



Property & Casualty

The Internet of Things and the impact on product liability



Source: David Gambriel, Canadian Underwriter - Published February 19th, 2018.

The Internet of Things (IoT) may have a considerable impact on civil liability claims. Prachi Shah, a litigator at Clyde and Co. says "For a first party insurer, there are all these new actors to think about, and new types of evidence". Shah uses the word actors to refer to the integrated technology products that work and communicate together. "If our devices can talk to each other and to us, and can then function – and malfunction – without physical intervention by a human, who is liable when something goes wrong?" This changes the traditional approach to product liability claims because there are new "actors" entering the scenario that may not have been considered relevant before. "When you do a forensic investigation, you are going to need not just an electric engineer, but maybe also someone who understands IT, and IT analyst, who can dig through other kinds of evidence...it's a matter of making sure you have more people [involved in the claim] and the right sort of people."

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Supermarket chain pays out \$755,000 for slip and fall costs



Source: Greg Meckbach - Published April 19th, 2018. Canadianunderwriter.com

Lori Lee Harrison "unknowingly stepped in a large pool of liquid laundry detergent" while grocery shopping at Loblaws and suffered injuries to the extent that she was no longer employable. Harrison sued and was awarded a total of about \$750,000, of which \$195,000 was for loss of past income and \$175,000 was for pain and suffering. Although Loblaws Inc. had a detailed risk management plan, court records indicate the manager on duty failed to follow several steps in the incident response plan. Justice Bill Basran of the B.C. Supreme Court ruled there was "insufficient evidence" that Loblaws was following its own system of inspection and maintenance while there was no evidence to show Harrison was contributorily negligent.

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One word affects future of additional insurance coverage



Source: Michael S. Teitelbaum, Canadian Underwriter - Published, February, 2018.

A recent ruling from Ontario Superior Court Justice Jane Ferguson brings to question the breadth of an insurer's duty to defend an additional insured under a CGL policy. In Brookfield Johnson Controls Canada LP v. Continental Casualty Company, the plaintiffs claimed special damages of more than \$1,000,000 for injuries that resulted from the plaintiff's fall from slipping on a loose floor mat. The CGL policy stated that "Brookfield Johnson Controls Canada LP are added as Additional Insured but only with respect to liability arising solely out of the operations of the Named Insured...". Furthermore, the statement of claim related to the "placement" of the floor mat and not its supply. The court concluded that the claims did not "arise solely" out of the plaintiffs operations. Justice Ferguson also noted that the "addition of the word solely emphasizes the limitation of coverage provided to additional insureds."

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