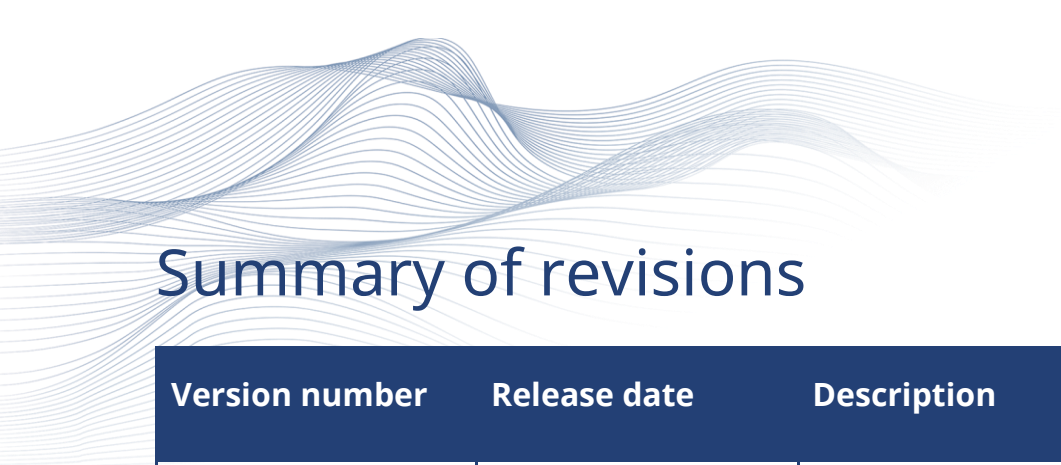


Information on liability protection under the Emergency and Disaster Management Act

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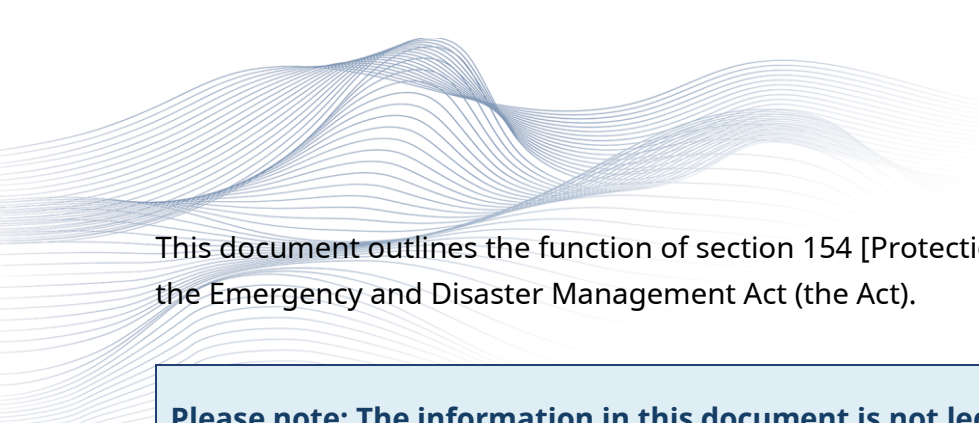
Summary of revisions

Version number	Release date	Description
Version 1	August 2026	Original document

More information

Online: gov.bc.ca/emergencymanagementact

Email: emcr.policyandlegislation@gov.bc.ca



This document outlines the function of section 154 [Protection against legal proceedings] of the Emergency and Disaster Management Act (the Act).

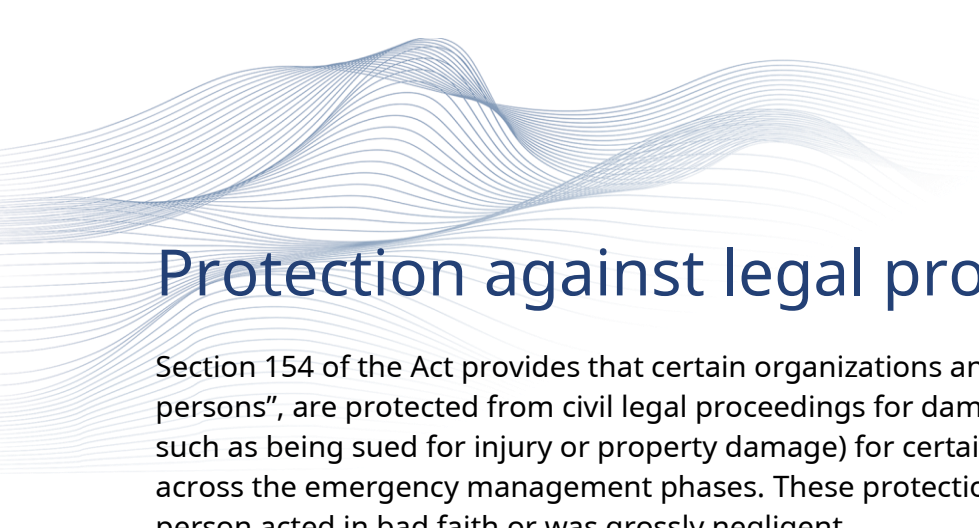
Please note: The information in this document is not legal advice and should not be relied on for that purpose or as a replacement for independent legal advice.

