

Big “I” Virtual University Ask an Expert Question

Started: 10/17/2014 9:43 AM

Ebola

I noticed the shop owner in Ohio volunteering to close her shop down until it is determined that the Ebola exposure dose not present her clients and employees with an increased risk. My question (s)

1. Is there endorsement or provision in the property policy that allows BI and EE when the owner of the business volunteers to stop operations for a situation like this?
2. If employees are infected, does WC pick the treatment costs?
3. Does the shop owner have a liability exposure if a customer gets the infection after visiting her store?

Posted: 10/17/2014 10:50 AM

1. Is there endorsement or provision in the property policy that allows BI and EE when the owner of the business volunteers to stop operations for a situation like this?

Business income is usually triggered by direct damage to property on the described premises caused by a covered peril. Voluntarily shutting down your business because of the possibility of the spread of a disease is likely not a covered cause of loss. But, just in case, read the policy form(s).

2. If employees are infected, does WC pick the treatment costs?

In most states, if they contract a disease during the scope and course of their employment, they MIGHT have coverage. There could be case law or statutory law that indicates that such infection must arise out of the employment. So, someone who gets pneumonia due to working in freezing weather on a construction site might not have a valid WC claim. You would need to present a specific, fact-based scenario to someone who is an expert in WC/labor law in your state for an opinion.

3. Does the shop owner have a liability exposure if a customer gets the infection after visiting her store?

Whether the shop owner has a liability exposure is a legal question for an attorney. Our concern would be whether they have COVERAGE under, for example, a CGL policy.

Here are two VU articles related to the Ebola issue:

- [“Are You and Your Clients Ready for a Pandemic?”](#)
- [“Swine Flu and the Homeowners Policy”](#)