so I wasn’t left hanging showed they know what it’s like to have a situation like this and never getting updates.”

Using a victim-centered approach, the Wyoming State Patrol paid for a hotel room for the girl for the night, and while she said the driver hadn’t harmed her, both TAT Deputy Director Kylla Lanier, who provides law enforcement training, as well as members of law enforcement involved in the case, believe the girl was being groomed for trafficking. Lanier counseled the girl regarding warning signs and future involvement with “her boyfriend.”

Angel credits TAT training for knowing what she was looking at and what to do. “Without the law enforcement training and seminars put on by TAT,” she said, “I wouldn’t have been able to identify a potential victim and exploiter. Everything TAT teaches on what a victim says or does was exactly what I experienced with this young lady. With TAT’s input, we were able to contact a total of four agencies to help get her out of the situation and hopefully change her life.”

Reprinted with permission of Truckers Against Trafficking



Your drivers can join the army of transportation professionals working to disrupt human trafficking!

Get your drivers educated today. They will learn the signs of human trafficking and what they should do if they suspect it. Anyone desiring to become certified may do so by watching the training video and passing a short quiz. It is important to note that there is NO COST for this official certificate program. Options exist for both truck drivers and bus drivers—whether they work in the trucking, bus or energy industries, or in another industry altogether—so please choose the appropriate course.

Visit trained.truckersagainsttrafficking.org to learn more.

OSHA OVERVIEW

The summer edition of *Shield* included an article outlining the difference between a facemask and a respirator. If your workplace is one in which the use of a respirator is essential to protect the health of employees, OSHA requires the establishment and maintenance of a respiratory protection program.

THE REGULATION STATES, IN PART:

The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:

- 01** | Procedures for selecting respirators for use in the workplace;
- 02** | Medical evaluations of employees required to use respirators;
- 03** | Fit testing procedures for tight-fitting respirators;
- 04** | Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- 05** | Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
- 06** | Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- 07** | If the respirator does not need to be reused, discard it in a closed-bin waste receptacle.
- 08** | Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
- 09** | Procedures for regularly evaluating the effectiveness of the program.

Employers are not required to include in a written respiratory protection program those employees whose only use of respirators involves the voluntary use of filtering facepieces (dust masks).

The employer shall designate a program administrator who is qualified by appropriate training or experience that is commensurate with the complexity of the program to administer or oversee the respiratory protection program and conduct the required evaluations of program effectiveness.

The employer shall provide respirators, training, and medical evaluations at no cost to the employee.

For complete details and assistance with respirator use in your facility, visit https://www.osha.gov/SLTC/etools/respiratory/respirator_basics.html



**OSHA REQUIRES THE
ESTABLISHMENT AND
MAINTENANCE OF
A RESPIRATORY
PROTECTION PROGRAM.**

"Mandatory" Hair Testing for Driver Drug Tests.

By James Jaillet | Commercial Carrier Journal

The word “mandatory” has been batted around in headlines and social media posts the last few weeks describing long-in-the-works reforms to driver drug testing protocol. But what, exactly, will be mandatory for fleets? And when?

In short, nothing will be mandatory for carriers, really. And as to when any reforms to drug testing might be made — likely not for at least another 18 months, and maybe longer, and those reforms will be optional for fleets when performing driver drug tests.

I’ve seen posts lately on social media platforms and websites along the lines of “Mandatory drug testing almost here,” or “Mandatory hair testing proposal released,” in describing the proposed set of guidelines issued by the U.S. Health Department as to how fleets and drug test administrators should handle hair testing once DOT allows it.

Despite lingering confusion, fleets will not be required to use hair sample testing in driver drug tests, nor will drivers be required to take a hair sample drug test in a blanket rule. And those regs certainly aren’t “almost here.”

In reality, fleets will be able to test drivers for hair in lieu of a urine test if they so choose. Thus, drivers applying for jobs at fleets that choose to do so must submit to that hair sample testing or face a flag in the U.S. DOT’s CDL Drug & Alcohol Clearinghouse — the database that tracks drivers who have failed or refused a drug test and that fleets must check when making hiring decisions. These changes would only take effect after DOT finalizes a rule to do so, which is still likely at least a year out — and potentially much farther. It wouldn’t be surprising to see the rule change dragged out several more years.

The reforms, if made final by DOT, will allow fleets “to use hair testing as an acceptable alternative” to urine testing, said Kathy Close, a compliance advisor at J.J. Keller. “It’s permitted. It’s not mandatory,” she said.

