

## DISCRIMINATION LAWSUITS CAN BE PRICEY WITHOUT PROPER COVERAGE

EMPLOYMENT PRACTICES LIABILITY INSURANCE (EPLI) protects you against allegations and judgments for three types of claims:

- sexual harassment
- discrimination
- wrongful conduct



Specifically, these situations may include:

- coercion, discrimination or humiliation as a consequence of race, color, creed, national origin, marital status, medical condition, gender, age, physical appearance, physical and/or mental impairments, pregnancy, sexual orientation or sexual preference.
- wrongful refusal to employ a qualified applicant;
- wrongful failure to promote a qualified employee;
- wrongful demotion, negligent evaluation, negligent reassignment or wrongful discipline;
- wrongful termination of employment, including retaliatory or constructive discharge.

.... And why is this important to you?

You have probably never had an employment practices lawsuit filed against your business. But in today's complicated world, there is certainly no guarantee that it won't happen, even if you do practice employment and human resource methods.

**WHO WANTS TO SUE YOU? YOU'VE DONE NOTHING WRONG!**

Think again. The person you would least expect will sue you. It's been proven countless times. The law of averages will catch up with you. All it takes is a good lawyer (certainly in abundance) and a disgruntled employee. And you are correct when you say you've done nothing wrong – often, cases have no factual basis for a suit ... yet you need competent counsel to prepare your defense. If you don't respond quickly and prove that you made a good faith attempt to comply with the law, everyone involved in the suit will proceed forward and an allegation could escalate into the courts. And you do not want an allegation to evolve into a jury trial. If the allegation does progress to a jury trial, the defense costs alone will more than justify your policy purchases.

SEXUAL HARRASSMENT – These are the hardest cases to defend, because it is usually “he said / she said.” And if the case gets to court ... you’re at an even greater peril since, statistically, sympathetic juries often side with and take the plaintiff’s view. The Supreme Court Ruling in the Teresa Harris case no longer requires proof of psychological injuries to win a harassment case.

WRONGFUL TERMINATION – This is the favorite choice of plaintiff’s lawyers. They will pull out all the stops to take the case before a jury. They call it the “Big Bad Wolf” case. Who does the jury favor when the “Big Bad” oppressive employer fires a hard working, loyal or sick employee? The employee usually wins.

DISCRIMINATION – This is a hard one to defend if it gets to a jury. Any form of discrimination helps create an “underdog” situation. The jury is often sympathetic with the person claiming discrimination. Discrimination claims, on average, cost anywhere from \$100,000 to \$250,000 in defense costs alone.

As you can see, Employment Practices Liability Insurance is one coverage your business just can’t afford to be without.

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