



# Wrap+® for Health Care Organizations Employment Practices Liability

## COVERAGE CHECKLIST

### Why your clients need our protection

Over the past two decades, employment practices disputes have become one of the fastest-growing sources of litigation in the United States and a significant concern to every health care organization. The Equal Employment Opportunity Commission, the federal agency responsible for enforcing federal employment discrimination laws, receives approximately 80,000 complaints annually. Discrimination based on race, sex or age make up more than half of all employment claims, but employees can also bring actions based on sexual harassment, retaliation or other wrongful employment-related practices.

Employment practices issues affect every company and industry — no employer or business segment is immune to charges or discriminatory practices from disgruntled current or former employees. That’s why you need the employment practices liability insurance available through Travelers Wrap+ for Health Care Organizations.

Not all health care employment practices liability policies are the same, and policy comparisons can be misleading. Do your own analysis.

**Check and see how their policy stacks up ... there is a difference!**

	Wrap+ policy	Their policy
<b>Coverage</b>		
<b>Broad definition of insured</b> – includes the insured organization and subsidiaries, as well as past, present or future employees, directors, officers, members of the board of trustees, regents or governors, natural person partners, LLC managers (or functional equivalents)	✓	
<b>Broad definition of employee</b> – includes a natural person on the payroll of the insured organization, including the in-house general counsel, full-time and part-time workers, temporary and seasonal workers, as well as volunteers and leased employees	✓	
<b>Definition of claimant includes independent contractors</b>	✓	
<b>Broad definition of employment claim</b> — includes: <ul style="list-style-type: none"> <li>• Written demand for monetary or non-monetary relief</li> <li>• Civil proceeding</li> <li>• Formal administrative or regulatory proceeding</li> <li>• Arbitration, mediation or similar alternative dispute resolution proceeding</li> <li>• Written request to toll or waive the statute of limitations relating to a potential civil or administrative proceeding</li> </ul>	✓ ✓ ✓ ✓ ✓	
<b>Definition of loss includes punitive, exemplary or multiplied damages where insurable (most favorable venue)</b>	✓	
<b>Coverage for liquidated damages</b> – awarded under the Age Discrimination in Employment Act or the Equal Pay Act	✓	
<b>Broad definition of wrongful employment practice</b> – includes discrimination; retaliation; sexual harassment; workplace harassment; wrongful termination; breach of employment agreement; violation of Family Medical Leave Act (FMLA); employment-related misrepresentation; defamation, including libel or slander or invasion of privacy; failure to create or enforce adequate workplace or employment policies and procedures, employ or promote or grant tenure; wrongful discipline; denial of training; deprivation of career opportunity; denial or deprivation of seniority or evaluation; and negligent hiring, supervision of others, training or retention, but only if such act is alleged in connection with another defined wrongful employment practice	✓	

Coverage	Wrap+ policy	Their policy
<b>Outside position coverage for claims brought by outside claimants:</b> <ul style="list-style-type: none"> <li>Automatic coverage for insured persons who serve as a director, officer, trustee, etc. or functional equivalent for an organization that falls under Section 501 (c) (3) of the Internal Revenue Code</li> <li>Ability to schedule service on boards of for-profit organizations</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<b>Optional coverage for third-party wrongful acts:</b> <ul style="list-style-type: none"> <li>Coverage for claims for discrimination or sexual harassment</li> </ul>	<p style="text-align: center;">✓</p>	
<b>No exclusion regarding:</b> <ul style="list-style-type: none"> <li>Sexual harassment by health care staff</li> <li>Intentional dishonest or fraudulent acts or willful violations of law</li> <li>Office of Federal Contract Compliance Programs</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<b>Carveback for claims alleging retaliation</b> – in connection with nuclear radiation, pollution, COBRA, ERISA, wage and hour laws, Social Security, unemployment insurance, workers compensation and disability insurance	<p style="text-align: center;">✓</p>	
<b>Defense expenses for claims involving:</b> <ul style="list-style-type: none"> <li>Injunctive relief associated with the Americans with Disabilities Act or the Rehabilitation Act</li> <li>Breach of express written employment agreement</li> <li>Violations under wage and hour law (up to \$100,000) limit (subject to underwriting)</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	



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