



# TYSERS

## CLIENT BRIEFING

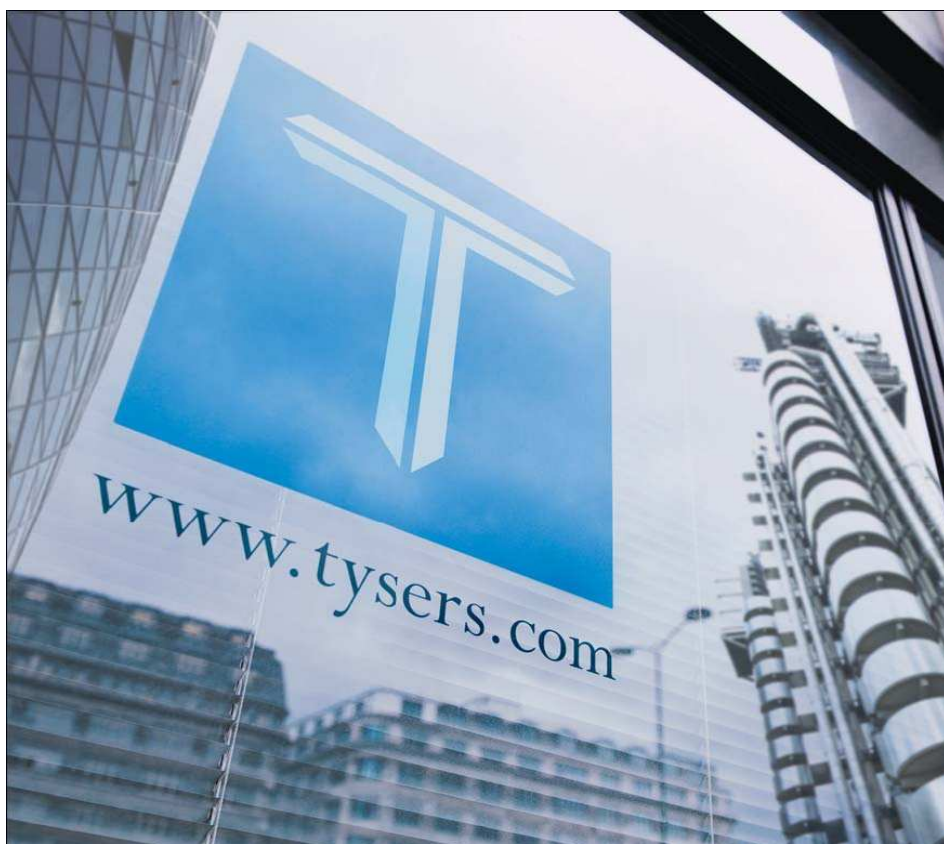
July 2009

### Swine Flu (H1N1 Virus)

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### Employers Liability Insurance

Since 1820



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Recently published articles on the threat of an H1N1 Swine Flu pandemic have raised concerns that companies and businesses might be found liable if their employees contract the virus at work and that employers should ensure that their Employers Liability Insurance covers swine flu.

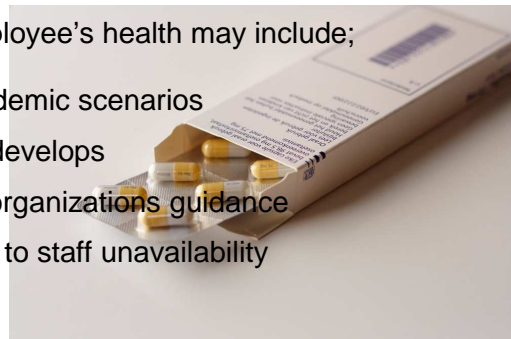
The principal point to note is that **Employers Liability Policy's have no exclusion for pandemics or diseases of any kind.**

Employers Liability insurance operates on a legal liability basis in respect of the employers duty of care to their workforce and in the seemingly unlikely event of a legal precedent being set of an employer held responsible for an employee contracting the virus at work, your Employers Liability Policy will respond to such a claim covering both legal defence costs and potential awards.

An employer has a legal duty to provide a safe system of working for employees and in relation to the spread of swine flu this should include as a minimum, compliance with government and health authority guidelines and recommendations. In addition companies might wish to review their own policies on travel, hygiene, staff absence and sickness management.

Wider considerations to protect the business as well employee's health may include;

- Ensure that business continuity plans include pandemic scenarios
- Review risk management plans as the pandemic develops
- Ensure consistency with Government and health organizations guidance
- Consider the exposure of key business processes to staff unavailability
- Consider home working



At this stage of the threatened pandemic there is a considerable lack of agreement on how and to what extent it may develop and its degree of seriousness. There seems little likelihood that Employers Liability Insurance will have any role to play in the outcome and aftermath of this global event but should you have any further concerns regarding your insurance protection, please get in touch with your usual Tyser contact.