

# Employment Practices Liability Insurance Proposal Form

## Important Notice

1. This is a proposal for a contract of insurance. You have a legal duty to provide a fair presentation of the risk. Failure to do so may make the contract of insurance voidable or severely prejudice your rights in the event of a claim.
2. This proposal must be completed signed and dated. All questions must be answered to enable a quotation to be given but completion does not bind you or insurers to enter into any contract of insurance. If space is insufficient to answer any questions fully, please attach a signed continuation sheet. You should retain a copy of the completed proposal (and of any other supporting information) for future reference.
3. You are recommended to request a specimen copy of the proposed policy wording from your insurance broker and to consider carefully the terms, conditions, limitations and exclusions applicable to the cover.

## Section A: General Information

1. (a) Name of company (insured)
- (b) Address of registered office and of principal place of business (if different)
- (c) Type of entity:  
☐ Public company ☐ Limited liability partnership  
☐ Private company ☐ Partnership ☐ Sole trader  
☐ Other (please specify)
- (d) Is cover being sought for any subsidiary companies? Yes ☐ No ☐  
If so, please list on separate sheet and provide full details including country of registration, address of principal place of business and percentage owned by the parent company.
- (e) How long has the company carried on business?

## Section B: Business Activities

1. (a) What are the business activities of the company?

- (b) Do you anticipate any major changes in these business activities in the next twelve months? Yes ☐ No ☐

If YES, please provide details

- (c) In the last three years has the company
- (i) merged with or been taken over by any other entity? ☐
- (ii) acquired or disposed of any part of its operations? ☐

- (d) Does the company have any acquisition, tender offer, merger, addition or expansion or disposal of operations pending or under consideration? Yes ☐ No ☐

If YES, please provide details

- (e) the company aware of any proposal relating to its acquisition by any other entity? Yes ☐ No ☐

If YES, please provide details

- (f) Does the company anticipate any redundancies, staff reductions, layoffs, branch or plant closings in the next twelve months or have there been any in the last twelve months? Yes ☐ No ☐

If YES, please provide details

- (g) Does the company have any plans to revise any existing employee benefits during the next twelve months (e.g. pensions) or have there been any such changes in the last twelve months? Yes ☐ No ☐

If YES, please provide details

### Section C: Staff

1. (a) Total number of employees worldwide

(b) Breakdown of total number of employees by territory:

(i) UK

(ii) Europe

(iii) North America and Canada

(iv) South America

(v) Middle East

(vi) Africa

(vii) Asia / Far East

(viii) Australasia

(c) Number of employees by salary range:

(i) £30,000 or less

(ii) £30,001 to £60,000

(iii) £60,001 to £125,000

(iv) £125,001 and over

(d) Total payroll

(e) So far as you are aware, are any employees members of a trade union?

Yes ☐ No ☐

If so please state name(s) of union(s)

(f) Does the company recognise any trade union(s) for collective bargaining or other negotiations?

Yes ☐ No ☐

If so please state name(s) of union(s). How many employees are members of this/these trade union(s)?

## Section D: Human Resources

1. (a) Does the company have a human resources/personnel department (or departments) providing a human resources function for the company? Yes ☐ No ☐
- (i) If YES, how many employees is there in this/these department(s)?
- (ii) If NO, how is this function handled and by how many employees?
- (b) Does the parent company's human resources/personnel department provide the human resources function for all the subsidiary companies? Yes ☐ No ☐
- If NO, please answer D.1.a above separately for each subsidiary company on a separate sheet.
- (c) Does the company have its employment policies/procedures reviewed by external employment lawyers? Yes ☐ No ☐
- If YES, please identify the firm and the date of the last review
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- (d) Does the company have written procedures for the following:
- ☐ Recruitment
  - ☐ Employee disciplinary actions
  - ☐ Employee grievances
  - ☐ Sexual harassment/discrimination
  - ☐ Racial harassment/discrimination
  - ☐ Harassment/discrimination on grounds of religion, sexual orientation or age
  - ☐ Disability discrimination/harassment
  - ☐ Anti bullying policy
  - ☐ Compliance with statutes
  - ☐ Redundancies, termination of employment, lay offs and early retirement
  - ☐ Employee appraisals/reviews
  - ☐ Health and Safety
  - ☐ Whistleblowing
  - ☐ Monitoring use of internet, email and other communications by employees
  - ☐ Protection of employees' personal data
  - ☐ Record keeping (concerning both employees and applicants for employment)
- (e) Is a written contract of employment issued to all employees? Yes ☐ No ☐
- (f) Does the company have an employee handbook? Yes ☐ No ☐
- (i) Is this distributed to all employees of the company? Yes ☐ No ☐
- (ii) Do all employees sign for its receipt? Yes ☐ No ☐
- (iii) Do contracts of employment expressly state that employees are bound by the terms of the employment handbook as amended from time to time? Yes ☐ No ☐

- (g) How does the company deal with changes in legislation effecting employees?

