



### CLAIMS AND LOSS CONTROL

Because COVID-19 impacts so many areas of risk across industries, markets and coverage lines, our Risk Management Services team is working to stay up-to-the-minute so that we can best assist our clients to manage both incoming claims and outgoing loss control services. Here, we look at the most notable areas concern.

#### Claims

- Business Interruption coverage under property policies appears to be limited or outright excluded for many if not most of our clients. We will of course advocate on our clients' behalf to maximize coverage wherever possible and are working in conjunction with our Property Practice leaders to explore those potential areas.
- Workers' Compensation questions are coming in rapidly as clients are concerned for their workers and their bottom lines. Perhaps the biggest concern clients face today is the potential compensability of an employee illness. For many workers, it would be hard to show that their illness is work related and therefore compensable under workers' compensation. Others in the health care, education or retail environments, for example, may be able to show a causal link between their employment and illness such that a case could be made under workers' compensation. It is important to remember that most illnesses are not

typically treated as workers' compensation, including the more traditional versions of the flu. A real-life example can be considered for those who have recently attended a group meeting at the behest of their employer. Should employees become impacted by the virus, it would be an interesting debate about workers' compensation's applicability since the event was clearly work related. Coordination with the employer's health care plan will be critical to avoid those people who "self-quarantine" based on either fear, false symptoms or outright fraud. These decisions will be impacted by individual states and the insurers who will set the guidelines for the broader discussion of compensability.

- A similar discussion is under way for property owners, those in the health care space and anyone who manages a facility regarding third-party liability. Should someone allege that they were infected at a client's facility and then bring suit, most general liability (GL) policies would respond with defense of the claim. It would be incumbent upon the plaintiff to show that the client acted negligently in somehow allowing the virus to be transmitted on site. The liability arising out of putting on events is an example that most people can understand. Ultimately, who is liable if the virus is passed around at a public or private event? As we've seen around the world, many organizations are cancelling events to avoid

potential liability. This is a rapidly evolving situation, and we are likely to see more event cancellations.

#### Safety/Loss Control

- Assisting clients with the protection of life and property is of paramount importance. However, we also recognize at this time that our engineers and safety team may be viewed as bringing an increased risk of illness due to high levels of travel. Our team is ready and willing to continue providing the high-quality, value-added services our clients require, but we respect the wishes of those who may seek to postpone non-essential visits until a more appropriate time. Ideally, site surveys, safety training, exposure mitigation or post-claim analysis will continue to occur as planned. We will work with you to coordinate upcoming insurer visits to ensure those are vetted for need, timing and safety.
- We will continue to offer our expertise in the area of loss prevention regarding your people and facilities specifically regarding infectious disease to ensure that you have the latest information available. As information becomes available from OSHA, the CDC and other regulatory agencies, we will be there to share and explain their directives.