

# Beazley

## Workplace Protect

A comprehensive package, combining employment practice liability and wage and hour insurance, to protect organizations from employment related exposures.



# Beazley Workplace Protect

**Lawsuits by employees form one of the largest categories of litigation brought against U.S. entities. As Wage and Hour related actions continue to grow at a record rate, the need for organizations to be protected is set to increase.**

Today even the most informed and diligent employer runs the risk of a legal challenge from either collective actions or individual employees.

## Protection for the rapidly changing world of employment related litigation

At Beazley we have extensive knowledge in the field of employment law and understand the risks posed to employers. To help them cope, we have developed Beazley Workplace Protect, a package that combines the benefits of our Employment practices liability cover with insurance specially designed to give protection for the increasing threat of Wage and Hour related litigation.

## The rise of Wage and Hour litigation

Wage and Hour lawsuits are proliferating. The catalyst for this change has been the adoption by a variety of industries of new Employment practices such as mobile workforces and flexible working patterns.

### Examples include:

- High Court Endorses Broader View Of FLSA Exemptions.<sup>3</sup>
- The Wage and Hour Division of the U.S Department of Labor issuing new guidance<sup>3</sup> that is likely to lead to more workers being classified as 'employees' rather

than self-employed contractors.<sup>4</sup>

- Proposals to more than double the salary level that triggers the exemption from overtime entitlement of white collar workers.<sup>4</sup>
- A Federal appeals court upholding a Labor Department regulation that extends minimum wage and overtime payment to almost two million home care workers.<sup>5</sup>

## Coverage

Due to its competitive retention structure, Beazley Workforce Protect will be particularly attractive to US organizations with upwards of 500+ employees.

Whilst we consider submissions from a wide range of employers, we have identified six key markets:

- Manufacturing
- Retail
- Hospitality
- Transportation
- Technology
- Healthcare

### Highlights

- Claims made and reported policy
- Duty to defend. Options available to amend to an indemnification basis
- Defence cost inclusive within the limit. Options available for defence cost in addition for EPL coverage section
- Broad definition of employment wrongful act, including discrimination, harassment, inappropriate employment conduct and retaliation
- Broad definition of wage and hour wrongful act
- Privacy violation coverage available
- Third party coverage available

### Prevention services

Beazley is committed to helping organizations prevent claims from ever arising. All Beazley Workplace Protect customers will have access to BeazleySure, an online platform that provides policyholders comprehensive risk management support, including sexual harassment prevention training, a dedicated telephone hotline, and procedures in English and Spanish.

### Superior claims handling

We have dedicated employment claims personnel on staff who work with top employment lawyers across the country to quickly and efficiently resolve claims.

### Limits

- Minimum premium of US \$25,000 for EPL coverage section and US \$75,000 for W&H coverage section
- Minimum self-insured retention of US \$25,000 for EPL coverage section and US \$250,000 for W&H Coverage Section
- Limits up to US \$20,000,000 for EPL coverage section and US \$10,000,000 for W&H coverage section

### Key territories

- Worldwide coverage for Employment practice liability
- US only coverage for Wage and Hour liability

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#### Sources:

1. Source: Society for Human Resource Management website; Feb 2017
2. Source: Seyfarth Shaw Annual Workplace Class Action Litigation Report; Jan 2018
3. Law360 website; April 2018.
5. United States Department of Labor website.
6. The Wall Street Journal website; Appeals court revives rule adding pay protections for home-health aides; 21 August 2015.

# Beazley Workplace Protect

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