



5.08 LIABILITY COVERAGE

5.08.1 RELATED DOCUMENTS

- [5.08 Liability Coverage Policy](#)
- [5.08 Liability Coverage Procedures](#)

5.08.2 FREQUENTLY ASKED QUESTIONS

LIABILITY INSURANCE

Q. What kind of liability protection is provided to EMBC volunteers?

A. Registered EMBC volunteers have three levels of liability protection:

- **Emergency Program Act:** Section 18 of the *Emergency Program Act*, RSBC Chap. 111, 1996, provides exemption from civil liability (unless grossly negligent) for all measures relating to emergencies or disasters. This exemption from civil liability is provided to:
 - Volunteers.
 - Members of a local authority, as defined in the *Act*.
 - Any business or public institution authorized by a local authority or by EMBC under a contract or EMBC task number.
- **\$2 million provincial liability insurance:** The government maintains a comprehensive general liability insurance policy with a limit of \$2 million covering all provincial volunteers. The policy includes legal representation provided by the provincial government. It is very unlikely that any registered EMBC volunteer would require this coverage as they are provided exemption from civil liability in the *Emergency Program Act*. Coverage for \$2 million is considered adequate based on a government risk assessment.
- **Good Samaritan Act:** Under the *Good Samaritan Act*, a volunteer providing emergency aid to someone is not liable for injury or death (unless grossly negligent or employed expressly for performing that service).

Q. Who pays the legal costs if a lawsuit, covered by the \$2 million policy, is instituted?

A. The liability insurer (the government) provides a legal defence on behalf of the person named in an action.



Q. Please provide a summary of liability coverage for volunteers in respect of medical acts.

A. If the volunteer is not a medical professional but is administering first aid within the limitations of his/her training or knowledge:

- Covered under the Commercial General Liability Policy.
- Exempt from civil liability under the *Emergency Program Act*.
- Exempt from liability under the *Good Samaritan Act*.

If the volunteer is a medical professional and does render medical treatment:

- Not covered under the Commercial General Liability Policy.
- Exempt from civil liability under the *Emergency Program Act*.
- May be exempt from liability under the *Good Samaritan Act* subject to an interpretation of the term “employed expressly for the purpose” as it pertained to the circumstances at the time of the incident that gave rise to the claim.

Q. Are there any exemptions to EMBC’s liability coverage?

A. Yes there are. The exemption from civil liability provided under the *Emergency Program Act* does not extend to liability incurred outside of an EMBC approved task, likewise for the liability insurance provided by the province.

PSL organizations are encouraged to ensure that they have both appropriate and adequate insurance coverage to protect the society, its assets and its members and directors.

The National Ground SAR Insurance Program, developed with the assistance of [Algoma Insurance Brokers](#) and J&H Marsh & McLennan, provides General and Professional Liability plus optional “add-ons” for individual accidental death/dismemberment. The National Ground SAR Insurance Program is underwritten by Guardian Insurance and is available only through SARVAC or Algoma Insurance.

General Insurance: The Province does not provide general insurance coverage for vehicles, water craft, buildings or other assets, therefore individuals and groups are encouraged to obtain appropriate insurance coverage. The Province may provide, in accordance to EMBC Policy, reimbursement for the repair or replacement of property loss or damaged during an EMBC authorized task. Reimbursement is normally limited the lesser of the repair or replacement cost or the amount of the insurance deductible in the case of vehicles and watercraft to a maximum of \$1000. Societies are encouraged to ensure they have adequate insurance coverage.



Q. Does the liability protection cover persons with professional credentials such as doctors and engineers?

A. Yes. They have the same coverage as any other volunteer. However, the liability insurance policy purchased by the government does not cover professional errors and omissions liability or medical malpractice liability.

Professionals who perform a function for which they are certified or licensed by a professional standards association have a duty of care with respect to their profession. Therefore, they would be held accountable by their respective governing bodies for failure to meet their duty of care, regardless of whether or not they were acting as a volunteer. Acting as a volunteer does not absolve them of their professional responsibilities.

Q. What types of events does the liability insurance provide coverage for?

A. Liability insurance covers EMBC authorized training and operational tasks only; it does not cover fundraising, social activities or public education activities such as mall displays or SAR prevention activities.

Q. What liability do instructors bear when they certify that a volunteer is competent in a certain field?

A. Instructors and students are included in the liability coverage. However, instructors are provided by EMBC and the JIBC with course standards to which a person must qualify, and instructors must ensure these standards are not compromised when assessing students.

Q. What is the liability of search managers who are allocating personnel in the field?

A. Search managers are included in the liability coverage. However, they must act in good faith, knowing the skills and abilities of the personnel they are directing.

Q. Are the assets of a society at risk from a civil suit in a negligence suit?

A. Section 18 of the *Emergency Program Act* provides exemption from civil liability when an individual is carrying out authorized emergency measures. **Societies are not provided an exemption from civil liability under the *Emergency Program Act*** and as such, societies are encouraged to purchase additional liability insurance for directors and officer should such a suit arise.

Q. Does the liability policy cover the directors and officers of a society?

A. The provincially-funded liability insurance program does not cover the directors and officers of a society while they are acting in that capacity; it only covers authorized operational and



training tasks as such societies are encourage to purchase additional liability insurance for directors and officer should such as suit arise.

VEHICLE INSURANCE

Q. If I use my vehicle as a volunteer for EMBC tasks, how should my vehicle be rated for insurance?

A. The vehicle should be rated for its normal use; volunteer work with the vehicle does not affect the insurance rating.

EQUIPMENT INSURANCE

Q. How should the group equipment be insured?

A. EMBC does not provide coverage for equipment. The society or group should obtain insurance for their own equipment, including any vehicles, boats, or aircraft.

Q. Does EMBC fund the repair or replacement of privately owned or group-owned equipment used on an authorized operational task?

A. **Minor Personal/Group Equipment and Property:** EMBC will reimburse the full cost to repair or replace, whichever is less, when equipment and property are lost or damaged on an authorized operational task.

Major Equipment (personal vehicles, boats, generators, etc.): EMBC will reimburse the lesser of the actual repair cost or the cost of the deductible portion of insurance coverage to a maximum of \$1000, or if not insured, the maximum sum of \$1000.

AGE FOR VOLUNTEERS

Q. For liability purposes, what are the minimum and maximum ages for volunteers to enrol with EMBC?

A. The minimum age is 16; volunteers between 16 and 18 years of age require signed consent from their parent or guardian. There is no maximum age.