

# Claims Management

## CLAIMS MANAGEMENT – PRESERVING EVIDENCE AND SUBCONTRACTOR ACCIDENT REPORTING REQUIREMENTS

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Our previous newsletter included information about managing accidents and claims. In this newsletter, we emphasize the need to preserve evidence (typically equipment – such as ladders and tools or security camera footage) and to develop broad accident reporting procedures for subcontractors.

**Preserving evidence.** If an accident involves equipment or tools safeguard the object by removing it from operation and storing it someplace safe. Save any relevant camera footage. Do not throw any of it out. An inference can be established in litigation that it was thrown out to hide evidence. Conversely, do not return it to use unless it is safe to do so. If the equipment or tool is involved in additional accidents, the first incident could be used to demonstrate that the equipment or tool was defective. If the equipment or tool is critical to operations, contact the claims professional assigned to the claim, or defense counsel, and ask for advice – photographs and perhaps a documented inspection by an expert will suffice.

**Accident Reporting.** Contractors are diligent about reporting accidents to their insurance representatives. However, subcontractors and other downstream parties may not notify you of the event. Consider including a clause in subcontractor agreements that requires subcontractors to notify you if there is an accident involving their employee, or the employees of any sub-subcontractors. Prompt accident reporting is not only required in policies, it also speeds-up investigations and evidence gathering.