



EMPLOYMENT PRACTICES LIABILITY — WRONGFUL ACTS

The experts at Swett & Crawford's Professional Services Group are ready to be valuable members of your team. We apply the vast intellectual capital of our organization, 97 years of professional services knowledge and experience, and unsurpassed market relationships to identify the best terms, conditions and pricing for your unique risk.

SWETT & CRAWFORD IS YOUR SINGLE SOURCE FOR EMPLOYMENT PRACTICES LIABILITY — WRONGFUL ACTS.

The definition of "wrongful acts" includes:

- Internet/E-mail Liability
- Wrongful Termination
- Workplace Harassment
- Spousal Coverage
- Retaliation
- Pregnancy Discrimination/FMLA
- Third-Party Liability
- Wrongful Discipline
- Religious Discrimination
- Disability Discrimination/ADA
- Failure to Promote
- Age Discrimination
- Sexual Harassment
- Negligent Evaluation/Training
- Racial Discrimination

SOME CLAIMS EXAMPLES:

Third-Party Liability

- A country club denied membership to an applicant, stating it was not accepting new members at that time. The applicant sued for racial discrimination, asserting that the country club had a pattern of denying African-American applicants membership, and that the club had no African-American members.

Internet/E-mail Liability

- An employee who intended to e-mail a pornographic joke to only a single recipient accidentally sent the off-color joke to the company's entire workforce. The employer made the employee send a follow-up e-mail apologizing to everyone who had received it. Two months later, during a company downsizing, an employee who had received the e-mail sued for a hostile work environment and used the e-mail as evidence.
- A group of employees would end their day by gathering around a fellow employee's desk to look at the latest daily swimsuit model at a website featuring bikini styles. A female employee stopped by during one of these gatherings and noticed the pictures, then returned to her cubicle on the other side of the room. Although she never saw the photos again after that day, she would observe the employees gather daily to view them and would hear off-color remarks relating to the photos. She later sued the company for a hostile work environment.

Winner *every year since 2005* of the Business Insurance Readers' Choice Award for Best Insurance Wholesaler.

EMPLOYMENT PRACTICES LIABILITY — WRONGFUL ACTS *continued*

Retaliation

→ A minority employee of a barge repair and painting firm complained to management that some of his coworkers were using racial slurs and jokes. His supervisor transferred him to an inside warehouse position at a reduced hourly rate, stating that it would be better for him to work alone than to be exposed to those workers. The employee later sued for discrimination and retaliation for reporting the discrimination.

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