

CRISIS MANAGEMENT

Industrial Accident

Employee Fraud

Prevention Programs

#TimesUp

Glass Ceiling

Facebook

Active Shooter

Incident vs. Crisis

Reduction-In-Force

Class Action Litigation

Food Contamination

Instagram

FDA

Sexual Harassment

Workplace Violence

Federal Investigation

Product Defect

USDA

Twitter

#MeToo

Workplace Fatality

YouTube

Data Theft

Environmental Spill

Safe2Say Something

Insurance Coverage

Salmonella Outbreak

OSHA

Community March

EEOC

Attorney General

Race Discrimination

The Lynch Law Group

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CRISIS CONSIDERATIONS

1. Preparedness Programs: Is your company ready?

2. Proactive Measures

- Policies
- Procedures
- Administrative Controls and Training
- Develop a Comprehensive “All Hazards” Evacuation Plan
- Insurance Coverage:
 - i. Company should incorporate any workplace violence, including active shootings, into the same plan they have been using for other emergencies, such as fire, chemical spills, gas leaks and natural disasters such as tornadoes or hurricanes.
- Crisis Committee/Safety Committee to address heightened crisis situations
- Training and evaluation planning (Prescreening of applicants/vendors).
- Employee Assistance Programs (EAP)
- Employees must feel empowered to report suspicious behaviors within the chain of command or through a hotline process.
- Assess current physical security measures and potential vulnerabilities such as door access controls, security cameras, lighting for exterior areas, alarms, locks and fencing.
- Internal and external communications plan in place to counter the incident. The first 24 hours are critical because the early stages of a crisis shape the proper response.
- Consider stress management, conflict resolution and first aid as part of your crisis assessment.
- Multidisciplinary Human Impact Team trained and prepared to specialize in the human side of crisis response (next-of-kin notification procedures).
- Well thought out crisis communication to and from affected stakeholders, including hotline capabilities.
- Threat Response Team in place to plan to investigate, assess and defuse threatening situations. The team should include members of management and include backups.
 - i. **Core Team:** At a minimum include managers from company Security, Human Resources and Legal.

- ii. **Additional Resources:** Internal managers, police officers, threat consultants, private investigators, forensic specialist, linguistic analyst, profile specialist, guard services, mental health professionals, employment attorney, surveillance specialist, undercover investigator, IT specialist, and polygraph examiner.

Employer's Legal Obligation:

(Occupational Safety and Health Act of 1970)

1. To keep its workplace free from recognized hazards likely to cause death or serious physical harm to its employees for which feasible means of abatement existed. See Section 5(a)(1) (a/k/a: General Duty Clause)
2. Duty to comply with specific health and safety standards promulgated by Congress, imposed on an employer, was its duty to comply with specific health and safety standards promulgated by OSHA.

*OSHRC upheld a decision of an ALJ; (Administrative Law Judge Dennis L. Phillips) which affirmed the citation issued against a healthcare company after a worker was stabbed to death by a patient.

- \$10,500 in penalties
- Case decided March 4, 2019
- [US. Dept. of Labor v. Integra Health Management, Inc.](#)

Legal Take-Aways:

- A. Crisis situations can be addressed through proactive preventive planning.
- B. Do not believe that "it will never happen to me/us".
- C. Have you reviewed your insurance policies (representations and warranty) to determine if you are covered for such unexpected crisis?
- D. Understand and react differently to an incident vs. a crisis.
- E. Care and caution must be given in providing a response to a crisis situation which may bind the company criminally/civily. A particular response can be harmful towards any defenses or legal challenges that may be raised to protect the company from liability, penalties or fines.
- F. Consideration for all documents, emails and requests for information to be channeled through legal counsel to be preserved and protected under the attorney—client privilege doctrine.

The Lynch Law Group

Our team is experienced, accessible, proactive and dedicated.



The Lynch Law Group is a full-service law firm with offices in Cranberry Township and Southpointe. We represent local, regional and national companies, in varied industries, as advisors and advocates in Pennsylvania and neighboring states. We also provide estate, trust and family law services for individuals.

Since 2002, the attorneys at The Lynch Law Group have been providing trusted legal counsel and strategic business advice to clients in helping them to achieve their objectives. Our team draws on broad experience to deliver the most optimal solution in each situation.

We believe that excellent legal guidance requires a proactive, dedicated and responsive approach, with a focus on client communication and accessibility by all members of our legal team.

In serving the community, our attorneys focus on numerous practice areas including:

- Corporate Transactions**
- Mergers and Acquisitions**
- Business Litigation**
- Labor and Employment**
- Transportation**
- Real Estate**
- Creditors' Rights**
- Oil and Gas**
- Intellectual Property**
- International Business**
- Immigration**
- Business Succession Planning**
- Estate Planning and Administration**
- Family Law**
- Alternative Dispute Resolution**



We are proud to have been named one of Pittsburgh's 50 Fastest Growing Companies in 2018. We also have been selected as one of the Best Places to Work in Western Pennsylvania in 2012, 2013, 2015 and 2016 and one of the Top 100 Fastest Growing Companies in the region in 2012, 2013 and 2017.

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