CRITICAL INCIDENT MANGEMENT PLAN
Public Liability Claim

Incident:

- A public liability claim against your business

Guiding principles:

- Be proactive, not reactive
- Put people first
- Never assume anything
- Deal in the facts
- Critical Incidents take precedence
- Document everything accurately, including time, date, place
- Delegate
- Cooperate with authorities
- Act professionally and ethically always
- Consider preservation of your brand

Your Key Contacts and Specialist Services:

- Worksafe
- Senior company leadership team
- Insurance company representative or insurance broker
- Insurance company Investigator
- Owner of property at issue
- Trustees of property at issue
- Your lawyer
- Claimants Lawyer
- Public relations consultant
- Your Accountant
- Mastercraft National Support Office
- Employee Assistance Programme
- Health and safety consultant

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Your Immediate Action:

- Confirm the name and all contact details of the claimant
- Confirm the name and all contact details for the project manager or lead contractor
- Confirm the address of the premises where the incident has occurred
- Confirm the time and date of the damage
- Correctly identify the nature and extent of any damage
- Ascertain the current situation regarding the damage
- Take any action necessary to preserve the health and safety of those on site
- Consider calling emergency services to assist where necessary
- Take any action necessary to prevent the damage worsening

Following Your Immediate Action:

- Advise business partner(s)
- Advise your senior staff
- Attend the site personally
- Request that the claimant meet you at site
- Maintain regular communication with the claimant
- Take photographs at the site
- Document conversations including time, date, place
- Obtain details of all other sub-contractors on or having been at site
- Advise your insurance company of a pending claim
- Request an assessor attend at the site as soon as possible
- Interview staff involved
- Record notes of conversations with staff
- Direct staff to document their relevant conversations
- Prepare a media release
- Consider using Employee Assistance Programme for the welfare of staff involved
- Direct staff member(s) involved not to discuss the incident without your approval
- Make a written insurance claim early
- Consider obtaining an independent valuation of damage
- Provide claimant with your Insurance company contact details
- Obtain claimant's insurance company details
- Consider whether there is any other explanation for the damage occurring

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Your Legal Obligations and Considerations:

- Preserve and secure any documentary or physical evidence
- Appraise your company Lawyer of the situation
- In conjunction with your insurance company, engage necessary experts to establish liability for cause of damage
- Ascertain how the claimant arrived at the damage value
- Consider whether a third party, such as a Supply Partner, may be implicated
- Employer obligations to assess the current and ongoing health, welfare and safety of all staff directly involved
- Employer obligations to assist employees as required
- Consider whether the employee lost personal equipment resulting from the incident
- Prepare for the possibility of court action against your business
- Environmental considerations

Your Media Liaison Considerations:

- Protecting and preserving your brand(s) is critical
- Contact Mastercraft National Support Office for assistance
- Consider engaging professional public relations company
- Prepare a press release
- Closely monitor and respond to all social media transactions
- Aim for a positive outcome for the customer
- Aim for a positive outcome for your business
- Consider using Mastercraft Licensee Facebook forum to request assistance from other Licensees

Your Human Resource Considerations:

- Show positive proactive leadership
- Advise Worksafe if the incident is reportable. If unsure, seek expert advice
- Manage your staff and delegate
- Obtain trust and support of all staff
- Have staff preserve and secure any documentary and physical evidence
- Formally interview each of the staff members involved

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- Obtain a signed written statement from each employee outlining their involvement
- Establish most likely cause of damage
- Establish reason behind the damage occurring
- Establish whether any materials or consumables used may have contributed to damage
- Keep all staff appraised of the situation
- Consider using Employee Assistance Programme for the welfare of staff involved
- Consider need for staff training, disciplinary action, revised processes and procedures to prevent a reoccurrence
- Document any change of procedure in the relevant manual(s)

Your Business Continuity Actions:

- Consider your time, HR and financial resources to resolve the issue
- Consider delegating some of your responsibilities while dealing with this claim
- Maintain a focus on business sales, production and customer service during this time
- Ensure professional positive media releases, as required
- Be proactive in dispelling any false information
- Consider the negative impact on productivity of staff involved in the incident
- Consider need for temporary casual staff to assist productivity
- Engage suitably experienced legal counsel to represent your businesses interests

Your Moral Obligations:

- Personally meet the property owner
- Ascertain what the claimant's needs are
- Identify and document your end goal
- Act with integrity
- Keep communications professional, fact oriented and emotion free
- Do not admit liability
- Reassure the claimant that will cooperate to assist them, where possible
- Keep them updated regularly with accurate communications
- Document all communications accurately
- Suggest the premises or property owner also make an insurance claim for the damage
- Consider whether the claimant requires assistance with alternative accommodation
- Monitor any of your remedial work closely and ensure timely delivery
- Aim for a positive outcome for the customer

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