

**REPORTING GUIDELINES FOR PROFESSIONAL INDEMNITY/MEDICAL
MALPRACTICE INSURANCE AND DIRECTORS & OFFICERS LIABILITY
INSURANCE IN RELATION TO CLAIMS FOR ALLEGED SEXUAL HARASSMENT
OR SEXUAL ABUSE**

Insurance claims involving a sexual or gender element can take various forms. From the insurance viewpoint, there are two principal classes of claims which may be initiated due to sexual or gender issues.

- (A) *Sexual Abuse* - This class includes such matters as sexual assault and child molestation. These are sexual offences within the meaning of the Crimes Act 1958. Claims of this type can lead to fines or other criminal penalties which are not insurable.
- (B) *Sexual Harassment* - ie. breaches of Statute such as Equal Opportunity Legislation. For example, allegations of discrimination on grounds of gender are included within this class of claim. In addition, employment disputes, alleged wrongful dismissal on grounds of gender and other similar type allegations would be included in this broad class. The insurance policies which may be called upon to respond are:
- (i) Professional Indemnity/Medical Malpractice Insurance and
 - (ii) Directors & Officers Liability Insurance.

The types of claims for which each policy may respond can be categorised or grouped as follows:

(a) *Sexual Assault*

Such claims will involve allegations of deliberate physical contact leading to:

- (i) actual bodily injury and/or
- (ii) emotional distress or psychological upset and/or
- (iii) financial loss.

(b) *Harassment*

These types of claims will not involve allegations of assault but may lead to:

- (i) emotional distress or psychological upset and/or
- (ii) financial loss, generally through losing or changing employment.

Within this heading there may also be claims broadly defined as "discrimination" - these may involve discrimination on the basis of gender or sexual preference, or whether an individual may have a sexually transmitted disease.