



FIRST FOR JUSTICE

# COMMERCIAL LEGAL PROTECTION

## SUMMARY OF COVER



Guernsey policy number: TS5/4172530

Jersey policy number: TS5/4066586

Please note this document provides an outline of the cover but does not contain details of waiting periods, conditions or exclusions. For full policy terms and conditions please contact your insurance adviser and ask for a specimen policy.

## WHAT WE PAY

The policy will pay legal costs up to **£100,000** including solicitors' and barristers' fees, court costs, expenses for expert witnesses, attendance expenses, accountants' fees and employment compensation awards. It will also pay the costs of appealing or defending an appeal.

The payment of employment compensation awards shall not exceed **£1,000,000** in any one period of insurance.

## THE COVER

### EMPLOYMENT DISPUTES AND COMPENSATION AWARDS

#### 1 Employment disputes

- Defending your legal rights before the issue of proceedings in a court or tribunal following dismissal of an employee.
- Defending your legal rights in respect of any dispute with an employee or ex-employee relating to their contract of employment.
- Defending your legal rights in respect of any dispute with an employee, prospective employee or ex-employee arising from an alleged breach of their statutory rights under employment legislation.

**Please note that waiting periods may apply to claims that arise from employment disputes.**

#### 2 Compensation awards

In respect of a claim we have accepted under Employment disputes cover:

- We will pay any basic and compensatory award or any award imposed by the Guernsey Employment and Discrimination Tribunal or the Jersey Employment Tribunal or any award of damages by a court in Alderney or Sark.
- We will also pay an order for compensation arising from a breach of an employee, prospective employee or ex-employee's statutory rights under employment legislation.

We will pay compensation awards provided that throughout the employment dispute, you have either followed the ACAS Code of Disciplinary and Grievance Procedures or the Codes of Practice issued by the Guernsey Employment and Discrimination Tribunal, or Codes of Practice approved under the Employment (Jersey) Law 2003, approved under the Employment (Jersey) Law 2003, or the equivalent codes of practice, or the equivalent codes of practice issued by the Labour Relations Agency in Northern Ireland, or sought and followed advice from the DAS legal advice service.

### **3 Employee civil legal defence**

Defends the insured person's legal rights if an event arising from their work as an employee leads to civil action being taken against them:

- (i) under legislation for unlawful discrimination; or
- (ii) as trustee of a pension fund set up for the benefit of your employees.

### **4 Service Occupancy**

Negotiating for your legal rights against an employee or ex-employee to recover possession of premises which are owned by you or for which you are responsible.

## **LEGAL DEFENCE**

- Defending your legal rights or your employees' legal rights prior to legal proceedings when dealing with the Police, Health and Safety Executive and/or Local Authority or States of Guernsey or Jersey Health and Safety Enforcement Officer where it is alleged that you or your employees have or may have committed a criminal offence in connection with your business activities.
- Defending civil actions taken against you or your employees for compensation under data protection legislation, including payment of any compensation award made to an individual, made against you or your employees.
- Appealing against the imposition or terms of any Statutory Notice issued under legislation affecting your business.
- Defending a civil action taken against you for wrongful arrest in respect of an accusation of theft.
- The attendance expenses of your employees for jury service.

## **STATUTORY LICENCE APPEAL**

Appealing to the relevant statutory or regulatory authority, court or tribunal, following a decision by a licensing or regulatory authority to suspend, alter, refuse to renew or cancel your licence, mandatory registration or British Standard Certificate of Registration.

## **CONTRACT DISPUTES COVER**

Negotiating for your legal rights in a contractual dispute arising from an agreement or alleged agreement entered into by you or on your behalf, for the purchase or hire or sale or provision of goods or services, providing the amount in dispute exceeds £500 (including VAT and/or GST where payable) but does not exceed £5,000 (including VAT and/or GST where payable).

## PROPERTY PROTECTION

Pursuing your legal rights in a civil action following an event causing physical damage to material property which you own or are responsible for, or any nuisance or trespass.

## PERSONAL INJURY

At your request, pursuing your employees' and their family members' legal rights following a specific or sudden accident arising from your business activities causing the death of, or bodily injury to them.

## TAX PROTECTION

### **Tax enquiries**

Negotiating on your behalf and representing you in any appeal proceedings following a written notice of enquiry, issued by HM Revenue & Customs, Customs, the Comptroller of Taxes in Jersey or Director of Income Tax in Guernsey to carry out an Income Tax or Corporation Tax compliance check.

### **Employer compliance disputes**

Negotiating on your behalf and representing you in any appeal proceedings in a dispute concerning your compliance with Pay As You Earn, Income Tax Instalment System, Employees' Tax Instalment Scheme, Social Security, Social Insurance, Construction Industry or IR35 legislation (or equivalent disguised employment legislation or rules in Jersey and Guernsey) and regulations, following a review by HM Revenue & Customs, the Comptroller of Taxes in Jersey, the Directory of Income Tax in Guernsey or other relevant tax authority.

### **VAT/GST disputes**

Negotiating on your behalf and representing you in any appeal proceedings arising out of a dispute with HM Revenue & Customs, Customs, the Comptroller of Taxes in Jersey or the Director of Income Tax in Guernsey following the issue of an assessment, written decision or notice of a civil penalty relating to your VAT and/or GST affairs.

## HELPLINE SERVICES

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

### LEGAL ADVICE SERVICE

We will provide you with a confidential legal advice service over the phone on any commercial legal problem affecting your business subject to the laws of the member countries of the European Union, the Isle of Man, the Channel Islands, Switzerland and Norway.

**This helpline is available for advice on the laws of England and Wales 24 hours a day, 365 days a year.**

**Advice on areas of law beyond this jurisdiction, or in respect of specialist matters, is provided 9am-5pm, Monday to Friday, excluding public and bank holidays. If calls are made outside these times, we will call you back.**

### TAX ADVICE SERVICE

We will provide you with confidential advice over the phone on any tax matters affecting your business under the laws of Jersey, the Bailiwick of Guernsey and the United Kingdom of Great Britain and Northern Ireland.

**Tax advice is provided by tax advisors 9am-5pm, Monday to Friday, excluding public and bank holidays. If calls are made outside these times, we will call you back.**

### COUNSELLING SERVICE

We will provide all employees (and members of their immediate family who always live with them) with a confidential counselling service over the phone if they are aged 18 or over (or aged 16 to 18 and in full time employment) including, where appropriate, onward transmission to relevant voluntary and/or professional services.

**The counselling service helpline is open 24 hours a day, seven days a week.**

## FINANCIAL SERVICES COMPENSATION SCHEME

DAS is covered by the Financial Services Compensation Scheme (FSCS). Compensation from the scheme may be claimed if DAS cannot meet its obligations. This will be dependent on the type of business and the circumstances of the claim. More information on the compensation scheme arrangements can be found on the FSCS website, [www.fscs.org.uk](http://www.fscs.org.uk)