



# Summary sheet Liability insurance

for occupational benefits fund commissions

## Overview

**1**

Article 52, Paragraph 1, of the Federal Act on Occupational Retirement, Survivors' and Disability Pension Plans (BVG) provides as follows regarding the responsibility of an occupational benefits institution's governing bodies: "All persons who administer or manage the occupational benefits institution, as well as the pension actuaries, are responsible for any damage they cause to the institution intentionally or through negligence." This provision applies to all aspects of occupational benefits insurance.

The members of an occupational benefits fund commission, be it as employee representative or employer representative, must therefore not only exercise their rights but also assume obligations and responsibility. They are thus jointly and severally liable for any intentional or negligent damage they may cause to the occupational benefits institution. This means that every member of the occupational benefits fund commission is individually liable for the damage. The claimant thus has the choice of bringing the claim for the damage against all members or only against individual members of the occupational benefits fund commission. An individual member can then take recourse against the other members who share the responsibility.

Because financial risks arising from activities by occupational benefits fund commission members are difficult to gauge, the Board of Trustees has decided to protect all occupational benefits fund commission members registered with the foundation against such risks through financial loss liability insurance.

## Who is insured?

**2**

The insurance covers occupational benefits fund commission members who have been appointed or elected as shown in the election minutes.

The insurance also covers the Board of Trustees.

## What is insured?

**3**

Claims for damages resulting from financial loss that are asserted against members of the occupational benefits fund commission on the basis of Swiss statutory liability provisions are insured. The benefits include both the compensation of justified claims as well as the defense against unfounded claims (legal protection function). Defenses from law and from the insurance contract are reserved.

Claims arising from damage are not covered, among other things, that are caused on the occasion or opportunity to commit crimes and felonies as well as by the intentional or conditionally intentional violation of statutory and regulatory provisions or that the insured person brought about intentionally or conditionally intentionally. Likewise, coverage does not extend to the intentional or conditionally intentional disregard for the investment rules under the Federal Act on Occupational Retirement, Survivors' and Disability Pension Plans (BVG).

## From when to when is the insurance valid?

**4**

Insurance coverage commences when the affiliation contract enters into force. From the start of the affiliation contract until its dissolution, all claims for damages are covered that are asserted against the insured members under financial loss liability insurance.

## What is the amount of insurance?

**5**

The guaranteed amount is CHF 5,000,000 per loss event and year.

The total of all the insured losses arising from the same cause as well as the consequences of several actions or omissions in a single case count as a single loss event. The number of injured parties, claimants or eligible claimants is irrelevant.

**How do I proceed if...**

**6**

- ... a member leaves the occupational benefits fund commission (e.g. if he/she declares their resignation in writing or - if their membership is part of an employment contract with the employer - the employment contract is dissolved) and no elected reserve member is available?
  - Make this known by means of new election minutes. If an elected reserve member is available, also make this known. The new member is automatically insured.
- ... a damage event occurs, i.e. liability claims are filed for financial loss?
  - Contact your insurance consultant and you will be sent the necessary documents.

**Disclaimer**

**7**

In case of a claim, the financial loss liability insurance policy, including the General Insurance Conditions and the Special Insurance Conditions of the insurer, constitutes the exclusive defining legal basis.