

**FORCEFIELD® PACKAGE**

Allied World's ForceField® Package has been designed for diverse U.S. companies that look to the Bermuda market for maximum protection on a primary basis. Developed to meet the specific coverage needs of our clients, including coverage not available through mainland U.S. carriers, ForceField offers full, built-in punitive and exemplary damages coverage, and Wage and Hour Liability coverage for indemnity and defense costs. This policy also offers flexible coverage and retention options – including retentions lower than \$1M.



Our package provides a comprehensive portfolio of primary insurance coverage to address a wide range of liabilities currently facing corporations and their executives and employees. This primary policy provides policyholders with the flexibility to customize coverage and select the applicable limits and retentions to meet their specific exposures and concerns.

**POLICY HIGHLIGHTS****Directors and Officers Coverage**

- Pre-Claim Inquiry Coverage: covers costs incurred by Insured Persons in responding to any inquiry by regulators or the company
- Broad Coverage Extensions:
  - Additional Limit for Insured Persons: covers non-indemnified loss incurred by an Insured Person; limit is in addition to the policy limit
  - Emergency Costs: retrospective approval for Defense Costs and Reputation Costs if Insurer's written consent cannot be obtained within a reasonable time (48 hour timeframe)
  - Public Relations Costs: costs incurred as a result of a negative public statement made about an Insured Person and the costs of responding to a corporate crisis (sublimit applies)
  - Foreign Jurisdiction Liberalization: Insurer will apply provisions of the foreign policy in the foreign jurisdiction that is more favorable to the Insured Person
  - Automatic 6-year Extended Reporting Period for Retired Insured Persons (no premium charged)
- Advance Payments: Insurer will advance payments of loss within the retention if the company fails to pay or indemnify an Insured Person
- Broad Definition of Claim: includes any formal civil, criminal, administrative or regulatory investigation of an Insured Person
- Broad Definition of Loss includes:
  - Civil fines and penalties assessed against an Insured Person, including fines and penalties under the Foreign Corrupt Practices Act
  - Taxes payable by executives due to the company's failure to pay corporate taxes
  - Fees, costs and expenses incurred by Insured Persons to facilitate return of compensation under Sarbanes-Oxley (Section 304) and Dodd-Frank (Sections 210 and 954)
  - Exceptions for the Securities Act of 1933 (Sections 11, 12 and 15), Sarbanes-Oxley (Section 304) and Dodd-Frank (Sections 210 and 954)
  - Most favorable venue for punitive damages, penalties and taxes: the laws of various jurisdictions are specified
  - Narrow Conduct Exclusions: triggered only by judgment in the underlying action

**Thirty2°Sixty4<sup>SM</sup> - Allied World's Employment Practices Coverage:**

- Flexible retention options: single or multi-plaintiff retentions, as well as retentions lower than \$1M
- "Claims reported" policy
- Full punitive and exemplary damages coverage included (no need for separate puni-wrap)
- "Pay on behalf of" policy with no duty to defend
- Broad definitions of "Employee", "Loss", "Retaliation" and "Wrongful Act"
- Automatic coverage of new subsidiaries with less than 5,000 employees
- Third-party coverage included; no sublimit
- Bordereau reporting for certain claims
- 60-day post policy reporting of claims
- Worldwide coverage territory

**Wage and Hour Coverage**

- Includes coverage for indemnity (settlement of claims; judgments) and Defense Costs
- Broad Definitions of Wage and Hour Violation: includes misclassification of employees, inaccurate payment of wages and 'donning and doffing' claims
- Broad Definition of Claim: includes mediation, arbitration or other ADR proceeding

## FORCEFIELD® PACKAGE

(continued)

### Wage and Hour Coverage (continued)

- Broad Definition of Loss, includes:
  - pre- and post-judgment interest
  - statutory attorney fees
  - statutory liquidated damages
  - punitive and exemplary damages
- Narrow Conduct Exclusion – triggered only by final adjudication
- No duty to defend; Insured has right to select defense counsel
- Insured may settle Claim within the retention without Insurer's consent
- Insurer will advance payments of loss on a periodic basis prior to final resolution of Claim
- Automatic coverage of new subsidiaries with less than 5,000 employees
- Bordereau reporting for certain claims
- 30-day post policy reporting of claims
- Worldwide coverage territory.

### Fiduciary Coverage

- Includes Voluntary Compliance Program Coverage.
- Broad definition of Claim includes investigations by U.S. Department of Labor and similar authorities outside the U.S.
- Broad definition of Loss includes:
  - Punitive and exemplary damages where insurable under most favorable law; jurisdictions specified.
  - Civil penalties under Sections 502(i) and 502(l) of ERISA.
  - Fines and penalties under any Voluntary Compliance Program.
  - Civil fines and penalties imposed by Pensions Ombudsman appointed by UK Secretary of State for Social Services.

- Broad Definition of Plan includes any plan, fund, trust or program regardless of whether or not it is subject to regulation under Title I of ERISA
- 90-day post policy reporting of claims
- Insured may settle Claim within the retention without Insurer's consent
- Insurer will advance payments of loss on a periodic basis prior to final resolution of Claim

### Employed Lawyers Coverage

- Includes coverage for Moonlighting, Pro Bono and Personal Injury
- Broad definition of Loss includes punitive and exemplary damages where insurable under most favorable law
- Broad definition of Insured Person includes:
  - In-house counsel
  - Attorney provided to the company by an employment agency
  - Attorney who has entered into written agreement with the company to provide legal services to the company

### CAPACITY

Up to \$25M limit available on a primary basis

### TARGET

- U.S. domiciled public and private companies. For EPL coverage, this includes companies that employ between 10,000 and 100,000 employees.
- No industry class is excluded.

### SUPERIOR COVERAGE AND SERVICE

- Talented, experienced underwriters in Bermuda who understand the risks and pressures large U.S. companies face and can formulate coverage to fit their needs.
- Dedicated claims specialists who are known for their expertise, responsiveness, diligence and ability to resolve claims to our clients' satisfaction.
- Allied World's strong financial ratings, conservative balance sheet, and solid capital base give clients confidence that we keep our promises.

### MULTINATIONAL COVERAGE

Multinational Coverage is available via our ALLIED WORLDWIDE® platform. Please contact the listed underwriters or visit [alliedworldinsurance.com/alliedworldwide/](https://alliedworldinsurance.com/alliedworldwide/) for more information.

### CONTACTS

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This information is provided as a general overview for agents and brokers. Coverage will be underwritten by an insurance subsidiary of Allied World Assurance Company Holdings, Ltd, a Fairfax company ("Allied World"). Such subsidiaries currently carry an A.M. Best rating of "A" (Excellent), a Moody's rating of "A2" (Good) and a Standard & Poor's rating of "A-" (Strong), as applicable. Coverage is offered only through licensed agents and brokers. Actual coverage may vary and is subject to policy language as issued. Coverage may not be available in all jurisdictions. Risk management services are provided or arranged through AWAC Services Company, a member company of Allied World. © 2022 Allied World Assurance Company Holdings, Ltd. All rights reserved.

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