The guidelines released this month by the Department of Health and Human Services’ (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) come as part of a requirement from Congress. In the 2015 FAST Act, Congress required DOT to change its rules to allow fleets to use hair sample testing as a DOT-recognized option for screening drivers for drug use in pre-employment tests. However, Congress said that HHS and SAMHSA must develop guidelines for DOT to adopt before it could change driver drug testing regulations.



However, the guidelines issued by SAMHSA this month are still only proposed guidelines, open for public comment until Nov. 9 in the regulations.gov rulemaking portal. Those guidelines must still go back through the rulemaking process to be made final, and then sent to DOT for rulemaking to be completed there. That bureaucratic process likely will take 18 months or more.

In short, HHS’s proposed guidelines would allow hair specimen testing as a federally accepted drug testing option and set the technical parameters around collection and analyzing hair specimens.

But they also require a urine sample to be collected alongside the hair sample when a person is subject to federally required drug tests, such as drivers in a pre-employment screening. That urine sample would be tested if “a donor is unable to provide a sufficient amount of hair for faith-based or medical reasons, or due to an insufficient amount or length of hair,” the guidelines state. Likewise, the urine test would be used as a back-up if the driver tests positive via hair sample but contests the results.

Allowing urine as a back-up could remove some of the teeth of the regs, said Jared Rosenthal, head of drug testing provider Health Street. His company works with about 1,000 fleets and owner-operators performing DOT drug tests. “That was one of the things that jumped out at me,” he said. “I think in some ways that doesn’t make sense.”

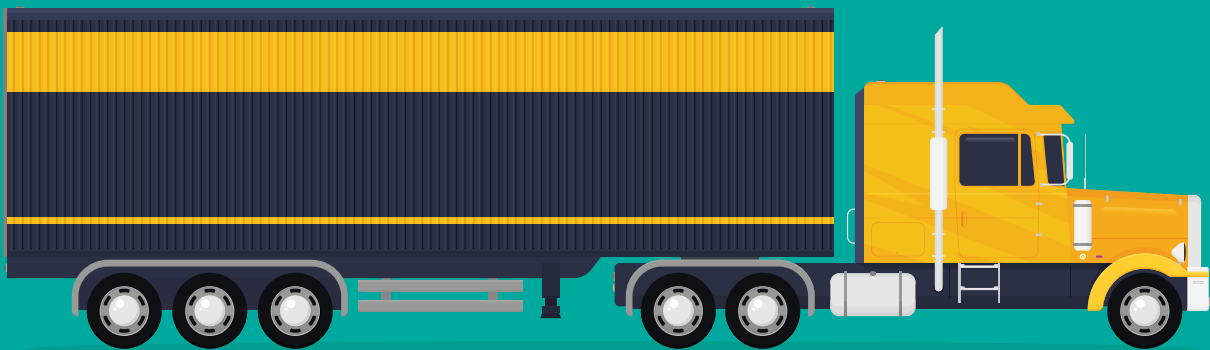
Likewise, there are still lingering questions as to variances in hair, such as color, texture and length, and as to how HHS and DOT will navigate those questions and concerns. As Rosenthal put it, among many in the drug testing community, “it was sacrosanct that urine [testing] was it,” he said. “It never seemed to be that DOT would be able to bridge the gap while still holding true to some of their principles they seemed to have always held,” such as the universality of urine testing and the long-standing use of urine tests as the standard.

Among the small- to medium-sized fleets that Rosenthal works with, he sees few migrating toward hair testing even after the regs take effect, whenever that might be. “As much as they support the idea of a sober workforce, they think the existing guidelines are achieving that,” he said. “There’s no clamoring to do a more expensive test, that’s for sure.”

DON'T DRIVE A CAR...



WHEN YOU NEED A **TRUCK.**



By Corey Gooch
Senior Director, Enterprise Risk Management, Ankura

Enterprise risk management (ERM) is as different from traditional risk and crisis management programs as the difference between driving a car and a semi-truck. Yes, both have tires, an engine, a steering wheel and maybe even a manual transmission, but the similarities stop there. The power and torque needed for serious jobs requires a truck. ERM is the semi-truck of risk management.

ERM emerged almost two decades ago as a best-practice alternative to the traditional approach to risk management – sometimes referred to as managing individual risks in stand-alone insurance programs or in functional business silos. Traditional risk programs are useful. However, they are only one tool when it comes to managing the risk that will affect the ability of the company to protect its future or to achieve its strategic plan.

