TOPICS

• Coverage & claims
• Discrimination and harassment
• Current trends in discrimination laws
• Sexual harassment investigations
• Q & A
WHY ARE WE HERE?

EPL claims ranked #1 in claims filed for 2022

EPL claims increased 88% over 2021

Data as of 12/1/22.
WHY ARE WE HERE?

EPL claims comprise 38% of all claims in 2022.

EPL claims payments increased 120% from 2017 to 2019.

Data as of 12/1/22.
CLAIMS HISTORY - 2022

• 7 Discrimination
• 6 Harassment
• 4 Wrongful Termination
• 2 Hostile Work Environment
• 1 Breach of Employment Agreement

Data as of 12/1/22.
ARE WE COVERED?

NAR Institutes, Societies & Councils
• State and Local Chapters
• Subsidiaries

State and Local REALTOR® Associations
• Charitable Foundations
• Political Committees
• Educational Endeavors

MLSs wholly-owned and operated by two or more Associations
ARE WE COVERED?

- Directors & Officers
- Committee Members
- Employees

While acting within the scope of their duties on behalf of the insured entity.
ARE WE COVERED?

Employment Practices Liability (EPL):

• Employment-related discrimination;
• Employment-related harassment, including gender, racial, religious, sexual orientation, pregnancy, disability, age, or national origin-based
• Harassment, or unlawful workplace harassment, including workplace harassment by any nonemployee;
• Abusive or hostile work environment;
• Wrongful dismissal or discharge or termination of employment, whether actual or constructive;
• Breach of an actual or implied employment contract;
• Wrongful deprivation of a career opportunity, wrongful failure or refusal to employ, promote, or grant tenure, or wrongful demotion;
ARE WE COVERED?

Employment Practices Liability (EPL), contd.

• Employment-related defamation, libel, slander, etc.;
• Wrongful failure or refusal to adopt or enforce workplace or employment practices, policies or procedures;
• Wrongful discipline;
• Employment-related wrongful infliction of emotional distress, mental anguish, or humiliation;
• Retaliation;
• Negligent evaluation; or
• Negligent hiring, supervision, retention or training.

Claim limit is $500,000 per claim.
ARE WE COVERED?

Exclusions:

- Claims arising from Worker’s Compensation Law, Unemployment Compensation Law, Employers Liability Law, Disability Benefits Law.

- Claims attributable to the administration of, participation in contributions to, or payments from any pension or benefits plan or trust fund.

- Claims for wages, salaries, commissions, fees, bonuses, promotions, profit sharing, pensions or other employee benefits earned in the normal course of employment.
JONATHAN D. ASH, ESQ.
Fox Rothschild | Chubb EPL
Panel Counsel
LESLEY MUCHOW
NAR Deputy General Counsel and Vice President of Legal Affairs and Antitrust Compliance
NAR RESOURCES – HARASSMENT

Good Sense Governance – Harassment

Preventing and Addressing Sexual Harassment

Sample Anti-Harassment Policy

Best Practices for Internal Harassment Investigations
EPL ASSIST™

- Access to EPL Assist™ website (registration required).

- **No cost, live hotline** and email access to a legal expert at Littler Mendelson, dedicated to Chubb insureds.

- Library of online employment law resources, information and training videos.

- Employment law updates, and much more.
To register for EPL Assist™


2. Enter your contact information and the name of your association or MLS.

3. Enter the policy number MPB G23658240 015.
   *If you register in 2022, enter policy number MPB G23658240 016.

*It may take up to a week to receive account approval.* You will receive an email with information on how to log in and set a password.
IN THE SPOTLIGHT:

WORKPLACE SAFETY

A safe workplace is a sound business. By keeping the home office environment complaint with the Standards of Physical Home Workplaces, risks can be reduced in the workplace and today’s business is set for work environment.

Employees have a legal responsibility to provide a workplace that is safe and free from risks. Recognizing the need to create a safe physical home workplace, NAR’s workplace risk guidelines and regulations issued by the Office of Fair Housing and Equal Opportunity highlight the importance of managing risk.

To recognize compliance, a guide was developed. Designed to identify any known or unknown hazards on the workplace and advising a local office, the guide provides information on the implementation strategies for workplace safety and minimizing workplace violence.

The National Institute for Occupational Safety and Health (NIOSH) offers workplace viability in the act of on-the-job violence, ranging from someone who is physically damaged to physical violence, directed towards people at work on duty.

In 2019, Clark conducted a study to identify workplace violence. The study found that the majority of workplace violence is due to the physical safety of the environment and that employee-related instances in the workplace was involved. While investigating workplace violence, Clark discovered that workplace violence can take many forms. The workplace environment is often a trigger for workplace incidents, including workplace violence.

NAR has recommended that methods of workplace violence are done by someone involved in the business, such as managers, workers, and other employees who are involved in the workplace. Additionally, according to Clark’s study, those who commit violent acts are more likely to be involved in workplace violence.

- Duties that involve the use of weapons
- Working in crowded or noisy areas
- Working in high-risk areas

By implementing the methods of workplace violence, NAR’s programs help reduce the risk of workplace violence. These tools can be used to develop a workplace violence prevention plan and to raise their awareness on the topic.

The NAR Insurance Program provides coverage for physical home workplace violence and broadened protection to all NAR’s associates, affiliates, and related entities.
ANNUAL MAILING

COMING EARLY JANUARY 2022

Mail
Email
nar.realtor

Excess purchase period is January 7 – April 3, 2023
MORE INFORMATION

NAR INSURANCE PROGRAM

nar.realtor/nar-insurance-program

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THANK YOU.