



## A comparative analysis of the application of sue and labour clause in marine and auto insurance policies: A case study of the insured's awareness in Ghana

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DOI: <https://doi.org/10.66856/ijmrd.2026.13.2.13247>

### Abstract

Insurance policies are important tools for managing risk, but their complexity often leads to misunderstandings among policyholders. This study examines the awareness of insured individuals in Ghana regarding the Sue and Labour Clause in marine and auto insurance policies. A mixed-methods approach was used to assess policyholders' understanding of the clause. The findings show varying levels of awareness, with significant gaps in understanding among insured individuals. The study emphasizes the need for education to improve informed decision-making and effective risk management. Recommendations include educational programs, simplified claims procedures, and collaboration between insurers and regulators to improve insurance literacy. The study contributes to discussions on insurance literacy and provides insights into the Ghanaian insurance environment.

**Keywords:** Sue and Labour Clause, Insurance Literacy, Marine Insurance, Auto Insurance

### Introduction

Insurance plays a vital role in risk management by providing financial protection against unexpected losses. It is a contractual agreement where a policyholder pays a premium in exchange for compensation when losses occur. Marine and auto insurance are two important categories that support business operations and personal asset protection. One important provision within these policies is the Sue and Labour Clause, which requires policyholders to take reasonable steps to minimize losses. The insurer then reimburses expenses incurred in preventing further damage. Marine insurance supports international trade by protecting goods transported by sea against risks such as sinking, theft, fire, collision, and natural disasters. The Sue and Labour Clause is especially important in marine insurance because insured parties often need to take immediate action to prevent further damage. These actions may include hiring salvors, securing cargo, or arranging emergency repairs. When properly applied, the clause helps reduce financial losses for both the insurer and the insured. On the other hand, auto insurance protects vehicle owners against accidents, theft, and liability claims. In Ghana, motor third-party insurance is compulsory and provides compensation for injuries and deaths caused by vehicles. Although the Sue and Labour Clause is less common in auto insurance, it may still apply when policyholders incur costs to prevent further damage after an accident. However, awareness of this clause in auto insurance remains limited.

The insurance industry in Ghana has grown steadily due to increased trade activities and rising vehicle ownership. The presence of numerous insurance companies and brokers has improved access to insurance products. Despite this growth, many policyholders lack adequate knowledge of policy provisions, including the Sue and Labour Clause. Limited awareness may affect claims settlement and the ability of insured individuals to recover losses. This study therefore examines the awareness of insured individuals regarding the Sue and Labour Clause in marine and auto insurance

policies in Ghana. It also compares how the clause is applied in both sectors. The findings will help insurance companies and regulators improve policy communication and enhance insurance literacy.

### Literature Review

The examination of sue and labour clauses in insurance policies is of considerable importance within the insurance industry, particularly in both marine and automobile insurance. These clauses, which have historical roots in traditional insurance practice, empower insurers and insureds to take reasonable actions to mitigate or minimize losses. The insurance industry consists of institutions that provide risk management services through contractual arrangements. In these agreements, the insurer assumes financial responsibility for uncertain future events in exchange for premiums paid by the insured. Insurance therefore serves as a mechanism for managing potential losses by transferring risk from individuals or organizations to insurers. Policyholders receive compensation for covered losses, which are typically quantifiable in monetary terms (Beers, 2023) [7]. The industry comprises various segments, including life insurance, property and casualty insurance, and health insurance, each addressing different categories of risk. Insurance companies operate through structured departments such as underwriting, claims, finance, marketing, and legal units. While underwriting and marketing focus on attracting clients and generating revenue, the claims department manages claim settlements and cost control, thereby influencing overall profitability (Leonard, 2019).

The importance of the insurance sector to economic growth has long been recognized. The United Nations Conference on Trade and Development (1964) identified a strong insurance and reinsurance market as a fundamental characteristic of economic development. Subsequent studies have reinforced this position, indicating that insurance facilitates economic activities through risk transfer and

indemnification (Ward & Zurbrugg, 2000) <sup>[35]</sup>. In addition, insurance contributes to financial intermediation in a manner similar to banking institutions. Although the sector has grown over time, the relationship between insurance development and economic growth has not been widely explored. However, existing studies using cross-sectional and time-series methods have established a significant positive relationship between insurance activity and economic growth (Kugler & Ofoghi, 2005; Outreville, 1990; Azman-Saini & Smith, 2011) <sup>[5, 21, 27]</sup>.

