



EDITORIAL

Faced with the uncertainties of our time, we must anticipate and remain agile

As we come to the end of 2022, it is especially difficult to predict the state of the world in 2023. Who could have guessed, even only a year ago, the current geopolitical situation and its impact on our economies? As companies and directors, we must all prepare ourselves to face risks that are having greater and greater consequences on our organisations and workers. Four serious risks are upmost in my mind: the climatic risk that has led to a significant increase in the number of property damages in 2022 and caused the first waves of refugees; the risk of cyber-attacks that has skyrocketed as homeworking has become more commonplace; health risks of course, due to the pandemic, with repercussions in the business world as well as consequences for mental health; and finally, the geopolitical risk that is presenting a challenge for world economy and also creating new migratory movements.

Due to this challenging context, we have noticed that insurers are hardening their position in many sectors (people, objects, etc.). Capacities and covers are being reduced, premiums are continuing to increase and companies are asking for more guarantees and information.

As brokers, we have a role to play in reducing the impacts of the situation we have just described. We make every effort to constantly improve the quality of advice in the face of our clients' evolving risks and requirements. We are broadening our offering with new services and tools to complement our activity as brokers and meet the needs of businesses looking for greater flexibility.

In this issue, the last this year, we discuss the risk for which businesses can really take action: work accidents. Once again, we aim to bring you our expert advice. We take stock of existing cover and talk about a key point in avoiding this risk: safety in the workplace.

On behalf of all those working at Swiss Risk & Care, I would like to reiterate our thanks for your trust and wish you very happy holidays spent with those dear to you.

Happy New Year for 2023!

David Cochet
Managing Director



Accident prevention and insurance

In Switzerland, 6% of the working population fall victim to a workplace accident every year. This is a heavy burden for businesses, both at a human and economic level. Prevention and management are at the heart of the fight against workplace accidents. As is having insurance with adequate cover.

Accident or illness: strict criteria

According to Swiss federal law on the General Part of Social Insurance Law (LPGA), an accident is considered as “any harmful, sudden and unintentional injury to the human body by an extraordinary external cause that compromises physical, mental or psychological health or results in death”. If just one of these conditions is not fulfilled, the case is considered as an illness. The accident is recognised as professional if it occurs when the employee is carrying out work on the orders of

the employer, including during a professional trip or training outside the usual workplace. However, the distinction between work and non-work accidents has no importance for the employee as the cover is identical (except for employees working less than 8 hours/week).

To avoid any legal disputes and reduce the processing time, it is highly recommended that employees are fully informed of the strict context within which insurers recognise cases as accidents. Likewise,

particular care must be taken to give a clear and accurate statement of the circumstances, as it is impossible to make any change to this statement once it has been signed by the

Almost 280,000 workplace accidents were recorded in Switzerland in 2021. This is the equivalent of 1 accident every minute.

The legal bases

Several texts define the obligations of employers and employees regarding the protection of workers' health for the prevention of occupational accidents and illnesses. Extracts

■ Art. 6 para. 1 – Swiss Labour Law

To protect workers' health, employers are responsible for taking all the measures which **experience** has shown as necessary, that can be applied with the **current techniques and technology**, and that are **suitable** for the operating conditions of the company.

In addition, they must take all the necessary measures to protect the personal integrity of employees:

- Protection of personal integrity
- Protection from risks to health and overwork
- Absence of alcoholic beverages and other psychotropic substances
- Participatory rights

■ Art.82 – LAA (compulsory accident insurance)

The employer must involve employees in adhering to preventive measures to avoid occupational accidents and illnesses.

Employees are bound to assist their employer in observing the directives for preventing occupational accidents and illnesses. **They must in particular wear the personal protective equipment and use the safety devices correctly**, refraining from removing or modifying them without the employer's authorisation.



employee. As long as the insurer has not recognised the accident, the payments are suspended. This may have consequences for the worker's medical treatment.

The particular case of injuries similar to those caused by accidents

Eight bodily injuries defined by law are classified as accidents, even if an extraordinary external cause is absent. However, the 'sudden' and 'unintentional' criteria must still be present. These can be listed as breakages, joint dislocations, meniscus tears, muscle tears, muscle strains, tendon tears, ligament damage and eardrum damage. Nonetheless, as noted by Natacha Ostyn, Client Manager at Swiss Risk & Care: *"if the injury has been caused mainly due to wear or illness, the case will not be recognised as an accident."*

LAA cover

The Swiss Federal Law on Accident Insurance (LAA) covers all employees working within

Switzerland. The LAA is compulsory. The responsibility for work accidents is borne by the employer, and by the employee for non-work accidents (in the absence of a more favourable agreement). The rate of the premium depends on the company's risk category, as some professions (construction for example) have a particularly high rate of accidents.

