

MANAGEMENT LIABILITY PROGRAM

DIRECTORS AND OFFICERS AND EMPLOYMENT PRACTICES LIABILITY INSURANCE FOR PRIVATE COMPANIES



THE RISK YOU FACE

The responsibilities of your directors and officers have become rather onerous in today's environment where lawsuits are more frequent and awards are larger. Through the normal course of business, you may be sued for the wrongful termination of employees, wrongful failure to promote, and violations of employment discrimination laws.

Furthermore, over the last few years, directors and officers have come under much scrutiny by the public, employees, and regulators as a result of a number of scandals. In order to minimize and protect your directors and officers against the risk of allegations of negligent or wrongful acts that may be brought by members, third parties, employees, etc., we have designed an insurance policy just for you.

COVERAGE FEATURES AND BENEFITS

Our Management Liability Program includes:

- A customized, claims made directors and officers liability policy including employment practices liability designed to protect the unique business needs of your organization and its directors.
- Broad coverage with the option to include coverage for errors and omissions, fidelity guarantee, fiduciary liability, and loss of documents.
- Coverage up to \$10 million limit of liability.
- 24/7 claims reporting service.
- Short and user-friendly application with no requirement for financial statements.

IS THIS PROGRAM FOR YOU?

This coverage is suitable for you if you are a director or officer of a private company:

- Supervising, screening, and/or hiring of employees and volunteers, participating on an outside board.
- Involved in day-to-day decision making for the company.
- Handling fundraising events and involvement in other activities and responsibilities carried out by a director or officer.

UNDERWRITTEN BY:

The Wholesale Underwriting Group supported by Underwriters at Lloyd's



COVERAGE YOU CAN COUNT ON

We offer:

- Full retroactive coverage.
- Worldwide coverage available (with suits to be brought in Canada).
- Broad definition of “claim” includes punitive damages.
- Defense costs include:
 - Advancement of funds for covered claims.
 - Pollution defence costs.
 - Inquiry costs.
 - Occupational health and safety costs.
 - Public relations cost.
- Entity coverage.
- Outside board extension.
- Retired directors and officers coverage.
- Coverage for civil fines and penalties insurable by law.
- Coverage for spousal or domestic partner as named insured.

EXAMPLE OF A WRONGFUL DISMISSAL CLAIM

- An employee was terminated by a company due to a combination of alleged poor work performance and unexplained absences.
- The employee was warned on a number of occasions and on each occasion signed a warning notice explaining the reason for the warning. After the occurrence of a third incident, the employee was terminated by the organization.
- The employee sued the organization and the matter went to court.
- The defendant won the case as they gave the employee sufficient warning prior to termination.
- The directors and officers liability policy for the defendant company paid the total defence costs incurred, less the applicable deductible stated on the policy.

WHO WE ARE

Marsh Canada is a member of Marsh & McLennan Companies, a global professional services firm with approximately 60,000 colleagues worldwide and annual revenue exceeding US\$13 billion.

Marsh, a global leader in insurance broking and risk management, has approximately 30,000 employees and provides advice and transactional capabilities to clients in more than 130 countries. Marsh provides thought leadership and innovation for clients and the insurance industry — introducing and promoting the concept and practice of client representation through brokerage, the discipline of risk management, the globalization of insurance and risk management services, and many other innovative tools and service platforms.

FOR MORE INFORMATION, PLEASE CONTACT US AT:

1 800 265 6676 Fax: 416 349 4445
Email: marsh.mga@marsh.com

or call your local Marsh Canada representative.

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