The insurance sector in sub-Saharan Africa remains underdeveloped contributing only a small fraction to global insurance premiums (Swiss Re, 2012) <sup>[33]</sup>. Insurance penetration in the region is relatively low compared to other parts of the world, although moderate growth has been recorded over the years (Akinlo & Apanisile, 2014) <sup>[1]</sup>. The market is largely dominated by non-life insurance products, particularly motor and commercial insurance, while personal life insurance uptake remains limited. In Ghana, the insurance industry has experienced growth driven by innovation and regulatory developments, with the general insurance sector especially motor insurance playing a dominant role due to its compulsory nature (GlobalData, 2023) <sup>[15]</sup>. Major industry players contribute to economic stability by providing risk protection, promoting savings, and generating employment opportunities.

Automobile insurance provides financial protection against losses resulting from road accidents, theft, and other vehicle-related risks. It covers both physical damage and liability for injuries caused to third parties. The increase in motor vehicle usage has led to a rise in traffic accidents, which impose significant economic costs on individuals and societies. Insurance plays a critical role in mitigating these losses by compensating affected parties and ensuring financial stability (Gennadevich *et al.*, 2018) <sup>[12]</sup>. Historically, compulsory motor insurance was introduced to ensure that victims of road accidents receive compensation. The United Kingdom introduced such a scheme in 1930, followed by Germany in 1939, and today it is a legal requirement in many countries, including Ghana.

The sue and labour clauses are provisions in insurance policies that require the insured to protect damaged property from further loss once a loss has occurred. This clause is intended to encourage an insured to take measures to preserve the subject matter of the insurance policy. In exchange, the insurer must reimburse the insured for the expenses it incurs, since the insured has acted to benefit the insurer by averting or mitigating an otherwise recoverable loss (Smith, 2017) <sup>[32]</sup>. While these clauses originated in marine insurance, they have been adapted for use in other forms of insurance, including automobile insurance. In auto insurance, these clauses may require policyholders to take actions such as securing damaged vehicles, preventing further damage, or arranging timely repairs. However, their application differs from marine insurance due to the nature of risks involved. In marine insurance, the clauses are often associated with actions taken to preserve ships or cargo at sea, whereas in auto insurance, they focus more on accident response and damage control. This distinction necessitates different approaches in policy interpretation and claims management.

The level of awareness among insured individuals regarding sue and labour clauses remains relatively low. Studies indicate that many policyholders lack a clear understanding

of the provisions contained in their insurance policies, which can lead to disputes, delays, and inefficiencies in claims processing (Cafferata, 1984; Marquis, 1983) <sup>[9, 23]</sup>. While some research suggests that consumers are able to differentiate between insurance products, there is still a gap in understanding specific policy details (Tessler & Mechanic, 1975; Andersen *et al.*, 1979) <sup>[3, 34]</sup>. This highlights the need for improved insurance literacy among policyholders. Consumer education has been identified as a critical factor in enhancing awareness and enabling individuals to make informed decisions about insurance products (Oksay, 2011) <sup>[26]</sup>. Increased exposure to insurance information has been shown to improve understanding, suggesting that targeted educational initiatives can significantly enhance knowledge levels.

Several factors influence the level of awareness among insured individuals, including education, income, and access to information. Insurance companies and brokers play a key role in educating clients about policy provisions, while government regulations that promote transparency and disclosure can further enhance understanding. Improving awareness requires a combination of strategies, including simplifying policy documents, conducting public education campaigns, and incorporating financial literacy into educational curricula (Oksay, 2011) <sup>[26]</sup>. Collaboration among regulatory authorities, insurance companies, and educational institutions is essential to ensure widespread dissemination of insurance knowledge and to improve consumer confidence in insurance products.

The regulatory framework also plays a crucial role in ensuring the proper functioning of the insurance sector. In Ghana, regulatory bodies oversee insurance operations to protect policyholders and ensure compliance with industry standards. Effective regulation requires transparency in policy terms, including clear communication of sue and labour clauses. Strengthening regulatory oversight and promoting compliance can improve policyholder understanding and reduce disputes. Studies suggest that implementing supportive measures such as information systems, compensation funds, and improved service infrastructure can enhance the efficiency and accessibility of insurance mechanisms (Gennadevich *et al.*, 2018) <sup>[12]</sup>. Overall, improving awareness, strengthening regulation, and enhancing industry practices are essential steps toward maximizing the benefits of sue and labour provisions in insurance policies.

## Research Methodology

This study adopted a mixed-methods approach combining quantitative and qualitative techniques. The aim was to assess awareness of the Sue and Labour Clause among insured individuals.

