

Commercial Connections

Snares of Web Use

At a glance, your firm's liability insurance may appear to cover claims of libel, slander and defamation under a coverage called "Personal and Advertising Injury." Unfortunately, a closer examination could reveal that such exposures are not covered if they take place on the Web.

Blogs, social media tools, such as Facebook, Twitter and other Web-based services, are growing in popularity with business users hoping to reach more customers and strengthen professional relationships. These tools, however, have a downside: They give users the capability to publish off-the-cuff-remarks that could land a firm in hot water if they are construed as libelous or slanderous to another organization or individual.

Claims such as these can be costly, or even financially ruinous, if not adequately covered by insurance. Because standard liability policies often exclude this exposure, special steps are necessary for more complete protection. These steps may include an establishing and enforcing an effective social media and Web-use policy as well as getting specific insurance designed for this type of exposure.

For more information on protecting your firm from the exposures of open communication on the Web, call our service team today.



In This Issue:

- Snares of Web Use
- Defective Workmanship
- Answering Employee WC Questions
- Check Your Debris Removal Coverage
- Reduce Risk for Teenaged Employees

Defective Workmanship

Defective workmanship (commonly called "construction defect") claims are a frequent source of frustration for contractors. The source of the frustration is the language found in most general liability policies regarding defect claims. Most policies say that in order for a claim to be covered, the defective workmanship must first constitute an "occurrence" as defined in the policy. Further, the type of work and resulting damage must not be excluded by the policy.

The interpretation of these factors has been the source of great confusion through the years, usually defaulting to state-specific case law in search of the answer. That means the results vary depending on the state where the case is brought.

Construction defect claims can pop up years after you've completed a project. There is simply no substitute for consulting with a professional insurance agent regarding coverage for your workmanship. Your agent will be able to guide you to insurance options that best address the projects you work on and the specific requirements and interpretations in your state.

Check Your Debris Removal Coverage



If your building is damaged in a fire or other covered catastrophe, how much will your business owner's policy pay to clean up the mess? If you think the answer is always going to be 100%, you could be in for a surprise at claim time.

The amount of money your insurer will pay a contractor to clean up after a covered loss depends on the severity of the damage and your policy limits for replacing the damaged property. What remains of the policy limit after estimated repair/replacement costs can then be allocated to pay debris removal expense. That amount could be less than you think.

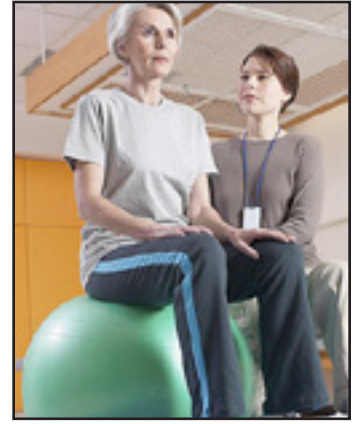
Keep in mind that it costs more to clear a site and remove debris if there is steel or masonry material to be disposed of. Further, the debris removal calculation also takes into account the cost to remove damaged contents, such as inventory and equipment. Businesses packed with heavy equipment that must be moved will incur a much larger debris removal expense than those with very few or smaller items.

The good news is that some business owners policies make it easy and affordable to increase the debris removal limit. Review your insurance for your limits and give us a call if you would like advice on your options.

Answering Employee WC Questions

When an employee is injured at work, they will likely have questions. Questions may include:

- When should I go to the doctor?
- Can I visit my own doctor?
- Will I have to pay any of the expenses?
- Is there a cost limit?
- What kind of services will be covered and for how long?
- When can I return to work?



Filing a workers compensation claim can be stressful, particularly if those involved are new to the process. Further, employees almost always expect their employer to help with the claim and their return to work.

The longer and more complicated the process is, the more expensive the claim will likely be. Mistakes and delays can make the employee feel unappreciated or inconvenienced, leading to bad feelings, a loss of goodwill, and potentially claims of bad faith or employment practices violations. Make sure those handling claims at your business know, or can find out, answers to employee questions.

The laws governing workers compensation vary by state, so the information employers give to injured employees will be different depending on where the claim is filed. Educate your managers and be ready to answer workers comp questions that arise. If you need help, we are available. Give us a call.

Reduce Risk for Teenaged Employees

Teenagers are always attractive hires since they usually command lower pay and are often willing to take jobs older workers find less attractive. They do, however, present particularly liability risks for employers, so businesses need to pay attention to their special needs.

Firms using the services of teenaged workers should know that some 84,000 teens are injured seriously enough to require emergency room treatment, according to Labor Occupational Health Program, UC Berkeley, 2008.

These young workers have a greater exposure to certain injuries that otherwise may be easily preventable for those with more experience. Teach teens to put safety first at work. Provide clear directions and hands-on training for the use of equipment, and demonstrate safe handling of food, chemicals and machinery. Observe them and retrain as needed. Prepare them for emergencies, and make sure they use personal protective gear when appropriate.

There are many other things to consider when employing teens. Youngworkers.org contains statistics and other resources designed for employers with teenaged workers. For more information, visit www.youngworkers.org/employers/.