

## **MEDIA RELEASE**

### **Business leaders urged to be 'human' when faced with death or serious injury in the workplace**

*Employers must have structured and sensitive response plans in place*

Sydney, 30 September 2008 – Responding to death or serious injury in the workplace with a compassionate and 'human' approach is vital to minimising harm and protecting a company's reputation and employee relations, according to Harmers Workplace Lawyers.

Jamie Robinson, a partner at Harmers Workplace Lawyers said, "If someone has died or been seriously injured, it is important to acknowledge that something has obviously gone terribly wrong whilst not allocating responsibility. There is a significant difference between being compassionate as an employer and admitting liability or culpability."

With approximately 140,000 injuries and 2,500 deaths occurring in Australian workplaces each year, Mr Robinson said that employers must be prepared to respond with due process and sincere care.

"Employers faced with the sudden consequences of such an incident are sometimes railroaded into saying nothing and not sensitively managing the victim or the victim's family. Even the simple act of how the incident is communicated to the victim's family can have significant ramifications for companies and yet is so often extremely mismanaged," he said.

"Whether it was an accident or whether someone and/or the company are directly to blame will come out through a thorough and well planned investigation. In the meantime, it will often serve a company better overall to err on the side of being empathic and compassionate, which does not necessarily involve admitting responsibility.

Mr Robinson said when a serious accident happens, it is natural for those in leadership to feel guilt and wonder what they could have done differently to prevent it. Alternatively, some employers shut down and avoid communicating.

"Whatever the natural reaction is, my advice to business leaders and managers in these circumstances is that it is possible to protect your company's interests well while also showing compassion and 'being human' in their response, most importantly to the victim's family.

#### ***Response plans vital***

Mr Robinson said that accidents can happen even when companies have been diligent in workplace safety. He said it is essential for companies to plan how they would handle the situation in the most appropriate, responsible and sensitive way.

“Not only are the direct costs (workers compensation, fines etc) of significant incidents and death in the workplace important to consider, but the impact of mismanagement on the company’s reputation, ability to attract staff and employee relations (including morale and productivity) can also be devastating.

“Companies must have strong, structured and sensitive response plans in place as a last line of defence. If something goes wrong and someone is injured or killed in the workplace and the company does not have a proper response plan in place, management will very quickly be forced to make major decisions under considerable pressure and in sub-optimal circumstances.

“Companies caught unprepared risk making rushed and poor decisions as they face urgent and often conflicting advice and demands from insurers, lawyers, their management team, employees, the media and community at large.

Mr Robinson said employers should ask themselves the following question: *if an employee was killed in an accident today, could I answer the following questions?*

- Which external authorities must be notified of the death and in what timeframe?
- Who in your organisation should be told? When? Why?
- Whose job is it to notify the next of kin of the deceased? What message do you want to convey? Who at your organisation would do this?
- Who is obliged to answer questions asked by police or industrial inspectors? Who in your organisation would answer such questions? What is the extent of your organisation’s obligation to assist an investigation?
- What procedures should be put in place for co-workers and others who have witnessed or were involved in the incident? When should this be done?

All of these questions should be outlined and answered in a comprehensive response plan, so that the organisation can act quickly if a death or serious injury were to occur.

“The potential for fines and compensation are far outweighed by the loss of life and reputation caused by a lack of preparedness in OHS procedures and response plans,” Mr Robinson concluded.

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**Note to editors:**

***About Harmers Workplace Lawyers***

*Harmers Workplace Lawyers was established in 1996 as a boutique employment law firm. Since then it has become one of Australia’s leading employment and industrial law firms, with offices in Sydney, Melbourne and Brisbane. The firm has been awarded Australasian Legal Business’s ‘employment specialist firm of the year’ for the past three years running.*

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