

Employment Practice Claim Scenarios

Claim# 1 Sexual Harassment

Plaintiff was a former tenured and highly respected member of the Union's management team. Plaintiff complained in writing to the Union's senior management staff about a detailed pattern and practice of workplace favoritism between a Union officer and certain female employees in exchange for sexual favors. Plaintiff was allegedly expected to defend the Union officer's unlawful behavior, which she declined to do. Plaintiff became concerned that her employment was in jeopardy because she opposed to and witnessed ongoing unlawful behavior by the Union officer against numerous female employees. Plaintiff claimed that the unlawful behavior created a hostile work environment and led to retaliatory threats against the involved female employees and herself.

After making her written complaint, Plaintiff claims that the Union retaliated against her by subjecting her work to heightened scrutiny, stripping her of job duties, excluding her from meetings and decision-making within her job responsibilities, and failing to give her a customary cost of living increase.

Plaintiff, through her attorney, filed a lawsuit against the Union. Plaintiff demanded \$1.7 M for front pay and other compensatory damages, to include emotional harm and attorneys' fees; \$408,000 plus the lump sum payment in pension benefits; adoption of non-fraternization policy; enforcement of "no tolerance" policy; and annual Harassment Training.

We settled the claim for \$450,000 and paid \$125,000 in defense costs.

Claim# 2 – Sexual Harassment (CA Claim)

Plaintiff works for the Union as an administrative assistant. Due to COVID, Union employees have worked from home except, Plaintiff and her manager, who worked at the Union's office. Plaintiff had growing suspicions that when she wore dresses or skirts at the office, which was often, that her manager would peep under skirt each time she bent over.

To satisfy her suspicions, Plaintiff placed a hidden camera inside their shared workspace. Plaintiff went about her work, which included using the copy machine. Plaintiff later in the evening removed the camera and watched the video. The video shows that while Plaintiff worked at the copier, her manager stood behind her with his cell phone mounted to a selfie-stick; he proceeded to place the selfie-stick near/under Plaintiff's dress while making what appeared to be expressions of pleasure on his face.

Plaintiff reported the incident to the Union's management staff. The Union immediately terminated Plaintiff's manager.

We settled the claim for \$850,000 plus \$50,000 in defense costs.

Claim Scenario# 3 – Sexual Harassment/Discrimination (Race/Religion/Sex)

Plaintiffs were employed by the Union as vendors and employees. Plaintiffs filed a lawsuit against the Union and its Union officers.

Plaintiffs allege that for many years, a former Union official committed sexual abuse, sexual harassment, race discrimination and religious discrimination, and other violations of the Union National Constitution, and federal law. Plaintiffs claim that the Union officials breached their fiduciary duty, violated their oath of office, and engaged in tortious misconduct by refusing to report, investigate and take disciplinary action against the offending Union officer after receiving numerous complaints from Union staff, contractors and others that the offending officer had sexually harassed, sexually assaulted, cursed, threatened, bullied and discriminated against them on the basis of their race, religion, gender, and sex.

The claim is ongoing, but defense cost alone will likely exceed the Policy limit.

Claim# 4 – Sexual Harassment

Plaintiffs were female employees who filed a lawsuit against the Union's business manager for sexual harassment and hostile work environment. Plaintiffs complained that the business manager repeatedly subjected them to sexually explicit jokes, demands for sex, unwanted touching, and comments about their clothing and body types.

The business manager vehemently denied the allegations until a high-ranking female officer (just prior to her deposition) admitted that the same business manager had subjected her to the same sexual harassment and hostile work environment.

Ullico paid \$145,000 to settle the lawsuit and paid \$65,000 in defense costs. The union subsequently fired the business manager.

Claim# 5 – Pregnancy/Sex Discrimination/Wrongful Termination

Plaintiff was a union organizer who alleged that the union terminated her for using profanity and making inappropriate remarks in the workplace; a common and accepted practice for similarly situated male organizers.

Plaintiff claims the real reason the union terminated her was for her pregnancy status and sex. Plaintiff claims that prior to becoming pregnancy her boss repeatedly warned her not to get pregnant or else.

Ullico paid \$265,000 to settle a lawsuit and paid \$100,000 in defense costs.

Claim #6 – Age Discrimination/Wrongful Termination (CA Claim)

Plaintiff worked for the Union as a Field Representative. Plaintiff filed a lawsuit against the Union for age discrimination and wrongful termination. Plaintiff, who was (75) years old alleges that despite performing his job duties in a competent and satisfactory manner, he was terminated based on his age.

Plaintiff claims that the Union president told him that he was being terminated because "younger branch members should be given an opportunity to take over his job responsibilities because they are the future of the Union."

During his deposition, the Union president confirmed his statement to Plaintiff.

We settled the claim for \$550,000 plus \$128,000 in defense costs.

Claim# 7 – Sexual Harassment/Wrongful Termination

Plaintiffs were Union employees. They filed a lawsuit against the Union and their manager. Plaintiffs claim that their direct manager subjected them to discriminatory conditions, including explicit quid pro quo for sex to maintain and improve their employment status. Plaintiffs allege to have been terminated from the Union when they ceased to consent to, and begun to oppose, their manager's growing quid pro quo demands. Plaintiffs allege that the Union's management staff observed and knew how their manager exploited his position against female members and employees.

After their respective terminations, Plaintiff allege that their former manager retaliated against them by attempting to undermine future employment in their chosen career fields. Because the Union allowed their former manager to remain in a position of authority, he was free to continue his alleged discrimination, sexual harassment, and retaliation against Plaintiffs.

We settled Plaintiff's claims for \$870,000 and paid \$130,000 in defense costs.