

#069

WHAT ARE THE CONDITIONS FOR COVID-19 TO BE RECOGNIZED AS FORCE MAJEURE UNDER THE LIABILITY INSURANCE?

Distribution

Industry

Insurance



The Covid-19 crisis may lead to claims being brought against directors and officers and their companies on two main grounds.

The liability of officers and directors may be called into question by one or more employees who have been infected by Covid-19, or by their families (in the event of death) and if it is considered that the company and its officers have not acted sufficiently well to protect the employees (failure to comply with health and safety rules).

Despite the standard exclusion applicable to Material and Bodily Injury, **defence costs incurred by an insured natural person are covered and damages in certain cases** (if no other insurance policy, intended to operate in the first place, can cover these damages).

In addition, for listed companies, the company and its management may also be challenged by shareholders on the basis of erroneous or insufficient financial communication («misrepresentation») regarding the impact of the Covid-19 crisis on the company's operational and financial performance.

This is a securities-related claim (stock market claim) which is intended to be covered (defence costs and damages) by a liability insurance policy.



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À propos de Gras Savoye Willis Towers Watson est une entreprise internationale de conseil, de courtage d'assurance et de solutions logicielles qui accompagne ses clients à travers le monde afin de transformer le risque en opportunité de croissance. Nous concevons et fournissons des solutions pour gérer le risque, accompagner les talents et optimiser les profits afin de protéger et de renforcer les organisations et les personnes. Notre vision, unique sur le marché, nous permet d'identifier les enjeux clés au croisement entre talents, actifs et idées : la formule qui stimule la performance de l'entreprise.

| About ASLOG

ASLOG brings together more than 400 companies from all sectors, with 2,000 professionals working together to promote and build tomorrow's Supply Chain. ASLOG is a neutral and independent association that addresses Supply Chain issues.

As early as 1972, visionary men sensed that this function would be decisive for all companies. For almost fifty years, professionals in the sector have made ASLOG the reference partner.

ASLOG is the privileged interlocutor of institutions and public authorities on all questions relating to the sector.

| #supplychain4good

The **#SupplyChain4Good** community was created at the initiative of Michelin and ASLOG, as part of the Movin'On ecosystem, in favor of a more sustainable mobility of goods.

#SupplyChain4Good's ambition is to federate the actors who work for Supply Chains that are simultaneously good for the planet, the people and the business performance. The members of this community are «shippers» (industrial and commercial companies), «operators» (transporters, logisticians, shipping companies, ports...), «support functions» (academics, consultants, information systems, regulators, NGOs...).

They cover all economic sectors and all regions of the world. Their work takes place throughout the year and culminates in the annual Movin'On Summit, the world summit on sustainable mobility.