

## Liability: Words Can Hurt You

### *Five tips for improving crisis communications*



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**R**emember that old children's nursery rhyme, "sticks and stones may break my bones but words will never hurt me?" it was a mantra against bullies and name calling that was supposed to teach us that actions are more important than words. However, many of us have learned the wrong lesson and begun to think that words are never important. Unfortunately, this is just not true. Words can have serious consequences when you're dealing with liability issues.

### **A Single Word Costs Lives**

In a recent court case in Contra Costa County, California, the widow of a firefighter who lost life in a structural fire received a settlement of \$6.4 million to settle her wrongful death lawsuit against two security companies. The case hinged on a single word.

When fire broke out in a family home in 2007, the smoke alarm transmitted an automatic signal to a security company. A company employee activated an intercom system and verified that there was a fire. The employee then called the local fire protection district.

Unfortunately, when the employee contacted the fire protection district, the employee said, "I'm calling to report a fire *alarm*" rather than, "I'm calling to report a fire." Based on this information, the fire dispatcher assigned the call a low priority and even put the employee on hold for five minutes while the dispatcher answered other emergency calls.

As a result of this confusion, it was ten minutes from when the alarm was activated until the fire department responded. Since the dispatcher did not know there was an actual fire, only a single fire engine was initially dispatched to the scene. Two of the firefighters on that engine would die in the fire. In addition, the two residents of the home would also be killed.

The widow and son of one of the firefighters filed a wrongful death lawsuit against the security company and the parent company for which it was a subcontractor. The case was settled with the subcontractor paying \$2.6 million and the parent company paying \$2 million. There was also a settlement of \$350,000 paid to the children of the couple who died in the fire.

## Are We Speaking the Same Language?

Admittedly, the Contra Costa case is an extreme example. However, it emphasizes the fact that words have power and we must be precise in how we use them.

In *Fires and Furies: the LA Riots* author James Delk tells of an incident of miscommunication during the 1992 riots in Los Angeles. Police officers responding to a domestic disturbance incident came under fire as they approached the house. One yelled, "Cover me!" to the Marines that were supporting them. To his shock, the Marines immediately opened up with heavy suppressive fire rather than just being prepared to shoot at any threat that presented itself. Fortunately, no one was hurt in the exchange but it was obvious that the term "cover me" meant something very different to the Marines than it did to the LAPD.

We see less dramatic miscommunication all the time. In the insurance industry, words have a very specific, sometimes convoluted meaning. Words like salvage, debris, total loss, permanent, etc. have meanings that, if used improperly, can have a detrimental impact on your claim.

John Marini gives an example of this in his article "What Every Business Executive Should Know about Insurance." During a meeting with an insurance adjuster following a disaster a maintenance supervisor made the statement that he could make repairs and get things working in two weeks. What he meant was that he could make temporary repairs that would let the company resume work. Actual permanent repairs would take much longer. Unfortunately, what the adjuster heard was that the company had suffered no major damage and that the

business interruption indemnity period would only last two weeks.

## Communicating Before the Disaster

Communications issues will always be with us but we can limit some our problems by collaborating before an event. Here are four tips that can help:

1. Invite the people you will be working with to participate in your planning. Don't make assumptions about the roles they will play in supporting you.
2. Invite people with special knowledge to participate in your planning or at least in reviewing your plans. If you have a risk manager, he or she should be on your team.
3. Conduct an insurance review and know what your policies cover and what they don't cover.
4. Incorporate definitions and basic insurance requirements and procedures in your plans.
5. Have expert help available when meeting with your adjuster or making decisions about post-disaster recovery.

Remember that words have the power to cause you problems. Just because we're speaking the same language it doesn't mean we're communicating. 

## Bibliography

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