

Employment Practices Liability Insurance

August 14th, 2024

The information and opinions expressed by our panelists today are their own, and do not necessarily represent the views of their employers or of PLUS.

The contents of these materials may not be relied upon as legal advice.

Federal & State Laws Governing Employment Practices

Federal Statutes

- Title VII, Civil Rights Act
- ADEA
- ADA
- FMLA

Federal Statutes

- FLSA
- EEOC Administrative Procedures
- Anti-retaliation provisions of: FLSA, HIPAA, OSHA, SOX

State & Local Statutes

- Fair Employment Practices
- Whistleblower Statutes
- Public Policy Protection
- Administrative Procedures

Understanding Key EPL Exposures

Key Types of EPL Exposures

Discrimination

- Age
- Sex
- Race
- National Origin
- Disability

Key Types of EPL Exposures

Discrimination

- Equal pay and compensation
- Pregnancy
- Religious
- Claim trends

Key Types of EPL Exposures

Harassment

- Sexual harassment
- Other harassment
- Employer knowledge
- Psychological harm
- Jury trials and recoveries

Key Types of EPL Exposures

Wrongful Termination

“Employment At Will”

- Discriminatory Motive
- Breach of Contract
- Constructive Discharge

Key Types of EPL Exposures

Retaliation

- Types of claims
 - Discriminatory Complaints
 - Workers Compensation
 - Union Organizing
 - OSHA, FMLA, ERISA, FLSA
- Elements of claims

Key Types of EPL Exposures

Workplace Torts

- Assault & battery- workplace violence
- Defamation
- Invasion of privacy
- Fraud/misrepresentation
- Infliction of emotional distress
- Interference with business relations
- Negligence in supervision, evaluation

Emerging Types of EPLI Claims

- Wage & Hour
- Deprivation of career opportunity
- Wrongful discipline
- Wrongful refusal to hire, promote
- Whistleblowers
- Statistical pay differential claims

Understanding Loss Control & Risk Management Programs

Where Problems Occur

- Hiring
- Testing
- Policies
- Evaluation
- Discipline
- Termination
- Layoffs and Reductions In Workforce

Loss Control Techniques

- For Discrimination
- For Sexual harassment
- For Wrongful termination

Components of Risk Management Programs

- Training resources
- Written materials
- Employment Law video libraries
- Human Resources Assistance/hotlines
- Compliance audits

Questions?



Thank you!