

PRIVATE CHOICE PREMIERSM – EPL COVERAGE ANALYZER

Hire the right insurer to protect your business with employment practices liability coverage.



NO TWO EPL POLICIES ARE ALIKE

The Hartford's Private Choice Premier EPL insurance includes some of the most critical coverage features designed to help privately held companies of all sizes from employment-related claims.

The chart on the back of this flyer can help you decide which policy can help protect your company in the event of an EPL-related claim.

HELPING YOU CHOOSE THE RIGHT POLICY TO PROTECT YOUR BUSINESS

The Hartford 2015 Midsize Business Monitor notes that over 71 percent of midsize businesses have planned to hire additional staff in 2016, and 32 percent are at least somewhat likely to reduce staff. Each of these conditions can create potential employment practices liability (EPL). The EPL insuring agreement helps protect business against loss resulting from claims made by employees, applicants for employment or even independent contractors.

Reduce employment risks with smart coverage.

An additional insuring agreement may be elected to address third-party liability, which can help to shield companies from harmful litigation involving claims of harassment or discrimination made by customers, vendors or other business invitees.

Defense cost sublimits for wage-related matters may also be available to provide further protection as overtime laws change.

And if you want to be more prepared – and who doesn't – The Hartford also has risk management tools for policyholders that can help educate your team on how to prevent these risks altogether.

WHAT ABOUT WAGE AND HOUR VIOLATIONS?

Under certain circumstances, Private Choice Premier can be endorsed to include defense costs coverage for certain wage and hour violations subject to a sublimit of liability. Wage and hour violations continue to be a large exposure for employers with hourly/nonexempt employees who may allege that they haven't been properly paid for the hours they've worked, including breaks, clock-in and clock-out and overtime.

WORKPLACE VIOLENCE PROTECTION SUBLIMIT FOR YOUR BUSINESS

For eligible risks, a sublimit of protection is available to address certain matters arising from workplace violence events that financially impact your business.

According to OSHA:

"Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors."

HOW DO OTHER EPL INSURANCE CARRIERS COMPARE TO THE HARTFORD? FILL OUT THE CHECKLIST.

EPL INSURANCE COVERAGE FEATURES	CRITICAL CONSIDERATIONS	The Hartford	Other Carrier
<p>Whose acts are covered?</p> <ul style="list-style-type: none"> Part-time, seasonal, temporary, leased or loaned employees Directors, officers, board members and observers (including advisory boards, as well as volunteers and interns), in-house legal counsel and certain equivalent executives of foreign subsidiaries Independent contractors — at your option (subject to a timely election) 	<p>Be sure to compare definitions in your policy to make sure you're covered for the exposures that matter to your business. Look for a broad definition of "employee" and affirmative, explicit coverage for independent contractors and individuals associated with the board of directors.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>What qualifies as "damages"?</p> <ul style="list-style-type: none"> Liquidated damages pursuant to the Age Discrimination in Employment Act, the Family Medical Leave Act and Equal Pay Act Compensatory damages, including front pay and back pay award Training cost sublimit for diversity and sensitivity training when part of a settlement or judgment Costs awarded pursuant to judgments Settlement amounts Pre-and post-judgment interest Punitive and exemplary damages (wherever permitted by law) The multiplied portion of any multiplied damage award 	<p>Not all definitions are created equal. These important parts of your policy can dictate what actions trigger coverage and what qualifies as "damages."</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>What qualifies as "Employment Practices Wrongful Act"?</p> <ul style="list-style-type: none"> Wrongful discipline or termination and improper evaluations, including failure to promote or deprivation of career opportunity Sexual or other harassment, including bullying, quid pro quo and creating a hostile work environment Employment discrimination on the basis of gender, race, sexual orientation, health status or other protected status established under federal, state or local laws Retaliation Breach of employment contract Violation of Family Medical Leave Act (FMLA) <p>And if a claim involving any of the foregoing involves the following, we'll also cover these allegations (and more):</p> <ul style="list-style-type: none"> Employment-related mental anguish and emotional distress Employment-related invasion of privacy (including employee personal information) Negligent hiring and supervision 	<p>Are the types of claims you're concerned with listed as covered Employment Practices Wrongful Acts?</p> <p>Our definition is long, but we don't think you'd want it any other way.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Definition of "retaliation."</p> <ul style="list-style-type: none"> The adverse treatment of certain persons for their exercise of rights under law, including workers' compensation laws, the Family and Medical Leave Act, ERISA or the Americans with Disabilities Act <p>OR</p> <ul style="list-style-type: none"> Their refusal to violate a law or their filing a "whistleblower" claim under the federal False Claims Act, the Sarbanes-Oxley Act of 2002 or any similar law 	<p>A growing concern for employers based on claims trends is the retaliation claim, especially as it applies to employees' right to exercise their legal rights — whether it be as standard as filing a workers' compensation claim, electing to take family medical leave time or alerting regulatory bodies, such as OSHA, to unsafe working conditions. Be sure your definition of "retaliation" is broad enough and specific enough to meet your needs.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Flexible notice provision.</p> <ul style="list-style-type: none"> Notice requirements adjust to fit the type of claim against you For example, you may have 180 days to notify us of an EEOC charge Under some circumstances, you may have even longer 	<p>With the remarkably high volume of matters brought to the EEOC (and similar agencies), staying on top of these types of claims — and knowing when and how to report them to your insurer — is as important as ever.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Waiver of retention.</p> <p>Provides reimbursement where a final adjudication or settlement with prejudice establishes no insureds are liable.</p>	<p>Many claims can be more cost-effectively resolved through settlement outside the courtroom, but there are circumstances where it may be necessary to go to trial. Look for your carrier to reward a finding of no-liability by waiving and reimbursing the retention.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LEARN MORE. Contact your agent from The Hartford today or visit us at thehartford.com/premier.



THE HARTFORD

Business Insurance
Employee Benefits
Auto
Home

This document outlines in general terms the coverages that may be afforded under a policy from The Hartford. All policies must be examined carefully to determine suitability for your needs and to identify any exclusions, limitations or any other terms and conditions that may specifically affect coverage. In the event of a conflict, the terms and conditions of the policy prevail. All coverages described in this document may be offered by one or more of the property and casualty insurance company subsidiaries of The Hartford Financial Services Group, Inc. Coverage may not be available in all states or to all businesses. Possession of these materials by a licensed insurance producer does not mean that such

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