



5.08 LIABILITY COVERAGE

5.08.1 GENERAL

The Province of British Columbia accepts responsibility for volunteers while they are performing authorized services on behalf of the province. The Ministry of Transportation and Infrastructure is the host ministry for volunteers registered with the Emergency Management BC (EMBC) and therefore accepts responsibility for them while they are performing training and emergency tasks.

Related Policies:

- [1.08 Application for Training Task Number](#)
- [2.02 Task Authorization](#)
- [5.01 Task Registration](#)
- [5.04 Repair/Replacement of Lost/Damaged Equipment/Personal Property](#)

5.08.2 DEFINITIONS

See [Terms and Definitions](#)

5.08.3 POLICY STATEMENT

- (1) Notwithstanding that the Ministry of Transportation and Infrastructure accepts responsibility for volunteers registered with EMBC and should take steps to minimize any personal property, bodily injury, or third party liability risk exposures to volunteers, liability coverage is afforded volunteers under specific conditions.

5.08.4 CONDITIONS/RESPONSIBILITIES

- (1) **Emergency Program Act:** The *Emergency Program Act* provides exemption from civil liability for persons, both employees and volunteers, when carrying out measures relating to emergencies and disasters and for which the person(s) was not negligent. The Act states "No person, including...a volunteer and any other person appointed, authorized or required to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damage or injury to persons or property...". Protection under the Act applies so long as the individual is acting in good faith and there is no indication of gross negligence.
- (2) **Good Samaritan Act:** The *Act* protects individuals against liability when rendering medical services or emergency aid to an ill, injured or unconscious person unless through their acts or omissions there is gross negligence. The BC Government Risk Management Branch advises that as long as the volunteer responder is not receiving pay, or expecting to receive pay, for rendering emergency medical services or aid, they are NOT employed expressly for the purpose of rendering the medical services or aid. They advise that the phrase "employed expressly for the purpose" is interpreted in a manner that gives the word "employed" its ordinary meaning. In



short, the opinion of the Province of BC is that the Good Samaritan Act covers PSL Volunteers, who are not employed expressly for the purpose of rendering medical services or aid.

- (3) **Commercial General Liability policy:** The policy provides coverage both to the Province and to its volunteers. The policy insures against third party legal liability resulting from claims due to damage to the property of others, and bodily injury or personal injury (libel, slander, etc.) to third parties, accidentally caused, which arise from the authorized duties of the volunteers on behalf of the Province. The limit of liability on the policy is \$2 million per occurrence/incident (NOT per volunteer). The policy will also provide a qualified legal defense and pay related costs. Coverage under this policy applies to individual volunteers only NOT to the societies or groups of which they are members.

5.08.5 AUTHORITIES

[Emergency Program Act](#)

[Good Samaritan Act](#)

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5.08.6 RELATED DOCUMENTS

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