- (h) Does the company have a programme to ensure all management and supervisory employees receive regular, up to date training in the company's personnel policies and procedures?

Yes ☐ No ☐

- (i) Has any such training been provided in the last twelve months?

Yes ☐ No ☐

- (i) Who has the authority to hire employees?

- (j) Who has the authority to terminate employment?

- (k) Are all grievance and disciplinary hearings fully minuted?

Yes ☐ No ☐

- (l) Does the company maintain a personnel file for each employee?

Yes ☐ No ☐

#### Section E: Previous EPL Insurance

1. Has the company ever had any insurer decline a proposal form or cancel or refuse to renew any employment practice liability or similar insurance policy?

Yes ☐ No ☐

If YES, please provide full details.

#### Section F: Historical Data

1. (a) In the past twelve months, how many employees or directors have left the employ of the company?

- (i) How many resigned

- (ii) How many were made redundant?

- (iii) How many were dismissed by the company for other reasons?

## Section G: Claims History

1. (a) Please provide full details of all EPL claims or employee disputes involving the company or any of its directors, officers or employees in the past three years. Please provide details of the type of allegation, the court or agency involved and any determination, judgment, claims payments (including without prejudice or ex gratia payments) and defence costs for each claim/dispute.

- (b) After enquiry are the company, any of its directors or officers or any employees in the personnel and human resources department(s) aware of any:

- (i) oral or written warnings given to any employees within the last 180 days? Yes ☐ No ☐

If YES, please provide full details

- (ii) circumstances or incidents which they have reason to suppose could give rise to an EPL claim against the company or any of its directors, officers or employees? Yes ☐ No ☐

If YES, please provide full details

- (iii) Do contracts of employment expressly state that employees are bound by the terms of the employment handbook as amended from time to time? Yes ☐ No ☐

NOTE: Any claims reported or which should have been reported under G 1a and/or G 1 b above will be excluded from cover under the policy

## Section H: Other Material Facts

1. (a) After enquiry, are the company, any of its directors or officers or any employees in the personnel and human resources department(s) aware of any other material facts? Yes ☐ No ☐

If YES, please provide full details

A material fact is one likely to influence assessment of this risk, the premium charged or the terms and conditions imposed by underwriters. If you are in any doubt as to whether a fact would be considered material, you should disclose it. All the information requested in this proposal is material.

2. (a) As part of the proposal please attach (where applicable):
- (i) the latest audited annual report and accounts for the company
  - (ii) the company's current employees handbook.

### Section I: Documents Required

1. (a) As part of the proposal please attach (where applicable):
- (i) the latest audited annual report and accounts for the company
  - (ii) the company's current employees handbook.

### Section J: Insurance Details

1. What limit of indemnity is required under this policy?
- ☐ £500,000    ☐ £1,000,000    ☐ £2,000,000    ☐ £5,000,000
- ☐ Other (please specify)

**Declaration**

I declare that I am authorised to complete this proposal and I confirm that, after appropriate enquiry, it is completed truthfully. I undertake to inform insurers of any alteration or addition to these statements or particulars which occur prior to the commencement of the period of insurance. It is hereby acknowledged and agreed that the terms, conditions, limitations and exclusions of the policy may be subject to alteration at any time prior to the commencement of the period of insurance should any such material alterations or additions arise. I also give consent to insurers to use the information. Signing of this proposal does not bind insurers to offer or the applicant to accept insurance.

**Signed\***

**Name**

**Company position**

**Date**

\*the signatory should be a director or senior officer of, or a partner of, the company.



## **Your Personal Information**

### **The basics**

We collect and use relevant information about you to provide you with your insurance cover and to meet our legal obligations.

This information includes details such as your name and address and may include more sensitive details such as information about your health and any criminal convictions you may have.

The way insurance works means that your information may be shared with fraud prevention agencies and used by a number of third parties in the insurance sector – but only in connection with the insurance cover that we provide to you.

