



Management Liability - Claims Examples

Important Notice

These are examples only. You should read them only as a guide. They do not form part of any policy. Every claim is different. We always determine indemnity decisions and claim payments on an individual basis, after we have assessed the claim. Information provided is general only and has been prepared without taking into account any person's particular objectives, financial situation or needs. Insurance cover and whether a policy responds to a claim is subject to the terms, conditions, limits and exclusions of the policy. When making a decision to buy or continue to hold a financial product, you should review the relevant policy wording and any applicable endorsements.

Work Health & Safety (WHS) Claim - Construction and Project Management

The insured was managing a building site where two employees were undertaking demolition from a height in an excavator bucket. The excavator bucket detached from the excavator and fell onto the concrete slab below, causing the workers to also fall onto the concrete slab. The workers sustained serious injuries as a result. Safework commenced proceedings against the insured alleging that they failed to provide a safe work environment by failing to ensure the employees or contractors were standing on a safe structure when conducting the work. The matter was settled for approx. \$200,000 including expenses.

Crime Claim - Food Wholesaler

Insured is a fresh food supplier who purchases produce directly from growers and on-sells to customers. An employee stole and sold the produce by way of concealed transaction with retail distributor. The employee was hiding the transactions by deliberately not entering relevant information in the insured's sales management system. The matter was settled for \$250,000 including expenses.

Employment Practices Liability (EPL) Claim - Security Installer

The insured is a radio frequency technology company. The claimant, an employee of the insured, was employed as a Technician for a number of years. This employee alleged underpayment of wages as the role was incorrectly classified and therefore the employee had been underpaid for the duration of employment. The employee alleged that the insured took adverse action against the employee (resulting in dismissal) in response to exercising their workplace right to make a complaint or enquiry referable to their employment. The adverse action matter only was settled for over \$100,000 including expenses.

Tax Audit Claim - Civil Construction

ATO audit conducted of the insured's tax affairs for the 2020 and 2021 income years and for the 2019 to 2021 tax periods. Total paid was over \$30,000.

Crime Claim - Transport company

A delivery driver for a Transport company collaborated with a warehouse manager of the claimant to misappropriate \$75,000 worth of tyres from the claimant's warehouse over time. The employee of the insured collaborated with the employee of claimant to enact theft of numerous tyres over the course of many years. The matter was settled for over \$25,000 including expenses as recovery was achieved.

Berkley Insurance Company (limited company incorporated in Delaware, USA) ABN 53 126 559 706 | AFSL 463129 is an APRA authorised general insurer.
BIA 08/09/2023 A