### 1. Population, Sample Size and Sampling Techniques

The target population includes insurance companies, brokers/agents, and auto insurance policyholders in Ghana. These groups were selected because they play key roles in insurance awareness and application of the clause. A sample size of 55 respondents was selected for the study with questionnaires administered to 50 respondents and 5 selected for interview. Purposive sampling was used to select 5 respondents for the interview. Convenience sampling was used to select agents who were accessible to the researchers. Random and snowball sampling techniques

were used to identify policyholders, including those who had experienced losses.

## 2. Data Collection Procedure

Both primary and secondary data were used. Secondary data was obtained from academic journals, books, and online sources. Primary data was collected using questionnaires and interviews. The questionnaires included closed and open-ended questions. Closed questions required Yes or No responses, while open-ended questions allowed respondents to provide detailed answers. Questionnaires were distributed electronically and in hard copy. Researchers assisted respondents who required clarification. This approach ensured reliable responses and allowed respondents to express their views fully.

### Data Analysis

#### 1. Procurement of Policies by Insured

**Table 1:** How the insured procured their policies

Procurement Method	Percentage
Direct from Company	52.5%
Company Agents	36.6%
Insurance Brokers	10.9%

The varied ways through which insured individuals procure their insurance policies provide insights into the preferred channels for obtaining coverage. The fact that 52.5% chose to procure directly from the insurance company suggests a significant level of trust in dealing directly with the provider. This could be indicative of a perceived ease of understanding policies when dealing directly with the insurer. However, the substantial percentage (36.6%) that procured policies through company agents emphasises the importance of intermediary roles in facilitating the insurance process. The relatively smaller percentage (10.9%) using insurance brokers may suggest that this intermediary channel is less popular among the insured.

**Table 2:** Insureds' Education on Policies at Procurement

Education Status	Percentage
Educated	66.3%
Not Educated	33.7%

The finding that 66.3% of insured individuals claimed to have been educated on policies at the point of procurement indicates a substantial level of awareness among policyholders. This is a positive sign, suggesting that a significant portion of insured individuals is well-informed about the terms and conditions of their insurance policies. The documented policies and verbal explanations provided by insurers play a crucial role in ensuring that policyholders understand the nuances of their coverage, contributing to a more informed and responsible insured population.

**Table 3:** Insureds Reading Policies

Self-Reading Status	Percentage
Read Policies	72.7%
Do Not Read Policies	27.3%

The fact that 72.7% of those not initially educated on policies at the point of procurement took the initiative to read and understand them indicates a proactive approach

among insured individuals. This demonstrates a sense of responsibility and engagement with the details of their coverage. This finding underscores the importance of providing accessible and comprehensible policy documentation, as it serves as a valuable resource for insured individuals to understand their rights and responsibilities.

**Table 4:** Insureds Awareness of Steps after an Accident

Awareness Status	Percentage
Aware	74.3%
Not Aware	25.7%

The awareness of insured individuals regarding the steps to be taken after an accident (74.3%) suggests a generally informed and responsible attitude among the policyholders. This awareness is crucial, especially concerning the Sue and Labour Clause, as it indicates that insured individuals are cognisant of their responsibilities to mitigate further damage. However, the 25.7% who are not aware of these steps indicate a potential gap in communication or education. Insurers need to focus on improving communication strategies to ensure that all policyholders are well-informed about the appropriate actions to take after an accident.

**Table 5:** Insureds Awareness of Responsibility to Protect Insured Vehicle

Awareness Status	Percentage
Aware	79.2%
Not Aware	20.8%

The majority of insured individuals (79.2%) being aware of their responsibility to protect the insured vehicle after an accident is a positive finding. It suggests that there is a general understanding among policyholders about the need to prevent additional damage. However, the 20.8% who are not aware might require additional education. Insurers should consider targeted efforts to improve awareness among this segment, ensuring that all insured individuals are well-informed about their obligations to protect the insured property.

**Table 6:** Insureds Actions to Prevent Further Damage

Actions Taken	Percentage
Taken Actions	66.3%
No Actions Taken	33.7%

The fact that 66.3% of insured individuals who are aware of their responsibility have taken actions to prevent further damage is a positive indicator of responsible behaviour. This finding aligns with the principles of the Sue and Labour Clause, where insured individuals are expected to take reasonable steps to mitigate damage. However, the 33.7% who have not taken such actions may require additional encouragement or education on the potential benefits and responsibilities associated with proactive measures.

