



Coverage:

Employment Practices Liability

Segment:

Private Companies

Form Features and Coverage Highlights

Private companies in nearly all NAICS (North American Industry Classification System) categories are eligible for processing through (i-bind)[®]. Eligible private companies must have 1,500 or fewer employees and \$100 million or less in assets or annual revenues.

- Duty to Defend

Darwin appoints proven legal experts with well-earned reputations for fairness and responsiveness to represent Insureds. Even if only part of a claim is covered, defense expenses are covered in full without any allocation for uncovered allegations.

- Broad Definition of Claim, Includes

- Written demand for monetary, non-monetary, or injunctive relief
- Written request to toll or waive any statute of limitations
- Civil and criminal proceedings
- Administrative or regulatory proceedings or investigations commenced by the filing of a notice of charges or similar document
- Arbitration proceedings

- Broad Definition of Loss

- Extends to multiplied damages awarded based on age discrimination under the Age Discrimination in Employment or Equal Pay Acts, if insurable by law
- Includes pre-post judgment, front and back pay judgments, settlements, punitive or exemplary damages, where insurable by law, with a most favorable venue provision

- Expanded Definition of Employee, Includes

- Full and part time
- Seasonal
- Temporary
- Volunteer
- Leased employee or independent contractor (as long as the organization provides indemnification to the leased employee or independent contractor)

- Employment Practices Wrongful Act

Includes wrongful termination, harassment (including sexual harassment), discrimination, retaliatory action, breach of manual of employment policies or procedures issued by the organization, defamation, invasion of privacy, failure to promote, failure to employ, deprivation of tenure, and wrongful demotion, evaluation or discipline.

- Third Party Coverage

Includes harassment (and sexual harassment), discrimination, and humiliation.

- Broad Definition of Subsidiary

Includes majority control over the management and operations of the entity through a written agreement, in addition to ownership interest and voting or board control.

- **75-day Post-policy Reporting Window**
For reporting claims—automatically included.
- **Reporting Period**
Bi-lateral extended reporting period offered.
- **Automatic Acquisition Threshold**
For newly created or acquired subsidiaries with asset values less than 25% of the total assets of the Company, with 90-day reporting window for subsidiaries if assets exceed 25% of the total assets, with temporary coverage under the policy for that 90 days.
- **Defense and Settlement of Claims**
Darwin will not settle without the consent of an Insured. Even if an Insured refuses a settlement and the ultimate resolution cost is higher, the Insured only pays 20% of the amount in excess of the refused settlement.
- **Conversion of Coverage**
Does not apply to Chapter 11 bankruptcy.
- **Automatic Coverage**
Automatic lawful spouse coverage / domestic partner coverage.
- **Worldwide Coverage**
For acts committed or claims brought anywhere in the world.
- **Non-cancelable by Insurer**
Except for non-payment of premium when due.
- **Severability of the Exclusions**
No wrongful act of any Insured Person will be imputed to any other Insured Person.
- **Severability of the Application**
Provides protection for innocent Insured Persons who were unaware of the misrepresentation; knowledge imputed to the company only if an Executive Officer, as defined in the Policy, knew of misrepresentation.
- **Bodily Injury Exclusion**
Bodily Injury exclusion is not absolute. Carveback for mental anguish and emotional distress.
- **Exclusions**
 - No Fraud exclusion
 - No Intentional Acts exclusion

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