



Policies, Data And Company Information - They Have Impact on Liability and Claims

Presented by:
Bob Crescenzo, Safety Director, Lancer Insurance Company



Goals Of The Presentation

- Identify External Environment Issues Impacting Your Company
- Review How Everyday Events Can Impact Your Operation When A Claim Occurs
- Why Policies And Procedures Really Do Mean Something
- Policies That Are Necessary And/Or Should Be Reviewed
- Discussion

The continuing saga of increasing loss costs to the motorcoach industry...

- Plaintiff's lawyers getting educated
- Unfavorable laws, rulings
- Plaintiff oriented judges
- “Reptile” and similar tactics
- Media coverage
- Allegations of improper hiring, training, maintenance, safety management and ignoring available data/information

When the Reptile sees a survival danger, even a small one, she protects her genes by impelling the environment to protect herself and the community. In this case the jury is “the community”.

When the Reptile sees that a fair verdict will enhance safety, even by a little, the Reptile leaves defensive bias (logic) behind.

This makes the primary plaintiff goal in trial:

To show the immediate danger of the kind of thing the defendant did – and how fair compensation can diminish that danger within the community.

Before the Loss

- Crisis Management Plan
- Review It Annually
- Practice It Via Simulation Exercises
- Media Statement Is Critical
- *If You Have A Policy, Monitor It and Enforce It*
- *Exceptions to Policies Are A Roadmap to the Plaintiff Attorney*

Improper hiring, training, maintenance, safety management...

- More cases with no application, no check with prior employer
- The road test; is it anything like what the driver will experience?
- Matching driver to route; especially with complex driving scenarios
- Not Using GPS, Data Recorder, Speed and HOS information to manage your drivers

Fatigue

- Consider time driver leaves home, pre-trip, loading luggage
- Evidence of fatigue can turn a good case to a very bad one
- New ELD rules and information will most certainly be called into question. Fatigue and HOS rules are not equal
- ***Not managing the information you have will hurt you in the long run***

Challenges

- Electronic logs
- Pre-trip safety announcement;
- Seat belts; more often on vehicles. Need to manage all aspects.
- Risk based trip scheduling
- Managing Speed Alert data- how many reports/tests do you receive?
- What is your disciplinary policy for speed violations? Is it enforced?

Your Reputation Precedes You

- Driver Hiring (when ever it took place) will be called into play when you have a crash
- Have you hired someone whose past driving experiences will define your claim outcome
- Your hiring policies and procedures must be established, followed, reviewed and updated on a regular basis- this includes electronic data and information
- If YOU know something- it MUST be managed

Electronic and Video Data

- Video event recorders can be key components of understanding the event
- Do you monitor, review and maintain your recorders?
- Do you have past history of similar driver behavior that was not addressed?
- GPS and speed alerts/reports can demonstrate a pattern of management behavior, both good and bad

Policies

- Do You Have a Manual? Who Wrote it? Who Updates it? Who Reviews it?
- Hiring/Selection
- Job Descriptions
- Training/Retraining Program
- Expected Driver Behavior
- Expected Operations/Dispatch Behavior
- HOS/ELD/Telematics
- Marketing/Trip Booking

Policies

- General Employment
- Maintenance
- Safety
- Passenger Management
- Safety Message
- Data Storage and Management
- Communication and Security
- Facilities and Grounds

Thank You For Your Time



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