## 2. Responses from the Insurance Companies

**Table 7:** Underwriters Educating Proposers on Policy Clauses

Education Status	Percentage
Educate Proposers	97.5%
Do Not Educate Proposers	2.5%

The overwhelming majority (97.5%) of insurance companies indicating that they educate proposers on policy clauses is a positive indication of a proactive approach to customer engagement. This finding emphasises the commitment of insurance companies to ensure that proposers understand the intricacies of their insurance policies. The diverse methods mentioned, including verbal communication, policy wordings, education forums, social media, and television, highlight the multi-channel approach undertaken by insurers. This comprehensive educational strategy ensures that proposers receive information through various mediums, catering to different preferences and learning styles.

**Table 8:** Point of Procurement for Proposers' Education

Point of Procurement	Percentage
At the Point of Interest	100%

The unanimous agreement (100%) that companies educate proposers at the moment they express interest in procuring insurance is a critical insight into the timing of educational efforts. This finding underscores the importance of capturing proposers' attention at the point of interest, emphasising the immediacy and relevance of policy education. However, the acknowledgment that some proposers may not be patient enough to sit for a detailed education session highlights a challenge in ensuring thorough understanding. Insurance companies should explore innovative ways to streamline and enhance the educational process, perhaps by offering condensed yet comprehensive materials for quicker consumption.

**Table 9:** Insurers Educating Insureds

Education Status	Percentage
Educate Insureds	100%

The unanimous consensus (100%) among insurance companies that they educate insured individuals demonstrates a commitment to ongoing customer education. Beyond providing policies, companies actively engage in additional education forums, social media, and television. This multi-faceted approach ensures that insured individuals receive continuous and varied education, contributing to a more informed customer base. It is crucial for insurers to leverage these additional channels effectively, ensuring that education reaches a broad audience and resonates with diverse demographics.

**Table 10:** Insurers' Stand on Mitigation Cost Awareness

Awareness Status	Percentage
Aware	75%
Not Aware	25%

The acknowledgment that 75% of clients are aware that mitigation costs incurred after an accident add up to their extent of indemnity is a positive sign. This indicates that a significant portion of insured individuals understands the financial implications of post-accident actions. However, the 25% who are not aware could benefit from targeted educational efforts. Insurers should consider reinforcing this aspect of policy awareness, possibly through targeted communication and documentation, to ensure that all clients

are fully informed about the financial consequences of their actions after an accident.

**Table 11:** Insurance Company Staff Knowledge

Staff Knowledge Status	Percentage
Well Vested	100%

The unanimous belief (100%) among insurance companies that their staff is well-versed in the policies they offer reflects a commitment to maintaining a knowledgeable workforce. The emphasis on pre-employment qualification checks and ongoing training signifies a proactive approach to staff development. This finding is crucial, as well-informed staff members play a pivotal role in effectively communicating policy details to clients. The continuous organisation of workshops further underscores the companies' commitment to keeping their staff abreast of industry developments and policy nuances.

### 3. Responses from Insurance Company Agents

**Table 12:** Insurance Agents Educating Proposers on Policy Clauses

Education Status	Percentage
Educate Proposers	95.2%
Do Not Educate Proposers	4.8%

The substantial majority (95.2%) of insurance agents indicating that they educate clients on policies through various channels demonstrates the pivotal role agents play in customer education. The combination of verbal communication, documentation, flyers, advertising, and workshops highlights the diverse methods employed by agents to ensure proposers have a comprehensive understanding of policy clauses. This finding underscores the importance of agents as educators and communicators, acting as intermediaries between insurers and proposers to bridge the understanding gap.

### 4. Findings

The findings from the questionnaire responses help address the first objective of the study, which is to compare the Sue and Labour Clause as applied in marine and auto insurance. Although respondents did not explicitly mention the term "Sue and Labour Clause," their responses revealed similar principles in practice. Many insured individuals indicated that they were aware of their responsibility to take steps to prevent further damage after an accident. This reflects the core idea of the Sue and Labour Clause, which requires policyholders to act reasonably to minimize loss. In the auto insurance context, respondents demonstrated awareness of protecting their vehicles after accidents, which mirrors the concept commonly applied in marine insurance. This suggests that the principle exists in both sectors, even if not explicitly recognized by policyholders.

The second objective of the study was to determine the insureds' level of knowledge of sue and labour obligations in auto insurance. The findings indicate that a majority of respondents had some awareness of their responsibilities following an accident. Many respondents understood that they must take reasonable steps to prevent further damage and cooperate with insurers. However, the study also revealed gaps in knowledge. A portion of respondents was

unaware that they should avoid actions that may prejudice the insurer's position. These findings suggest that while general awareness exists, knowledge of detailed obligations remains limited. This highlights the need for targeted education to improve understanding of specific policy requirements.

