



COMMERCIAL LEGAL PROTECTION SUMMARY OF COVER FOR AECI

Legal fees, compensation awards or an unexpected tax enquiry can all undermine the financial stability of your company. In this changeable business climate a wide ranging **Legal Expenses Insurance Policy** is essential if your company is to protect itself against the potential legal costs it may face.

The benefits to AECI members in taking out this policy are wide-ranging. The policy will pay legal costs up to the policy limit of indemnity including solicitors' and barristers' fees, court costs, expenses for witnesses, attendance expenses and accountants' fees. We will also pay the costs of appealing or defending an appeal.

In the areas below we will resolve an insured legal problem, either ourselves or through external lawyers and other experts that we will appoint.

Employment Disputes and Financial Compensation Awards

Employment Disputes

We will defend:

- a contract dispute with an employee or ex-employee
- an alleged breach of statutory duty imposed by employment law.

Financial Compensation Awards

We will pay financial compensation awards for claims that we have accepted.

Legal Defence

We will defend:

- investigations by the Gardai or, Health and Safety authorities where a criminal offence may have been committed;
- criminal prosecutions;
- civil actions:
 - for wrongful arrest following an accusation of theft;
 - in relation to being a trustee of an employee pension scheme;
- appeals against Statutory Notices which affect your business;
- appeals against the Data Protection registration refusals;
- attendance expenses for jury service.

Property Protection and Bodily Injury

Property Protection

We will pursue claims following damage to your business property.

Cover extends to problems such as nuisance and trespass.

Bodily Injury

At policyholder's request we will pursue claims for accidental death or physical injury for the insured person and their family. This includes an assistance service to register the claim with the Personal Injuries Assessment Board (PIAB).

Tax Protection

- Revenue Audits
- Employers' Compliance
- VAT Disputes

Debt Recovery

We will pursue claims, including enforcement of judgment, to recover money and interest due from the sale or provision of goods or services.

Employment Manual

The DAS Employment Manual offers comprehensive, up to date guidance on rapidly changing employment law. To view it, please visit our website at www.das.ie. From the homepage click the Employment Manual icon.

HELPLINE SERVICES

The following helpline services are available 24 hours a day, 365 days a year during the period of insurance.

Commercial Legal Advice

We will provide you with a confidential legal advice service over the phone on any commercial legal problem affecting your business under the laws of the Republic of Ireland, and the UK.

To contact the above services, phone us on 1850 670 747 quoting your policy number.

Health & Medical Information Service

We will give an insured person information over the phone on health & fitness, and non-diagnostic advice on medical matters. Advice can be given on allergies, the side effects of drugs and how to improve general fitness.

To contact the above service phone us on 1890 254 164 quoting your policy number.

Counselling Helpline

We will provide all employees (and members of their immediate family who always live with them) with a confidential counselling service over the phone including, where appropriate, onward transmission to relevant voluntary and/or professional services.

This summary, by necessity, merely outlines the cover. For further information, please contact your local DAS office on 01 670 7470 and ask for a specimen policy.

CLAIMS EXAMPLES

Employment Dispute

An employee resigned her position and then made a claim of sexual discrimination against her former employer. The employer's legal expenses insurers appointed a solicitor to represent them at the Employment Tribunal.

Despite their successful defence, they incurred legal costs of €4,500 which could not be recovered. The costs were paid by the legal expenses insurer.

Legal Defence

When a policyholder failed to report an accident to the Health & Safety inspector, they faced prosecution. Solicitors appointed by DAS to represent them advised admitting their guilt, but pleaded mitigation on their behalf.

The policyholder was let off with a caution and their insurer paid the solicitor's fees.

Bodily Injury

Our policyholder's employee tripped and fell badly on a third party premises, sustaining a serious fracture to his ankle. The policyholder contacted DAS to make a claim of negligence against the third party. Medical reports obtained from the orthopaedic surgeon concluded that the employee would never again have full use of his ankle and would always suffer some degree of pain. The third party refused to accept liability and the case went to court.

The case was won and a €30,000 compensation payment was ordered. Legal costs of €5,000 and outlays were awarded.

Tax Investigations

An incorrect return discovered by the Revenue Commissioner in a policyholder's accounts triggered a Full Audit. Accountants appointed by the legal expenses insurer made technical changes to the accounts and showed where some areas of additional taxes needed paying.

No further interest or penalties were charged. The accountant's fees of over €4,000 were paid by their insurance.