Most larger organizations, both privately held and publicly traded, now have some form of an ERM program. This trend is now moving to mid-size and family-owned businesses, as the traditional risk management tools do not always respond to the business needs. The biggest example is occurring now, where property and business interruption insurance programs provide no coverage from the COVID-19 pandemic. While they were never intended to cover this type of non-physical damage risk, it was a big surprise to many organizations.

ERM takes a different approach to risk that answers the fundamental question, “what strategic risks and uncertainties do we face as we strive to achieve our strategic plan?” As well as, “does our risk assessment process give our leadership team both accurate visibility into strategic risks we face and sufficient value decision-making and management tool?”

Typically, an ERM program includes an organizational-wide risk assessment and prioritization process where the risk data is compiled into a “Risk Register” and/or a “Risk Map” is created. The different risks

are assigned to various “risk owners” and they are responsible for on-going monitoring or mitigation efforts and then reporting the progress to executive management and the board of directors.

Some benefits companies receive by implementing ERM include:

- Reduced operational disruptions
- Improved cost of borrowing
- Reduced earnings volatility and increased cash flow
- Enhanced corporate governance with key stakeholders

Why should organizations consider updating or implementing ERM now? One result of the COVID-19 pandemic is that the strategic and operating landscape for organizations worldwide and entire industry sectors are currently in an accelerated transitional phase that will change forever how they manage risks with complex interdependencies. Looking back at how risks were being managed on the ground level is always going to be 20/20. In order to survive and grow, a new approach to risk is needed. The key for executives is to make sure that risks are being managed with a cockpit view and not a rearview mirror.

ACTIONS TO BE TAKEN

As mentioned previously, the advent of COVID-19 requires action from executives to re-examine and re-evaluate the fundamental decision-making within their risk management program. In order to be prepared to resume and recover operations in the new normal of a post-COVID-19 crisis, a few critical steps can be taken now.

STEP ONE



RE-EXAMINE RISK REGISTERS AND REASSESS ALL RISKS

Almost every organization had some view of their own risk universe before the COVID-19 pandemic, but COVID-19 has impacted workforces working remotely and shuttered in place. Millions of workers were furloughed or lost their jobs and their financial stability. Supply chains at every level were stress tested. New risks have emerged. The previously assessed financial risks should be re-evaluated based on the very real and now measurable costs associated with COVID-19. When conducting the risk identification and assessment process, side by side comparisons should clearly illustrate the differences between those identified risks prior to and after the COVID-19 pandemic.

STEP TWO



CONSIDER RISK MITIGATION ALTERNATIVES

After the reassessment is completed, there may be a need to consider additional mitigation strategies if the assessment indicates that any given risk is above desired risk appetite levels. If there are any key risks that are above desired risk appetites, deep dives should be conducted to gain both greater insights about the risk and actions that may be considered to reduce or eliminate the risk. In some cases, the cost of risk mitigation is greater than the benefits of mitigation. Risk owners should clearly understand that the risk has been accepted and a budget for its acceptance may have to be created. Emerging risks that are known but not yet quantifiable should be on the new risk register and assigned to a risk owner in order to keep executive management and the board up to date on changing conditions.

STEP THREE



RE-EXAMINE BUSINESS CONTINUITY PLANS

Most organizations also have a crisis management plan, but how many have tested its effectiveness on a global pandemic scenario? As we have seen, a pandemic such as COVID-19 does not represent a traditional business continuity risk. It is challenging the way many organizations respond to risk. In this case, their physical assets (factories and systems) are available for use, but the employees, suppliers and customers are affected and not available. There is also the added pressure to the bottom line, as traditional insurance coverages do not respond to business interruption in the case of a pandemic. Traditional business continuity plans address the most obvious physical threats but do not consider the intangibles such as the reliance on key workers and access to operating systems that might not be available, or without customer demand. However, an integrated approach to business continuity is key when responding to a pandemic threat. It is necessary to reduce complexity and maintain continuity of operations across an organization at a time when resources will be diminished.

STEP FOUR



COMMUNICATION IS CRITICAL

Management of information flow is a key challenge. Staff and customers are seeking information and reassurance at a time when messages transmitted by the media may be piecemeal, skewed in nature and potentially melodramatic. Restrictions on movement of people may be imposed and messages provided by public authorities may be conflicting. As a result, executive and senior management must play a key part of managing the workforce's anxieties and concerns by maintaining an effective organizational response. Additionally, the potential reputational consequences of not having an effective crisis communication plan in place could be devastating.

