

Commercial Risk Advisor

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Provided by:
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Force Majeure and COVID-19

Many businesses have had their operations greatly disrupted in recent months due to the coronavirus (COVID-19) pandemic. However, if you have force majeure clauses within your contracts, it is possible that your organization may have an added layer of protection for handling the situation.

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DOES COVID-19 QUALIFY?

Like the contracts of which they are a part, force majeure clauses can be complicated. Whether or not the COVID-19 pandemic will trigger a clause depends on the following factors:

- **Language**—Check if your clause includes language pertaining to pandemics or diseases.
- **Jurisdiction**—Different states may vary in how they interpret and enforce force majeure clauses.
- **Facts**—Analysis of the specific facts on a case-by-case basis will help to determine what effect the pandemic has had.

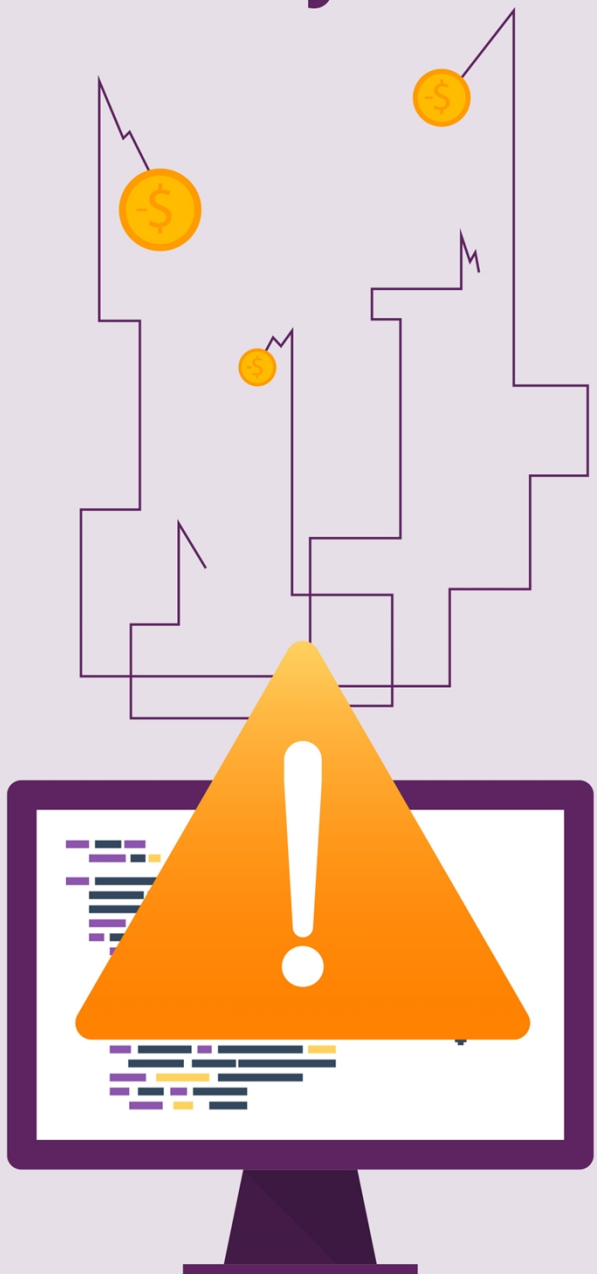
TIPS FOR EMPLOYERS

Whether it be for the current pandemic or planning for the future, employers should take the time to consider how force majeure can help them. To best understand these clauses, consider these tips:

- Document the specifics of your business interruption.
- Remove ambiguity from future contract language.

There is no concrete answer to whether the COVID-19 pandemic will trigger force majeure clauses. Your business may need to conduct audits and consult with legal counsel in order to know exactly where you stand.

It is estimated
that, by 2024,
**data breaches
will cost
businesses
over \$5 trillion
each year.**



Managing Cyber Security and Remote Work Risks During COVID-19

To address the coronavirus (COVID-19) pandemic, many employers have shifted their employees to remote work arrangements. While this has allowed businesses to maintain their operations, it also poses cyber security risks that businesses must be aware of.

At the office, businesses can implement and enforce cyber safety standards in order to keep data and sensitive information secure. But employees' home networks may not have the same level of security. In order to keep your employees and your business as safe as possible from cyber threats, consider the following:

- **Training against phishing attacks**—Train your employees on how to recognize and avoid phishing attacks by not clicking on suspicious emails or links and never providing personal, financial or company information to an unknown party. In the wake of the COVID-19 pandemic, there has been an uptick in the number of phishing attacks being perpetrated.
- **Virtual private networks**—Organizations should implement a virtual private network (VPN). VPNs encrypt internet traffic and make it more difficult for potential cyber threats to track online activity.
- **Anti-virus software**—Your company should require that all employees use anti-virus software. Employees should also be instructed to be sure that they keep the software updated.
- **Two-factor authentication**—Two-factor authentication adds an extra layer of protection when employees are accessing any company device or data that would normally only require a password. Two-factor authentication generally requires users to provide a unique security code sent to their phone or email address, and means that potential cyber threats will need more than just a stolen password.
- **Device privacy**—Instruct your employees not to share company devices with others. The more people who have access to a device, the more likely it is that someone may make a mistake and jeopardize the cyber security of your organization.

A cyber attack can devastate your organization's operations, finances and reputation, so it is of the utmost importance that you take the proper precautions in order to prevent yourself from becoming the victim of one.