

EMPLOYMENT PRACTICES LIABILITY INSURANCE



Employee Lawsuits Happen to Small Businesses Like Yours

Small employers are sued every day by prospective, current and former employees—for discrimination, harassment, wrongful termination and more. These claims involve restaurants, retailers, contractors, property managers and other businesses who also thought they would never be sued by an employee.

We can protect you at an affordable premium with Employment Practices Liability Insurance—before a lawsuit happens.

Sample EPLI Claim

Contractor Paid For Worksite Slurs Race Discrimination and Retaliation: \$100,000

Three construction workers experienced racial slurs and intimidation on a Georgia worksite. Shortly after complaining to management, all three workers were fired. They filed charges with the EEOC, who in turn sued the contractor for race discrimination and retaliation. The contractor settled the lawsuit by agreeing to pay \$100,000, along with implementing anti-discrimination training and reporting programs.



For more examples involving small businesses like this one, read on.

Free Legal Help

An EPLI policy from Berkley Southeast also gives you access to Legal and Human Resource help, free of charge. We offer a Loss Control Website with employee handbook policies, compliance checklists and training resources, so you can prevent claims like the ones reported here. In addition, a Legal Hotline gives you the ability to call an employment law attorney and get practical answers to your questions, free of charge. You do not have to be sued to take advantage of these services. The value of these Legal and Human Resource services can exceed the total cost of EPLI coverage, and they can help you avert costly and disruptive lawsuits. These services come automatically with the purchase of Employment Practices Liability Insurance from us.

More Costly Lawsuits Against Employers From Your Region

All of the Publicly-Reported Verdicts and Settlements Come From Alabama, Georgia, Mississippi, North Carolina, South Carolina or Tennessee.

Retailer Didn't Accommodate Ailing Worker Disability Discrimination: \$50,000

A retail clerk suffered from degenerative joint disease. She requested an accommodation to perform some of her job duties with lifting restrictions. Her boss first refused to make any changes to her job, and then fired her because she had become a "liability" for the company. She sued for disability discrimination and a jury awarded her \$50,000.

Food Service Company Treats Women Differently Sex Discrimination: \$90,000

A female marketing representative was fired for the stated reason of not meeting the food company's profit goals. However, a male counterpart also failed to meet his goals and was instead given more training and better assignments. She filed a charge of sex discrimination with the EEOC, who sued on her behalf. The company agreed to pay her \$90,000, and also to implement anti-discrimination training and reporting programs.

Real Estate Firm Wanted Younger Image Age Discrimination: \$335,000

A property management firm employed three managers over age 50. The firm fired all three, and then subsequently hired 14 employees under the age of 40. According to the firm, it was trying to present a younger image. The older workers sued for age discrimination, and won a settlement of \$335,000.

Restaurant—\$25,000 for Pregnancy Discrimination

Auto Services—\$30,000 for Sexual Harassment and Retaliation

Grocery Store—\$30,000 for National Origin and Race Discrimination

Retailer—\$40,000 for Age Discrimination

Real Estate Manager—\$40,000 for Racial Harassment and Retaliation

Medical Services—\$43,000 for Religious Discrimination

Auto Services—\$47,500 for Disability Discrimination

Hair Salon—\$90,000 for Retaliation

Restaurant—\$131,000 for Sexual Harassment and Retaliation

Medical Office—\$140,000 for Sexual Harassment

What do you think it is worth?

Restaurant Worried About Safety

A manager of a Mississippi restaurant learned that an employee had suffered an epileptic seizure at home. He said it was unsafe for her to work around knives and ovens, although she had years of restaurant experience without any incidents. He fired her, without making any effort to determine if her medical condition would impede her performance on the job. She sued for disability discrimination. Did the employee win?



The restaurant settled by paying \$22,000 for disability discrimination.

Risk Management Services through Berkley Southeast's EPLI Program

Our policyholder Risk Management Services can help you avoid claims such as the ones summarized here.

- > **workplacerrisksolutions.com**—online policies, forms and advice on managing employment issues and exposures
- > **Legal Hotline**—access to employment law specialists at Jackson Lewis, LLP, for guidance on employment questions

Loss Control Website

- ✓ No charges
- ✓ Handbook policies
- ✓ Online training
- ✓ Investigation process
- ✓ Directions for Agent or Insurer



Law Firm Hotline

- ✓ No charges
- ✓ 1-800 number
- ✓ National law firm
- ✓ Practical pro-active advice
- ✓ Confidential
- ✓ Spanish, Chinese and Korean language support available



Can you use these free services? Contact your independent BSIG agent for more information.

Acadia Insurance Company • Continental Western Insurance Company • Firemen's Insurance Company of Washington, D.C. • Tri-State Company of Minnesota • Union Insurance Company

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