

Reputational Risk and Crisis Management Practice of Richard Grogan & Associates.*

A crisis is a defining moment for you. This crisis will normally arise where you are facing the prospect of being dismissed. For you your reputation is vital to your continuing success in business or your profession. We recognise potential reputational risk where your employment is terminated unless managed properly.

Crisis Management is the process by which you deal with a disruptive and unexpected event which threatens to harm your continued employment and your reputation.

Three elements are common to a crisis, in our experience.

The first is the threat to your job and your reputation.

The second is the element of surprise.

The third is the short decision time which you will usually have.

Our Crisis Management Practice involves assisting and helping you dealing with threats before, during and after they have occurred. We have the relevant experience and skills to provide the techniques required to identify, assess, understand and cope with the serious situation you are in from the moment it first occurs to the point where solutions can be provided.

In Ireland due to the law relating to injunctions many employers now seek to orchestrate the removal of a senior personnel such as you so that you will have no grounds to seek an injunction. The new solutions put forward by some who advise companies is to provide for no fault dismissal and undertaking to deal with any reputational loss as part of a severance package. This scheme has been produced to attempt to circumvent the potential for you as to obtain an injunction. However, it is a very blunt tool which some employers seek to use. We have developed a suite of responses to neutralise attempt to use this structure. There is no off the shelf solution. There are however suites of solutions which can be provided as a bespoke tailored service to your particular situation.

The techniques of Crisis Management include a number of consequential steps from the understanding of the influence of the

crisis on you preventing, alleviating and overcoming the different types of crisis. Crisis Management consist of different aspects including:

- Methods used to respond to both the reality and perception of the crisis,
- Establishing metrics to define what scenarios constitute the crisis and should consequently trigger the necessary response mechanisms,
- Communicating which occurs within the response phrase of emergency planning to elevate and overcome the crisis, and
- Being in a position to provide immediate effective responses which will be legally robust.

We bring a crisis mind set to these cases. A crisis mind set is the ability to think of the worst case scenario while simultaneously providing effective solutions. For some trial and error is an accepted discipline. For us in providing our Reputational Risk and Crisis Management Services it is not. We accept that the first line of defence for you might not work. It is therefore always necessary to maintain a list of contingency plans and to be alert to possibilities to best protect your reputation and manage the crisis. We work on the basis of being prepared to provide a rapid response plan.

The credibility of you in dealing with Crisis Management and Reputational Damage when dealing with your employer is heavily influenced by the perception of the responses during the crisis situation. We are in a position to assist in providing responses to a crisis in a timely fashion making it a challenge for the employer company to proceed with any dismissal.

In dealing with you we recognise there must be an open and consistent communication throughout to contribute to a successful Crisis Management process. This includes being focused respectively on the prompt but short lived “first aid” type of response and the longer-recovery and restoration phase.

Our approach is to provide solutions to you.

The reality which we have to deal with on your behalf unfortunately is that you are the last person in any organisation who will find out you are being dismissed is you. The decision will not be made off the cuff. There will be planning put in place by the organisation before they seek to strike. There will often be attempts to catch you off guard and

to try and bounce you into signing a termination agreement. In such cases the employer will normally have engaged the services of a large law firm. This can often be what we call the terrorise approach. It is the “we have deep pockets and you don’t” approach. We recognise this. We do not allow our clients to be bounced into anything. We are known for taking on some of the larger law firms and employer companies on behalf of our clients.

While you as our client will be concerned about the crisis and your reputation we equally recognise, from our experience, the issues which will concern the company who are proposing to terminate you. We recognise from experience, the issues which they will themselves regard as a crisis if you are represented in a particular way and the potential reputational damage to them if matters proceed in a particular way. Knowing this. Understanding this. Having the ability to identify this. These are some of our strengths.

In a Crisis Management where your reputation is at risk which in plain language means we are there to address in effect two issues.

Firstly, maintaining you in the employment; and secondly where the first option is not realistic ensuring a managed exit which is financially robust for you and protects your reputation.

Our Reputational Risk and Crisis Management Practice is one which we have been involved in for many years. We have always acted for Senior Executives, Managers and Professionals. Due to cases we have been involved in, we have developed an expertise in providing real time solutions to our clients. As a policy issue to avoid potential conflicts in how cases would be dealt with, by us, we decided that we had a choice of either providing these services to companies or to Senior Executives, Managers and professionals. We do not believe despite the fact that other firms may attempt to provide such services to both it is possible to do so without at least perceived issues of potential conflict in providing solutions. We have therefore decided to limit our practice solely to providing these services to Senior Executives, Managers and professionals.

You can contact either Richard Grogan or Michelle Loughnane by phoning 01-9695781 for an appointment or emailing us at info@grogansolicitors.ie. In extremely urgent cases you can contact us on richard@grogansolicitors.ie or michelle@grogansolicitors.ie .

****Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.***

*****In contentious cases, a solicitor may not charge fees as a proportion or percentage of any award or settlement.***