

The Stakes are High

Here are two actual claims examples from our files:

- No one ever knew the employee was unhappy until the agency received an attorney's letter accusing the agency of invasion of privacy arising out of unauthorized disclosure of information in medical records, breach of employment contract and unlawful harassment, saying that patterns of inappropriate behavior caused his client's co-workers to view him as having a diminished capacity.

The principals of our insured agency were stunned by the complaints in the letter. The claimant refused to discuss the letter, and directed them to contact his lawyer. Assuming that he no longer wished to remain with the company, the claimant was fired. He then filed a complaint alleging discrimination and retaliatory firing.

- A suit was brought by a female employee against the agency, and individually against the agency's owner, alleging that sexually graphic comments and conduct were directed at her as part of a series of incidents of harassment by another employee, and that the owner failed to investigate her complaint and, instead, fired her.

All three counts demanded actual damages, compensatory damages, punitive damages, back pay, front pay, pension benefits and other employment benefits. The case was settled at mediation for a cash sum, in spite of the fact that the agency owner denied ever being aware of the incidents.



Are You at Risk?

- If you had 1 or 2 false answers on the quiz, you may be at risk of having an employment practices charge filed against you.
- If you had 3 to 5 false answers, you have definite liability exposures in this area.
- If you had 6 to 8 false answers, you have extreme exposure to employment practices liability.

GET ERPLI!


It's the 21st century approach
to deal with a real liability issue
that could have a serious impact
on your agency!

This coverage is being offered to Independent Agents & Brokers, to enhance their Agents' E&O professional liability insurance program. ERPLI is one more example of how Utica strives to provide its valued Agents' E&O policyholders with the best protection possible. This brochure provides only a summary of the coverages available — no coverage is implied or intended by this brochure. In the event of a question of coverage, the policy contract and its terms prevail.

 **Utica National Insurance Group**
Insurance that starts with you.®

Utica Mutual Insurance Company and its affiliated companies, New Hartford, NY 13413
www.uticanational.com


9-A-1462 Ed. 5-08




Are
you
ready?

ERPLI

Employment Related
Practices Liability Insurance


from
the
people
who
know


Utica National Insurance Group

The Problem?

Legal actions taken by employees against small employers — including independent insurance agents! — have become a fact of life.

Legislative changes have put smaller companies in league with larger ones as far as their exposure to employment practices liability is concerned. In fact, although Title VII of the Civil Rights Act applies to employers of 15 employees or more, many states have lowered these thresholds. And some states have laws that include every employer, regardless of the number of employees on the payroll.

Are you prepared to take on claims — or at the very least, pay for defense costs — for actions taken by your employees against your company for allegations of:

- Age discrimination
- Sex discrimination
- Wrongful termination
- Sexual harassment
- Racial discrimination
- And other employment related practices?



Protect Your Agency!

Today's employees are more educated than ever before. While this can make for a superior work force, it also means employees are more aware of their legal rights. And they know how to aggressively pursue them.

Suits filed by employees are often contingency-based, so workers may have little to lose in terms of legal fees when filing an action against you. On the other hand, you must incur substantial out-of-pocket costs for legal defense — something no independent agent can easily afford.

And that's the best-case scenario. If you are not successful in defending yourself, you may be required to pay a large jury award or settlement that can threaten the very survival of your agency.

The Solution

It is precisely for these reasons that Utica National developed Employment Related Practices Liability Insurance (ERPLI) for small businesses. This coverage is designed specifically for employers having less than 100 employees. We're proud to make it available to independent agents insured through our Agents E&O program.

By customizing the coverage to the small employer, we are able to keep costs down for you. Just like our Agents E&O program, this is affordable, top-quality coverage. Its features include:

- Coverage for discrimination, wrongful termination, sexual harassment and associated exposures *
- Coverage for legal defense *
- Risk management tools to help you avoid situations that can lead to claims against you
- Superior protection provided by Utica, The People Who Know E&O

**Within the extent permitted by law.*

Quick Quiz

The following simple test can help you determine the degree to which you have employment practices exposures. Circle "T" for true and "F" for false.

- T F My agency has a written policy that explains progressive disciplinary procedure.
- T F All of our workers are under age 40.
- T F None of our employees have a disability such as obesity, impaired hearing, partial paralysis or alcohol or drug dependency.
- T F Everyone in our agency has received training in how to behave properly towards the opposite sex.
- T F Our officer and management staff reflect the proportion of women and minorities in the general population.
- T F No employee of ours has ever alleged unfair treatment.
- T F My work force reflects that of the general population in terms of race, gender, ethnicity and age.
- T F I have never had to terminate an employee, and I don't expect to terminate anyone in the future.

To interpret your score, see "Are You At Risk?" on the back panel of this brochure.