STEP FIVE



PLAN FOR RESUMPTION AND RESILIENCY NOW

Organizations need to fully recognize the pandemic threat now and develop a response and recovery plan before it is too late. Business resumption plans must be robust and tested if they are to have the desired results following COVID-19. Without considering the effect on key customers, suppliers, as well as the employees, there is no ensuring the ultimate post-crisis survival of the business.

COVID-19 was not an unknown risk. A worldwide pandemic has been listed on the annual Global Risk Report from the World Economic Forum for almost 15 years. New decision-making will be required as organizations recover from COVID-19. Those decisions should be based on up-to-date information about their risks and opportunities. Companies need to develop their plan of action now. If risk management recommendations are seriously considered, the negative unexpected consequences from future risks like COVID-19 could potentially be reduced or better managed.

Warren Buffet once quipped: "It's only when the tide goes out that you learn who's been swimming naked." In a world where the COVID-19 virus is quickly draining financial and human capital resources, many executives will discover if their risk management or enterprise risk management programs have performed as desired.

Corey Gooch is Senior Director of Enterprise Risk Management at Ankura Consulting Group based in Los Angeles, CA.



How to staff for peak season while minimizing the cost of bad hires

Mark Tinney | JOBehaviors

Hiring new drivers is a year-long migraine for small carrier services, with a 77-percent turnover according to a recent report from the American Trucking Associations. With the spike of holiday shipping approaching, and candidate pools pinched by the realities of COVID-19, hiring managers are hard-pressed to keep their fleets fully staffed. Carriers don't feel they have the option of turning away applicants, even if those applicants aren't in it for the long haul.

As a consequence, carriers accelerate the costs of ‘bad hires’—the portion of poor-performing drivers in nearly every fleet. Bad hires require more training, are more likely to show up late or miss days, and have inefficient MPG, preventable accidents, injuries, and worker’s comp claims.

Plus, they're significantly more likely to leave. At the very least, carriers are out the cost of hiring and training, \$11,500 per driver on average, and still have an open seat to fill.

What Drives Bad Hiring?

The traditional hiring process is a major force behind the problem. It verifies technical skills but does very little in determining the quality and dependability of a driver. While hiring managers perform due diligence—reviewing applications, conducting interviews, and administering background checks—the reality is none of the information available provides certainty of how the applicant will act unsupervised.

Secondly, hiring managers are under enormous pressure to keep up with the demand for drivers. Even if they understand the true cost of a bad hire, what's the alternative?

In an ideal world, carriers could choose their drivers from a pool of qualified drivers and altogether avoid applicants who will have a negative impact on day-to-day operations and the bottom line.

A Proven, Predictive Approach

JOBehaviors, a member of Protective's Vendor Referral Network, helps carriers do exactly that with a predictive assessment. It's based on an extensive analysis of the behaviors that determine success as a specific type of driver (Delivery, Class-A CDL, Motorcoach and School Bus Driver) as well as a Warehouse Manager, Freight Handler, and Diesel Technician. Plus, applicants cannot pass by saying what they think hiring managers want to hear, as the assessment controls for social desirability (all options appear equally positive).

Don't Miss the Best, Avoid the Worst

Each applicant is awarded a rating of one through five stars, making it easy for hiring managers to prioritize candidates based on predictive quality. Just as importantly, it calls out the high-risk applicants, who are very likely to drain carrier service's resources and quit their jobs.

JOBehaviors is not the typical pass-or-fail screening. Hiring managers can eliminate poor-quality drivers and take a nuanced approach to the pool of qualified drivers. This way, they can still meet their quantitative hiring goals, while improving the overall quality of employees.

Immediate Results, Long-Term Transformation

The first thing JOBehaviors provides is baseline data for what clients already know. Employees who earn four- to five-star ratings are their best drivers, while the source of 80 percent of their issues come from the one-star rated drivers (usually the bottom 20 percent).

The true power of JOBehaviors is its predictive ability. A major truckload carrier operating its own driver training academy invested in Class-A CDL certifications for 640 long haul driver candidates. Using a JOBehaviors assessment designed specifically for Class-A CDL drivers, the carrier found that:

- 93% [428 of 462] of JOBehaviors-recommended candidates earned their Class-A CDL
- Just 16% [28 of 178] of candidates scoring one-star completed their Class-A CDL (and of the very few who did, many required a repeat of the training course to pass)

Moving forward, the truckload carrier will use the data to avoid the training cost of bad hires and invest in promising ones. With a conservative cost of training at \$10,000, avoiding those candidates in the future will save the carrier \$178,000 for every hundred drivers hired.

