

华泰财险附加员工福利计划除外责任条款

保险合同第一部分第一条“人身损害及财产损失责任”和第二条“个人权利侵害和广告侵权责任”各自的第二项“除外责任”中分别增加下述规定：

二、除外责任

本保险不适用于：

(1) 因被保险人或代表被保险人行事并由被保险人承担法律责任的其他人在管理被保险人的员工福利计划（定义见下文第(2)项）时存在过失行为、错误或疏漏所引起或声称引起的任何责任或声称的责任，包括但不限于在《1974年员工退休收入保障法》和/或任何类似联邦、州或地方性法规或普通法下的责任或声称的责任。

(2) 本条款项下，“员工福利计划”一词是指团体人寿保险、团体意外或健康保险、利润共享计划、养老金计划、员工股票认购计划、员工补偿、失业保险、社会保险、失能保障以及任何其他类似员工福利。

(3) 本条款项下，“管理”一词是指根据被保险人的授权从事下述事项：

- (A) 就员工福利计划向员工提供咨询；
- (B) 解释员工福利计划；
- (C) 处理与员工福利计划有关的记录；和/或
- (D) 加入、终止或解除员工的员工福利计划。

X114 EMPLOYEE BENEFITS PROGRAMS EXCLUSION

The following exclusion is added to Paragraph 2., Exclusions of Section I – Coverage A – Bodily Injury and Property Damage Liability and Section I – Coverage B – Personal And Advertising Injury Liability:

2. Exclusions

This insurance does not apply to:

(1) any liability or alleged liability arising out of or alleged to arise out of any negligent act, error or omission of the “insured”, or any other person for those whose acts the “insured” is legally liable, in the administration of the “insured's” Employee Benefits Programs, as defined in subsection (2) below, including without limitation, liability or alleged liability under the Employee Retirement Income Security Act of 1974, as amended, and/or any similar Federal, State or local statutory or common law.

(2) As used in this Exclusion, the term "Employee Benefits Programs," means group life insurance, group accident or health insurance, profit sharing plans, pension plans, employee stock subscription plans, workers' compensation, unemployment insurance, social benefits, disability benefits, and any other similar employee benefits.

(3) As used in this Exclusion, the unqualified word “administration,” means:

- (A) giving counsel to employees with respect to the Employee Benefits Programs;**
- (B) interpreting the Employee Benefits Programs;**
- (C) handling of records in connection with the Employee Benefits Programs; and/or**
- (D) effective enrollment, termination or cancellation of employees under the Employee Benefits Programs;**

provided all such acts are authorized by the insured.