



THE BETTERLEY REPORT

EMPLOYMENT PRACTICES LIABILITY INSURANCE MARKET SURVEY—2024

Pricing and Stability Improves, but Workplace Challenges Increasing

Richard S. Betterley, LIA
President
Betterley Risk Consultants, Inc.

Highlights of this Issue

- Rate Increases Are Minor to Flat for Most Classes
- 14 Insurers Tell Us How They Are Responding to the Risk Selection and Pricing Challenge
 - Trend Reveals Stable Attention to Insured's Practices, Extra Care in Specific Classes and States, and (Rarely) Higher Rates
- 25 Leading Insurers Included
- Business Risk Partners Moved to Its Own Listing
- Ategrity, Executive Perils, and Franchise Perils Removed from Survey

Next Issue

February
Technology E&O Market Survey

The Betterley Report

Editor's Note: *In this issue of The Betterley Report, we present our annual review and evaluation of the changing employment practices liability insurance (EPLI) market. We identify the leading insurers and key differences in their offerings, as well as evaluate the state of the market—how healthy the line is, whether it is growing, and what is the claims experience. In particular, we focus on rate trends.*

This issue reviews products from 25 insurers that form the core of this market. We have removed Ategrity, Executive Perils, and Franchise Perils, who also did not respond to our requests for information.

EPLI coverage can also be found in management liability insurance packages. Readers may wish to read our “[Private Company Management Liability Insurance Market Survey—2024](#),” which reviews management liability products that can, and usually do, include EPLI. For a few insurers,

the only way they offer EPLI is as a part of such management liability products.

In this issue of “Employment Practices Liability Insurance Market Survey—2024,” we continue to delve deeply into insurers’ reactions to discrimination and harassment exposures, captured in our tables labeled #MeToo. While we have promised not to attribute the responses to individual insurers, we think reading those responses is helpful in understanding the mood of the market.

We have updated that section for 2024 and included the responses of the 14 who shared their knowledge. Please see the responses beginning on page 4.

Again, this year, we have included commentary on the size and growth prospects of EPLI by insurance demographics and economic experts at [ISO MarketStance](#). Their data is consistent with ours, so it is a real benefit to our reports to include their insight.

While each insurer was contacted to obtain this information, we have tested their responses against our own experience and knowledge. Where they conflict, we have reviewed the inconsistencies with the insurers. However, the evaluation and conclusions are our own.

Of course, the insurance policies govern the coverage provided, and the insurers are not responsible for our interpretation of their policies or survey responses.

In using this material, the reader should understand that the information applies to the standard products of the insurers and that special arrangements of coverage, cost, and other variables may be available on a negotiated basis. Professional coverage counsel should be sought before any action or decision is made in the use of this information.

List of Tables

Contact and Product Information	20
Market Information	27
Limits, Deductibles, Coinsurance, and Commissions	30
Limits Usually Purchased by Insurer's Insureds	32
W&H Coverage	34
Special Coverages Available and Cost	37
Third-Party (Nonemployment) Coverage Available and Cost	40
Joint Employer Coverage Details	42
Policy Type, Who Is Insured, Definition of Claim	44
Definition of Coverage	56
Claims Reporting, Extended Reporting Period, Selection of Counsel, Consent To Settle	75
Prior Acts	84
Coverage Territory	86
Exclusions	88
Risk Management Services Included in the Policy at No Extra Cost	100

Introduction

We have been closely following the EPLI market since 1991. In the beginning, there were five insurers; now, it is rare to find an insurer that offers specialty lines products but not EPLI. Also, add-on coverage to package products (business-owners-type policies) is available. However, add-on coverage appears to be limited to smaller employers as insurers recognize the importance of underwriting and claims expertise as vital to EPLI success.

For our survey, we focus on the most prominent insurers writing the most business or offering some unique product or service. While this omits some insurers, we believe it makes the information more valuable to our readers.

We are glad to consider all significant insurers who wish to participate in our reports. By significant, we mean market share, market focus (such as size or type of insured), or a special approach to coverage or services.

State of the Market

Rates and Retentions

Of our participating insurers, 11 shared their views on rates and retentions. They are summarized in the table at the beginning of the next page. Note that this table includes information as to the size of the insurer (based on EPLI premium volume) and their market focus (based on employer size).

Rates are definitely stable, with a limited continuing upward trend for select classes of businesses

and locales. For the rest of the market, rates are generally flat to single-digit increases. Compared to 2021, the market has definitely stabilized.

We asked the participating insurers to share their approach to the changed environment of #MeToo. In the tables beginning on page 4 are the questions that we asked of our participating insurers and their responses in their own words.

Our takeaway is that most insurers have implemented underwriting or pricing changes due to the wave of allegations.

Also, we note the potential impact of claims for nonemployment relationships. Coverage for these claims via third-party coverage is often overlooked by insureds and is, perhaps, not generating much premium for the insurer.

Insurers in this Survey

AIG	Allianz
Allied World U.S.	Arcadian Risk
Arch	Argo
AXA XL	Axis US
Berkley Select	Bowhead
Business Risk Partners	Cincinnati
CNA	Great American
Hanover	The Hartford
HSB	Intact Specialty
LexPro	Markel Bermuda
RLI	RSUI
Tokio Marine HCC	Travelers
USLI	