The third objective focused on making recommendations for improving insured individuals' knowledge of the Sue and Labour Clause. The findings provide useful insights for these recommendations. A large proportion of respondents recommended that insurers should educate proposers at the point of policy purchase. Respondents emphasized that proper education would help them understand policy clauses, make informed decisions, and improve claims processes. The findings also identified specific areas requiring improvement, such as awareness of responsibilities after accidents. These results support the need for educational campaigns, simplified policy documents, and improved communication strategies to enhance understanding among insured individuals.

The study also aligns with existing literature on insurance literacy and consumer behavior. Previous studies emphasize the role of education in improving understanding of insurance policies and influencing behavior. Research by He and Faure (2023) <sup>[15]</sup> highlights the importance of education in addressing challenges related to long-term risks and decision-making. Similarly, the recommendation in this study for insurers to educate policyholders supports the need for improved knowledge and risk management.

Nasrulloh and Mutaqqin (2020) <sup>[24]</sup> emphasize challenges faced by policyholders in understanding insurance processes, particularly during claims. This aligns with the findings of this study, which reveal the need for clear communication and better explanation of policy clauses. Outreville (2013) <sup>[28]</sup> also notes that education influences risk perception and decision-making. The findings of this study support this view by showing that individuals with better understanding of policy obligations demonstrate more responsible actions.

Furthermore, Ionică *et al.* (2012) <sup>[18]</sup> highlight the gap between insurance demand and actual understanding of insurance products. This observation is consistent with the findings of this study, which show that although many individuals purchase insurance, their understanding of policy clauses remains limited. Similarly, Kim, Braun, and Williams (2013) <sup>[20]</sup> emphasize the importance of insurance literacy for informed decision-making. While their work focuses on health insurance, the general principle applies to the current study, which also stresses the importance of education in improving understanding of insurance obligations.

Overall, these studies support the conclusion that education plays a crucial role in improving insurance literacy. The findings from Ghana contribute to this broader discussion by showing that policyholders often understand responsibilities in practice but lack knowledge of specific clauses. Improving education and communication will therefore enhance understanding and promote better risk management.

## **Conclusion and Recommendations**

### **Conclusion**

This study examined the awareness of insured individuals in Ghana regarding the Sue and Labour Clause in auto

insurance. The findings reveal varying levels of awareness among policyholders. Many respondents demonstrated knowledge of their responsibilities after accidents, particularly the need to prevent further damage. However, the study also identified gaps in understanding specific obligations under the clause. Some respondents were unaware of their duty to avoid actions that may negatively affect the insurer.

The findings also indicate that most insured individuals rely on agents and insurers for policy information. However, education provided at the point of procurement is often limited. This contributes to misunderstanding of policy clauses and may affect claims handling. The results highlight the importance of improving communication between insurers and policyholders.

The study further shows that although the Sue and Labour Clause is not always explicitly recognized, its principles are indirectly applied in practice. Policyholders generally understand the need to protect insured property, but they may not fully understand the legal implications of their actions. This suggests that awareness exists at a basic level but requires strengthening.

Overall, the findings emphasize the need for improved insurance literacy. Better education and clearer policy explanations will help policyholders understand their obligations and improve claims outcomes. Enhancing awareness will also reduce disputes and promote confidence in the insurance sector.

### **Recommendations**

Based on the findings, the following recommendations are proposed to improve awareness and understanding of the Sue and Labour Clause among insured individuals in Ghana:

#### **Comprehensive Educational Initiatives**

Insurance companies should provide education to policyholders at the point of procurement. This may include simplified brochures, short explanations, and customer orientation sessions. These initiatives will help policyholders understand their responsibilities and key policy clauses.

#### **Use of Multiple Communication Channels**

Insurers should use various communication channels such as social media, television, radio, and community outreach programs. This will help reach a wider audience and improve insurance literacy across different demographic groups.

#### **Simplified Policy Documentation**

Insurance policies should be written in simple and clear language. Technical terms such as Sue and Labour Clause should be explained in plain language to improve understanding.

#### **Improved Claims Communication**

Insurance companies should provide clear guidance during claims processes. This will help policyholders understand the actions required after accidents and reduce misunderstandings.

#### **Collaboration with Educational Institutions**

Basic insurance education should be introduced in schools and training institutions. This will improve long-term

awareness and help individuals understand insurance principles before purchasing policies.

### Public–Private Partnerships

Regulators and insurers should collaborate to promote insurance education campaigns. Joint initiatives can increase awareness and improve trust in the insurance industry.

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