In the long term, carriers can better meet higher demand with the help of JOBehaviors. Eighteen months after implementing the advanced screening tool, Paper Transport, Inc. (PTI) was able to grow from 750 to 900 drivers, decreasing annualized turnover by 40 percent (from 79 percent to 48 percent).

Maintaining a fleet of 900 drivers at 79 percent turnover requires 711 replacement hires per year. At 48 percent, it's just 432. Having to replace 279 fewer drivers per year means cost savings of more than \$3,200,000 on hiring alone.

President of PTI, Jeff Shefchik confirms predictive hiring is integral to the success of their business: "The driver controls all costs for a carrier: pay, fuel, miles, maintenance and insurance. When you hire great drivers, everything in your business gets better. With JOBehaviors, consistently hiring great drivers is our new normal."

Thanks to the predictive insights of JOBehaviors, carriers are ending the cycle of churn, minimizing the cost of bad hires, and putting themselves in a solid position to meet growing demand.

Learn more at jobehaviors.com or contact Protective Insurance for a referral.

SOURCE: ATA News Release





Shining a light on a healthy winter

This year, Daylight Saving Time comes to an end at 2 a.m. on Nov. 1. As we “fall back” an hour and the hours of daylight continue to shrink into the winter months, many of us will notice a change in our mood, our sleep habits, our stress levels and more.

Fewer hours of sunlight and the colder weather that goes along with less daylight, have an impact on many aspects of our lives.

Less Access to Sunlight

A primary source of vitamin D is sunlight – specifically the ultraviolet light from the sun. Vitamin D is important for:

- **HEALTHY TEETH AND BONES**
- **SUPPORTING THE IMMUNE AND NERVOUS SYSTEMS**
- **REGULATING INSULIN LEVELS**
- **GOOD LUNG FUNCTION AND CARDIOVASCULAR HEALTH**

It takes only 15 minutes of sun exposure each day to provide the vitamin D needed.

The aches and pains that go along with colder weather may be caused by a lack of vitamin D. Calcium and collagen work together to build bones, but they need

vitamin D to work properly. Without enough vitamin D, your bones and joints will ache!

Sunshine also supplies the nutrient nitric oxide, which keeps your metabolism running and discourages binge eating. One study in the journal *Diabetes* found that exposure to UV rays may slow weight gain and suppress diabetes.

If you can't get enough sunshine each day, reach for foods rich in vitamin D. These include fortified foods such as milk, cereal and orange juice, along with those foods naturally rich in vitamin D such as:

- **SALMON**
- **HALIBUT**
- **COD**
- **TUNA**
- **EGGS**
- **OYSTERS**
- **MUSHROOMS**

Spending less time in natural light is also a risk factor for Seasonal Affective Disorder (SAD). This type of depression comes and goes with the seasons beginning in the fall and ending in the spring. Light therapy has been used to treat SAD for decades. Serotonin,



associated with improved mood and happiness, increases with exposure to sunlight.

Colder Temperatures

Winter's cold temperatures affect our bodies inside and out.

During warm, humid months, our skin is able to get moisture from the environment. The drier air of winter often leads to dry skin.

According to a study published in the *European Heart Journal*, blood vessels narrow in colder temperatures, which may cause your blood pressure to rise.

The blood also becomes thicker in colder temps, which can make it more difficult to keep your blood sugar at a stable level.

Thicker blood flows more slowly. According to the Harvard Health Letter, this leads to a greater risk for heart attack as the heart muscle works harder to get the oxygen-rich blood it needs.

Colder weather weakens the immune system, according

to a study from Yale University. In the past, we thought that people got colds in the winter because they spent more time in close contact with others. The study found that increased rates of colds may have a biological link to winter temperatures.

Staying Healthy

The keys to staying healthy in the winter aren't much different than those for being healthy at any time of the year. Eat a balanced diet, keep moving and get adequate sleep. For the winter, add a few items to the list:

- **GET A FLU SHOT**
- **WASH YOUR HANDS OFTEN**
- **MOISTURIZE YOUR SKIN**

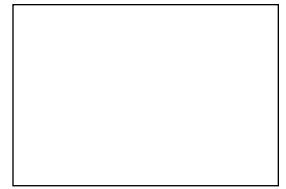
Keep in mind the lessons we've all learned during the COVID-19 pandemic:

- **AVOID SHAKING HANDS**
- **COVER YOUR COUGH**
- **KEEP YOUR DISTANCE**
- **CLEAN SURFACES REGULARLY**

Sources: Consumer Reports, Psychology Today, health.harvard.edu, unitypoint.org



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