### **Other people's details you provide to us**

Where you provide us with details about other people, you must provide this **"Your Personal Information"** notice to them.

### **Group policies**

We will process individual insured's details, as well as any other personal information you provide to us in respect of your insurance cover, in accordance with our privacy notice and applicable data protection laws.

To enable us to use individual insured's details in accordance with applicable data protection laws, we need you to provide those individuals with certain information about how we will use their details in connection with your insurance cover.

You agree to provide to each individual insured this notice, on or before the date that the individual becomes an individual insured under your insurance cover or, if earlier, the date that you first provide information about the individual to us.

We are committed to only using the personal information we need to provide you with your insurance cover. To help us achieve this, you should only provide to us information about individual insureds that we ask for from time to time.

### **Want more details?**

For more information about how we use your personal information please see our full Markel privacy notice, a copy of which is available online at <http://www.markelinternational.com/foot/privacy-policy/> or on request.

### **Contacting us and your rights**

You have rights in relation to the information we hold about you, including the right to access your information. Please contact us at [dataprotectionofficer@markelintl.com](mailto:dataprotectionofficer@markelintl.com) or in writing to the Data Protection Officer, 20 Fenchurch Street, London, EC3M 3AZ if you wish to exercise your rights, discuss how we use your information or request a copy of our full Markel privacy notice.

## NOTICE TO THE PROPOSER

### The Underwriters

The underwriters will be either Markel International Insurance company Limited or Markel Syndicate 3000 at Lloyd's together with any other subscribing insurer(s).

Prior to any placement being concluded, the proposer will be advised which insurer(s) is/are to write this contract of insurance.

### The Law of the Insurance Contract

The parties to this proposed insurance are free to choose the law applicable to the insurance contract. Unless specifically agreed otherwise with underwriters, the proposed contract will be governed by English law.

### General Enquiries

If at any time you have any questions or concerns about your policy or the handling of a claim you should, in the first instance, contact Claims Manager, Professional Liability Division, 20 Fenchurch Street, London EC3M 3AZ.

## Complaints Procedures

We are committed to providing a high quality and professional service and to maintain fair outcomes for our customers.

If you are dissatisfied or have any complaints about your policy which was issued by:

**Markel International Insurance Company Limited (MIICL);**

**Markel Syndicate 3000 at Lloyds; or**

**Markel Insurance SE (MISE);**

You should, in the first instance, contact Legal, Regulatory & Compliance on the following contact details:

By telephone: +44 (0)20 7953 6020

By email: [complaints@markelintl.com](mailto:complaints@markelintl.com)

By writing to: Legal, Regulatory & Compliance, Markel International, 20 Fenchurch Street, London, EC3M 3AZ

Or, if your policy has been issued by:

**Lloyd's Insurance Company S.A (LBS) in Brussels**

You should, in the first instance, contact the Service Manager on the following contact details:

By telephone: +32 (0)2 227 39 39

By email: [enquiries.lloydsbrussels@lloyds.com](mailto:enquiries.lloydsbrussels@lloyds.com)

By writing to: Service Manager, Operations Team, Lloyd's Insurance Company S.A,  
Bastion Tower, Marsveldplein 5, 1050 Brussels, Belgium

The aim of this procedure is to settle the complaint fairly and as quickly as possible. We will use our best endeavours to comply with the timeframes set out by your local insurance regulator.

- A complaint received by us (whether by letter, facsimile, e-mail, telephone conversation or other oral representation) will be allocated to an appropriate person to carry out an independent review of the justification of the complaint.
- Complaints will be acknowledged promptly in writing. That acknowledgement will include the name of the person who will be reviewing the complaint and when you should expect to receive our final response.
- We will try to resolve a complaint within the timeframe set out by your local insurance regulator and give a written final response, or send an interim response explaining why we are not yet in a position to resolve matters.
- If you do not receive a final response or, after receiving our acknowledgement of the complaint and our final response, you are not satisfied with the outcome, you may be entitled to refer your complaint to your local External Dispute Resolution (EDR) service or to Lloyd's, London for review. We will provide you with the contact details who you may be able to refer your complaint to.

If you were sold this product online or by other electronic means and within the European Union (EU) you may refer your complaint to the EU Online Dispute Resolution (ODR) platform. Upon receipt of your complaint the ODR will escalate your complaint to your local resolution service. This process is free and conducted entirely online. You can access the ODR platform on <http://ec.europa.eu/odr>