



## Q4 HOT TOPIC:



### Commercial General Liability: CGL insurer has duty to defend third-party claim arising from workplace injury



The Alberta Court of Queen's Bench recently ruled that there is at least the possibility that a Third Party Claim for contribution and indemnity against a door installation company, Creative Door Services Ltd, may be covered under that company's commercial general liability policy triggering the insurer's duty to defend. A sub-contractor hired by Creative Door was injured and commenced an action against the occupier of the premises who brought a Third Party Claim against Creative Door Services. Creative Door Services' CGL policy, written by AXA Pacific Insurance (acquired by Intact Insurance company in 2014), covers sums that the insured "shall become obligated to pay by reason of the liability imposed by law upon the Insured or assumed by the Insured under contract for compensatory damages."

Photo credit: David Bell CBC

Source: Canadian Underwriter. Published, October 19th, 2017.

While there is no allegation in the Third Party Claim that Creative Door Services caused the sub-contractor's injuries, resolution relies on the interpretation of the Third Party Claim against Creative Door Services based on the context of all pleadings, "and whether, by virtue of that claim, Creative may become obligated to pay by reason of liability imposed by law upon it or assumed by it under contract for compensatory damages because of bodily injury or personal injury," wrote Justice Doreen Sulyma.

## DID YOU KNOW?

Trisura has recently launched a commercial package policy with enhanced property and liability coverage. The policy offers comprehensive protection with flexible coverage options that can be customized with property capacity of \$7.5MM and liability limits of up to \$10MM. The commercial package policy is available in conjunction with Trisura's Specialty Professional Lines and on a stand alone basis for certain classes of business.

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### Employment Practices Liability: Former Site C manager files wrongful dismissal suit arising from safety allegations



Photo credit: Jonathan Hayward, Canadian Press

Source: Bob Mackin  
www.thebreaker.news  
Published October 12th, 2017.

Kent Peyton, a former job site manager in charge of schedule and budget for the Peace River dam construction project in Fort St. John, B.C., filed a claim in B.C. Supreme Court alleging that he was fired after refusing to adopt unsafe working practices. Peyton said that when he inherited the operation in May 2017, workers were already employing dangerous construction practices. After attempting to put a halt to the practices, Peyton said an altercation followed, the occurrence of which ultimately resulted in his dismissal.

"[The employer acted] in a callous and insensitive manner, and specifically failed to act in the candid, reasonable, honest and forthright manner that was a common expectation of the parties at the outset of the employment relationship," says the suit.



### Cyber Liability- Websites giving hackers easy access, audit reveals



Source: Warwick Ashford,  
www.computerweekly.com

A recent audit from enterprise security solutions provider, Positive Technologies, revealed a highly detailed outline of web application security vulnerabilities. Of the 73 web applications tested, 94% contained five of the ten most common security vulnerabilities. Telecommunications companies contain the highest percentage of high-severity vulnerabilities at 74%, but when classifying the severity of consequences, manufacturing and e-commerce were rated as "extremely poor".

The study notes that there has been a 12% decrease in "high-severity vulnerabilities" since 2015, however, the percentage of web applications in this category remains high.