

ARCHITECTURE, ENGINEERING & CONSTRUCTION

## Responding To An Employee Fatality



### How to Support Teammates and Protect Your Organization

Imagine that it's a Friday night after a long week of work. You're enjoying a nice dinner out with your family. With every laugh and smile, you feel the weight and stress of your week start to dissipate. Then your cell phone rings. You immediately recognize the number.

"I'm sorry to bother you after hours on a Friday. You're probably trying to enjoy an evening with your family, huh? I hate to have to tell you this, but one of our inspectors was just hit by a car on a project. He was life-flighted, but he didn't make it. The client is already getting media requests and they're blowing me up. What should we do?"

### What should you do?

The construction industry has made significant strides when it comes to safety over the past several decades, yet fatal occupational injuries among construction and extraction workers have been proliferating in recent years. From 2021 to 2022 fatalities rose 11%, with the fatality rate increasing from 12.3 to 13.0 deaths per 100,000 full-time employees.<sup>1</sup>

While construction workers face the highest risk, this is an issue every AEC firm needs to be equipped to handle. Whether there is an active shooter situation, an employee is involved in a fatal accident traveling to a jobsite, or a construction accident results in the death of a subcontractor's employee, it's critical to be prepared for the unexpected to protect your team and your business.

In the event of a workplace fatality, the decedent's employer must submit a report to OSHA within eight hours of the death. To make a report, contact your [local office](#), call the 24-hour hotline (1-800-321-6742), or submit a [Serious Event Reporting Online Form](#). Depending on the circumstances and your company's role, you may want to consider getting OSHA counsel involved on your organization's behalf, as OSHA interviews all parties involved in a fatality.

More important than any legal issue or reputational damage your company may face, your employees' wellbeing should be the top priority. Focus on your employees' needs and check in with those who knew the decedent well. Offer counseling and grief therapy services through your Employee Assistance Program or an outside source and set aside time for your team to come together to discuss what happened, share memories, and sign a card for the decedent's family.

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<sup>1</sup>Bureau of Labor Statistics "[National Census of Fatal Occupational Injuries in 2022](#)," December 19, 2023.

## Implement a Media Response Plan

It can be difficult to navigate the immediate moments and days after a tragedy at work, and it becomes even more complicated when local (and sometimes national) media gets involved. Your company will likely be contacted with requests for information about the project, the decedent, and the operations at the time of the incident.

### Several issues can arise:

- The media may mischaracterize your organization's role on the project. Even if your business doesn't hold the responsibility for safety or preventing accidents on the jobsite, your company may be portrayed as the responsible party in the news.
- Employees often make well-intentioned statements about how they wish they had done something to prevent the accident. Statements like these can be extremely damaging, blurring the lines between the accident and the company's responsibilities.
- Plaintiff's lawyers may deploy investigators (some of whom have legitimate media or insurance credentials) to ask journalistic- or insurance-sounding questions in hopes of gaining information. For example: "I am investigating the incident that took place at your project site and would like to ask you a few questions. Are you willing to answer my questions?"

Create a media plan that produces a singular narrative from the same voice to account for these potential factors. Designate one employee – ideally whomever oversees communications – to deliver the narrative and handle all inquiries. Involve executive management and possibly legal counsel in the process.

Notify your offices' reception desks and any other applicable employees about the possibility of reporter inquiries and provide them with the following instructions:

- All media inquiries should be routed to the designated office and person handling these communications.
- Instruct employees to inform the requestor that the question will be addressed and to ask for a specific time by which an answer must be provided prior to press time.
- Reinforce that employees are not to provide any additional information or attempt to answer any media inquiries themselves.

## Be Proactive With The Right Risk Transfer Solution

Here are two risk transfer options to help your company respond to future events:

1. Include crisis management coverage as an extension to your public liability or umbrella policy to help with public relations matters. This supplemental coverage provides access to and funds for crisis PR services that help organizations manage their response to an event that has gained public attention.

2. Consider obtaining a stand-alone workplace violence policy that provides grief counseling, crisis management, and event response for matters such as an active shooter in the workplace. Note that any injuries sustained during a workplace violence event are handled by a different policy.

Nobody wants a devastating event like a workplace fatality to occur in their organization. Being proactive about the possibility of an accident happening, however, can help to mitigate its impact on your employees and your company, and make all the difference during an emotionally heightened time.



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