The LAA pays out for the medical treatment, associated expenses, daily allowance (triggered on the third day, at the rate of 80% of the gross salary), and the disability and survival pensions. Daily allowances and pensions are calculated based on the insured salary. The maximum insurable salary for the LAA is CHF 148,200 per year.

Complementary LAA, highly recommended

"Complementary LAA constitutes a real social advantage that increases the appeal of companies", explains Natacha Ostyn. Most companies subscribe to LAA-C to cover, at

least in part, the limitations of LAA such as medical treatments in private wards, an extra 10% regarding daily allowances for the LAA salary, daily allowances for the excess salary, disability and survivor pensions on the excess salary, as well as death and disability capitals. The LAA-C also covers some exclusions: the reduction for fault or reckless activity, previous accidents, relapses and late effects, as well as participations, contribution and excess fees for treatment costs in the EU/EFTA. In the event of a legal conflict or suspected serious negligence, the LAA-C may enable an advance payment, depending on the situation.

We advise you to contact your broker or your insurer to check the clauses in your contract.



INTERVIEW

Prevention, the crux of the matter

Reducing the number of accidents is a crucial challenge for any company. Philippe Kriha, Prevention Advisor at SUVA, explains how and why it is important to make workplace safety a priority.



What impact does an accident have on a business?

Employers have a legal obligation to protect the physical integrity of their employees. An accident has a human impact, of course, but it also has heavy economic consequences for a business. The indirect costs of an accident due to replacing the individual, the administrative burden of managing the matter, a higher premium, etc. can add up to several thousand Swiss Francs, sometimes even several tens of thousands.


How can a prevention plan be set up?

The image of an iceberg is often used to explain prevention. One part is visible, representing the accident itself, and the other hidden part corresponds to the hazardous situations and behaviour that may cause the accident. It is on these aspects that we can act ahead of time. The seriousness of an accident cannot be controlled: a simple fall may have no consequence or it may cause injury that may go so far as to cause death. This is why every hazard must be identified and managed. An efficient safety system includes 10 points: the guiding principles and targets for safety, health and safety organisation, training/instruction/information, safety regulations, identifying hazards and risk appreciation, planning and carrying out the appropriate safety measures, emergency preparedness, participation, health protection, and finally, controls and audits. Depending on their business, companies can be advised by SUVA, OCIRT or a private insurance agency.

Why should prevention not only be limited to professional accidents?

Two thirds of accidents occur outside a work environment, but they still impact businesses since they generate absences from work. I therefore advise all employers to take preventive action regarding non-work activities as well. Several organisations (BPA, SUVA, etc.) provide free or paying training modules. Prevention should not be seen as an expense, but rather as an investment, because every avoided accident represents a significant saving for the company.

A replay of the webinar can be viewed on our website:
<https://www.swissriskcare.ch/les-webinaires>



Publication of the 'HR Controls & Analytics' Practical Guide and the 2022 Benchmark of HR indicators

As a historical partner of the HR Bench Institute, we are delighted to inform our readers of the publication of two essential works for Human Resource Managers:

- The 'HR Controls & Analytics'

Practical Guide: HR departments make increasingly frequent use of tools and data to analyse and quantify. This guide opens the door to using analytics as a steering tool for the efficient and proactive management of human resources. It is sold by Payot.

- 2022 Benchmark of HR indicators:

Discover the third edition online on our website and learn about the new trends, practices and challenges in HR. With 340 participating businesses, it will enable you to position your company's action according to your line of business, size and geographical location.

Read the analysis and principal results of the study:

<https://www.swissriskcare.ch/actualites/benchmark-rh-2022>

The results were presented during a webinar that also gave rise to a debate with several experts about the challenges for HR.

The replay can be viewed on our website: <https://www.swissriskcare.ch/les-webinaires>

Key figures for prevention and social insurance in 2023

Find the figures for next year on our website:

<https://www.swissriskcare.ch/actualites/les-chiffres-cles-2023>

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