



### CLAIMS AND LOSS CONTROL

Over the last 2 months, COVID-19 has impacted many areas of risk across industries, markets and coverage lines. Our Risk Management Services team has worked to stay up to date with developments in the legal, construction, business and insurance communities. This has allowed us assist our clients with claim reporting, advising on ways to keep their workers safe, and addressing concerns about their facilities. Here, we update our areas of concern.

#### Claims

- **Business Interruption.** Insurers have consistently maintained that coverage under property policies appears to be limited or outright excluded in many instances. We are working to address each individual case on its merits, and will continue to advocate on our clients' behalf to maximize coverage wherever possible. In all instances, we are helping clients determine the best approach for their specific situation, whether their shut down is government mandated or a function of supply chain or customer ordering disruptions.
- **Workers' Compensation.** The potential compensability of an employee illness has become a focus point for many states as they have sought to specifically change the laws to cover those workers most in danger during the Covid-19 outbreak. While it remains difficult for the average worker to

show that their illness is work-related and therefore covered under workers' compensation, there has been growing political pressure to ensure that those in health care (including first responders), delivery & logistics or grocery/retail, are able to obtain workers compensation coverage when a causal link between their employment and the virus can be shown. It is important to remember that most illnesses are not typically treated as workers' compensation, including more traditional versions of the flu.

- **Professional Liability.** Given the large percentage of Covid-19 cases documented at long term care facilities and nursing homes, we anticipate both a surge in lawsuits alleging negligent care as well as an increased call for states to cap the liability of these entities. In either scenario, future insurance trends will be clearly impacted by these developments.
- **Executive Risk.** Additional claims stemming from a business's management's failure to adequately plan for and address exposures relating to issues surrounding Covid-19 costs will also be a concern. Shareholders will look to exploit these policies to obtain funds to offset drops in share price or other business related problems. Further claims may arise as a result of creditor actions from bankruptcies.

#### Safety and Loss Control

- Several areas of concern have been raised over the last two months which our team has focused on. We are working closely with clients who are deemed essential to help identify ways to protect their workers and their facilities. Given the restrictions on travel facing many of us, we have combined virtual and telephonic surveys to help identify areas of increased exposure. With the closing of many of our clients' facilities, we are also working with them and their insurers to ensure that these facilities remain safe during shut down and when reopened. Specific steps have been identified in that process and we will continue providing the high-quality, value-added services our clients require. As the nation slowly reopens, we envision a call to action that will require immediate assistance as clients restart production and distribution, while looking to balance the need for employee safety through the process.
- We will continue to offer our expertise in the area of loss prevention regarding your people and facilities specifically regarding infectious disease and business reopening 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.