

### Why you need CNA EPL Solutions

**It's not a question of if an employer will be hit with employment litigation but rather how often and how bad will it be?**

- With increased legislation, employment related litigation has become the most common type of liability lawsuit facing employers (Fulbright Litigation Trends survey)
- In 2008, the EEOC reported an all time high in the number of discrimination and retaliation charges with over 95,400 charges filed. That is an average of over 250 charges filed every day.
- In 2007, Jury Verdict Research reported the average employment litigation verdict award was nearly \$900,000 and the average settlement was nearly \$550,000.
- Through its enforcement, mediation and litigation programs, in 2008 alone the EEOC obtained approximately \$375 million on behalf of claimants.

**Can your clients afford to be without the proper EPL coverage and flexibility?**

- Can your clients risk operating in this environment without adequate employment practices liability insurance?
- Are your clients frustrated with panel counsel requirements and want the freedom to select counsel?
- Do your clients want greater flexibility in managing the litigation process and have the ability to settle claims under the retention?

**CNA offers EPL coverage sophisticated public companies and financial institutions have come to expect.**

### Policy Features

**CNA EPL Solutions is a modernized policy with up to date coverage features and a level of flexibility in managing the litigation process that your clients desire.**

- Sophisticated Coverage for Sophisticated Clients - CNA EPL Solutions is a non duty to defend coverage form designed for sophisticated Public Companies and Financial Institutions who want more control in the litigation process
- Broad Definition of Wrongful Employment Practices
- Choice of Counsel - Insureds maintain the ability to select defense counsel
- Broad Definition of Employee - Independent contractors, volunteers, seasonal and leased employees are included in the definition of employee
- Punitive Damages Coverage - Punitive damages coverage is provided with expanded most favorable venue language.
- 100% Settlement Authority - Insured has authority to settle all claims under the retention.
- In addition, CNA offers
  - Limited Exclusions with carve backs for employment related litigation including retaliation and wrongful dismissal.
  - No exclusion for subsidiaries formed as partnerships or non profit organizations.
  - Coverage available for harassment and discrimination claims brought by third parties.
  - Optional duty to defend coverage available via endorsement.
  - Optional Mass/Class action retention tied to class action certification or a claim of systemic harassment or discrimination.



## Claim Scenarios

**\$60 Million Gender Discrimination Verdict:** A female manager of an automobile insurance carrier filed suit against her employer on allegations of gender discrimination. The single plaintiff was awarded the verdict in a Federal District Court.

**\$57 Million Age Discrimination Settlement:** An age discrimination class action lawsuit was filed against a telecommunications company on behalf of older employees who lost their positions during a reduction in force. This settlement followed a similar class action settlement made the previous year.

**\$80 Million Race Discrimination Settlement:** A class action lawsuit was filed on behalf of the African American employees of a facilities Management Company on allegations of systemic discrimination within the company's hiring and promotion practices.

**\$15 Million Sexual Harassment Verdict:** A female assistant marketing coordinator filed this individual action on allegations of repeated sexual harassment by her supervisor in federal district court.

## Obtaining a Quote

**To receive an accurate CNA EPL Solutions quote, please provide the following underwriting information:**

- Complete CNA EPL Solutions application (available on [www.cnapro.com](http://www.cnapro.com))
- Most recent employee handbook
- Most recent EEO1 Report
- EEOC Charge and litigation history from the last three years including allegations and defense/indemnity paid to date.
- Employee count with breakdown by state

## CNA Benefits

- Superior underwriting service
- Dedicated Claims group staffed by experienced employment litigation attorneys
- Capacity of up to \$15M
- Worldwide Coverage
- Risk Management Services available at no additional cost, including free online training modules.

## Contacts

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**To learn more about CNA's Management and Professional Liability offerings, contact your agent or broker or visit [www.cnapro.com](http://www.cnapro.com)**

