

Proudly Presents...

## OOPS! Now What???

Despite best risk management practices accidents and claims do happen. Here's what to do after an accident.....and not prejudice the insurer

# When the claim is presented .....*or even sooner*

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- What details to collect and how to collect them
- Where to store and how long to keep them
- Should there be a protocol
- How to help with early claim retirement
- Minimize dollars spent on file maintenance

# What details to collect and how to collect them

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- Photos
- Records
- Staff lists and payroll records
- Names of witnesses
- Statements
- Measurements Security Surveillance Videos
- Training manuals

# Storage and Retention of Evidence

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- Proscription Periods
  - Could be years before insured made aware of claim
  - Consider use of document storage facility
  - Photograph before making any physical changes

# Should there be a protocol?

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- Double edged sword
  - Once created make sure it's followed
    - Maintenance
    - Inspection (equipment, premises, overall )
    - Training
  - Particularly useful in Municipal claims. ie Policy defenses

# How to minimize dollars spent on file maintenance and help to retire claim early

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- Be available
- Be prepared
- Be consistent
- Be cooperative
- Be prepared to be liable

# During the claims investigation

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- What information is important and how is it stored?
- Who investigates?
- Independent Adjusters and field employees roles
- Can the Independent Adjuster prejudice the Insured's claim?
- In the event of potential Error or Omission what is required?
- What layers of management should be engaged and at what stage?
- When does a Lawyer get involved

# What information is important

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- In addition to details obtained at time insured became aware of accident (as noted earlier):
  - How did claim come to be reported
  - What's changed since time of accident



# Who Investigates?

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- Independent Adjusters and field employees roles
  - Assigned by insurer to conduct field investigation
    - Use of other experts; engineers, C&O experts etc.
  - May at time handle file to conclusion or simply act on “Task” basis
- Can the Independent Adjuster prejudice the Insured’s claim?
  - Anyone can prejudice the claim

# In the event of potential Error or Omission what is required?

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- What is E & O
- Standard of care changes depending on many factors
- When should a manager be involved?

# When does a lawyer become involved?

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- Litigation
- Counsel's role
- Retaining Privilege

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