



Employment Practices Liability Claim Scenarios

HSB Canada, part of Munich Re, is a technology-driven company built on a foundation of specialty insurance, engineering and technology, all working to drive innovation in a modern world, to keep you ahead of risk.

Employment Practices Liability coverage protects clients from these exposures, no matter the class of business. A charge can be brought by applicants, employees, and any third parties alleging discrimination, harassment, wrongful termination or other wrongful employment acts.

Discrimination: Age

A small accounting firm terminated a 62-year old administrative assistant for ongoing poor job performance after having worked with the employee to improve performance issues. After termination, the firm was served with a claim from the employee who had filed a complaint with the provincial employment standards regulator and the provincial human

rights tribunal alleging age discrimination.

Defence: \$10,000
Settlement: \$25,000

Discrimination: Disability Constructive Dismissal

A car dealership worker suffered a vision-related disability that precluded them from carrying on their regular work. While the worker was on LTD (long-term disability) leave, the employer changed their job responsibilities and compensation package. The employee filed a civil action against the employer for constructive dismissal.

Defence: \$7,000
Settlement: \$15,000



Third-Party Discrimination: Gender Identity

A florist shop owner has received a human rights complaint alleging transphobic comments against a customer. The shop owner denied the allegation, and an investigation commenced. During the investigation, several other customers attested to the transphobic comment made by the shop owner.

Defence: \$5,000
Settlement: \$50,000

Harassment: Sexual Wrongful Dismissal/Retaliation

An employee of a small manufacturing company filed a complaint with the human rights tribunal, alleging that her supervisor made sexually inappropriate comments towards her and other female staff. Shortly after the complaint, the employee was terminated from her duties. The employee believed she was terminated in retaliation to her complaint of sexual harassment against her employer.

Defence: \$15,000
Settlement: \$75,000

Discrimination: Race Wrongful Failure to Employ

An owner of a small plumbing & roofing company placed an advertisement on a national job search site for a full-time technician position. The response to the ad was positive, with many highly qualified candidates responding. The owner decided to interview five candidates for the position and hired the

candidate with the most experience. An Indigenous applicant was interviewed, but was not selected. The applicant has alleged race discrimination in the hiring practices of the plumbing & roofing company even though their qualifications and experience did not match those of the chosen candidate.

Defence: \$10,000
Settlement: \$10,000

Invasion of Privacy & Infliction of Emotional Distress

An employee of a small warehousing company disclosed to their HR representative their struggle with addiction. The following week during lunch break, the employee was met with derogatory comments from many coworkers, referring to their addiction. The employee has filed a claim with the provincial employment standards regulator, alleging invasion of privacy as well as emotional distress and mental anguish.

Defence: \$10,000
Settlement: \$50,000

Third Party Discrimination: National Origin

A restaurant was served with a lawsuit by a customer who alleged that they were refused service because of their national origin. The restaurant claimed that the customer came in after closing, while seated customers were finishing their meals.

Defence: \$25,000
Settlement: \$5,000