



Claims signposting

Motor and employers' liability insurance

Making claims clear



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At AXA, we want to make dealing with us simple and trouble free, so you can get back on your feet as soon as possible after a loss.

We know the last thing you need when you make a claim is to find any surprises in your policy conditions or get tied up in legal language.

We've put this guide together for employers to explain why some claims could be valid under either motor insurance or employers' liability insurance – and how you can help us decide which policy applies.



Motor and employers' liability insurance

What's the crossover between motor and employers' liability insurance?

Both motor and employers' liability insurance are compulsory and work alongside each other. It was never the intention of legislation that motor insurance would pick up 'in employment' risks.

Employers' liability insurance is designed to compensate employees if they suffer illness or injury caused by their employer at work. But what if the injury happens in a vehicle?

For example, if an employee is a passenger in a works van being driven to a building site during the working day and is injured in a motor accident. In such cases there's a question over whether the claim is covered under employers' liability or the company's motor insurance. You can only claim on one policy, so it's important to understand which one applies.

Which policy do I claim under?

It's helpful to look at the legislation:

- Employers' liability policies won't cover claims for bodily injury to an employee in situations where motor insurance cover is mandatory.
- Motor insurance won't cover claims for injuries during employment unless required by the Road Traffic Act.

Example

In our example of an employee travelling as a passenger in a works van, the motor insurance applies. The Road traffic Act excludes employment related matters, but then retains the need for motor insurance to be applied to 'a person (a) carried in or upon a vehicle, or (b) entering or getting into, or alighting from a vehicle'.



Practical considerations

In the simplest of cases matters involving just an employee vehicle driver would fall to employers' liability. Employees travelling as passengers would fall under motor insurance.



Of course, not all matters are that straightforward. Again, for example, employees who were travelling as passengers who ended the journey and were then injured helping to unload the vehicle would be considered under employer's liability insurance. They were not being carried in or on the vehicle at the time of the incident.

What we need to know from you

We need you to provide us with as much information as possible to help us decide whether your claim is covered and, if so, which policy applies to your case. This could include:

- Details of the other insurer involved if the motor and employers' liability policies are not both from AXA
- Photos taken at the scene, including the vehicles involved
- Details of any witnesses to the accident.

What we will do

Once we have your information, we will investigate to see which policy you should claim under. We might appoint a claims inspector or loss adjuster to help with this process.



Get in touch

If you have any questions about this document, please get in touch with your usual AXA contact or your insurance broker.





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