



Risk 2 Value Ltd



RiskNEWS: Covid-19 & Return to Work

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Companies will no doubt need assurance about the implications on Liability Insurance when their employees return to work after the current Covid-19 lockdown is lifted.

This is a wide topic but the fundamental purpose of any liability insurance policy is to provide protection where there is a claim for bodily injury arising out of a negligent act. The circumstances which will decide potential negligence will vary and each case will be assessed individually. As reference, liability policies generally define Bodily Injury as including death, illness and disease.

As far as employees are concerned, it is **Employers Liability** insurance that provides protection against claims for legal liability arising out of their employment. This is a statutory requirement as set out in:-

The **Employers Liability (Compulsory Insurance) Act 1969** (and as amended) which requires that *"...every employer carrying on any business in Great Britain shall insure, and maintain insurance, under one or more approved policies with an authorised insurer or insurers against liability for bodily injury or disease sustained by his employees, and arising out of and in the course of their employment in Great Britain in that business...."*

It is worth noting that the above Act does not permit any modification of liability. It is therefore currently not possible for insurers to apply restrictions to this cover, even excesses.

Turning to responsibilities to others (your clients, visitors and the general public), **Public Liability** insurance will provide protection. Although not a statutory cover, it is our understanding at this time that insurers will not be modifying the extent of insurance protection provided.

During the lockdown and preparation for re-opening of businesses, much useful guidance has already been issued by:-

- Gov.UK: <https://www.gov.uk/coronavirus> - see 'Working Safely'
- Health & Safety Executive (HSE): <https://www.hse.gov.uk/news/coronavirus.htm#> - covering a range of topics including a guide on 'Working safely during the Coronavirus outbreak', PPE, hand sanitisers etc.
- Association of British Insurers: <https://www.abi.org.uk/products-and-issues/topics-and-issues/coronavirus-hub/> although this is generic and offers no specific advice around liability insurance.

Insurance companies have also published guidance on their own websites although again, this tends to be fairly generic and signposts Government/HSE guidance. This is not surprising because liability is based on legislation.

Speaking to our clients, it is clear that much preparation is in hand in readiness for re-opening. Those responsible for health and safety are referring to issued guidance as listed above.

As always, we will be happy to provide any advice or assistance you may need.

Finally, **keep safe and well!**

Graham Peck

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CONTACT US. For more information about this newsletter or just some general advice, please contact Graham Peck by email; g.peck@risk2value.com or ☎ 07831 595701.

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