The applicability of section 154 of the Act is fact dependent. Information in this document should not be taken as confirmation that protection from legal proceedings or other consequences that may result from a person's action or inaction will apply.

During an emergency, many people and organizations—such as local governments, emergency management staff, and volunteers—take action to protect lives, property, and communities. These actions sometimes involve difficult decisions made under pressure and in unpredictable conditions. The Act recognizes that certain people and organizations need legal protections while carrying out this important work, as well as in other contexts.

Section 154 of the Act provides protection from certain legal proceedings for acts or omissions done under the Act, unless they acted in bad faith or were grossly negligent. This protection helps to maintain confidence and participation across all phases of emergency management.

It is important to note the protection from legal proceedings in section 154 **does not** apply to everyone. The protections only apply to people/organizations defined in the legislation as “protected persons” if certain conditions are met.



Protection against legal proceedings

Section 154 of the Act provides that certain organizations and people, known as “protected persons”, are protected from civil legal proceedings for damages (i.e., noncriminal lawsuits, such as being sued for injury or property damage) for certain things they did or did not do across the emergency management phases. These protections do not apply if the protected person acted in bad faith or was grossly negligent.

Quick reference overview | Protection against legal proceedings

Section 154 protection against legal proceedings may apply if the following conditions are met:

Step 1: The person or organization meets the definition of a “protected person”. (See “Who is protected” below.)

- Check the definition of “protected person” in section 154(1).
- If not, section 154 protections do not apply.

Step 2: The action taken or not taken is covered. (See “What conduct is covered” below.)

- Check if the conduct fits one of the categories in section 154(2).
- If not, section 154 protections do not apply.

Step 3: The act or omission was not done in bad faith or gross negligence. (See “Acting in bad faith or gross negligence” below.)

- If it was either, section 154 protections do not apply.



Who is protected

Only persons fitting the definition of “protected person” under the Act are eligible for protection against legal proceedings under section 154. “Protected person” under the Act includes:

- the provincial government
- municipalities
- Modern Treaty Nations (including Nisga’a Nation)
- Indigenous governing bodies
- people/organizations who exercise a power or perform a duty under the Act
- people/organizations who take emergency measures, provide emergency resources or use of land under the Act
- public safety providers
- regional districts
- volunteers who are registered with the Ministry of Emergency Management and Climate Readiness (EMCR), certain organizations authorized by EMCR, or local authorities
- certain people/organizations who act under an order, emergency instrument or direction

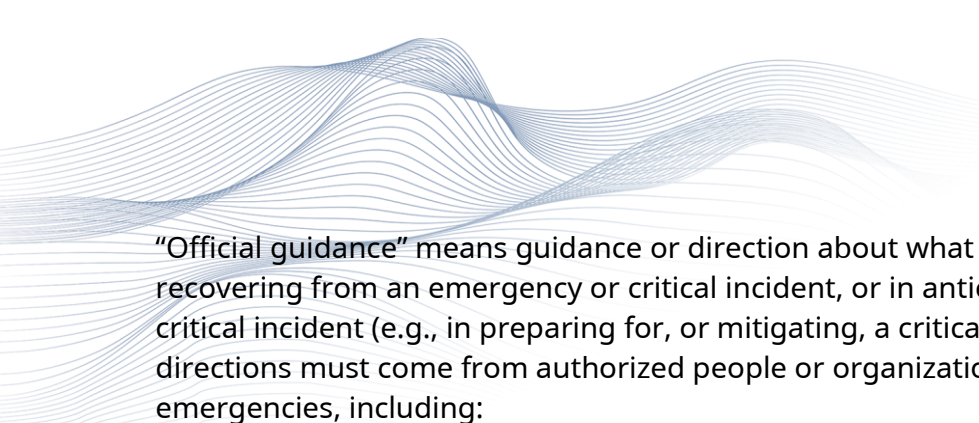
For a complete list of “protected persons”, see section 154(1). If a person fits within the definition of “protected person” they must also be undertaking particular conduct identified in section 154(2) to be eligible for protection from legal proceedings.

What conduct is covered

Civil legal action for damages cannot be brought against “protected persons” for certain conduct, including:

- in the exercise or intended exercise of a power, or the performance or intended performance of a duty under the Act;
- in taking an action that a person is authorized or required to take under the Act, including under an agreement made in respect of the Act;
- complying with or intending to comply with a direction given by a person exercising a power or performing a duty under the Act or by a person acting as authorized under the Act, including under an agreement made in respect of the Act, or with “official guidance”;
- in relation to providing consent in accordance with a decision-making agreement or a statutory power agreement.

For a complete list of conduct that is covered see section 154(2) of the Act.



“Official guidance” means guidance or direction about what to do or not to do during or recovering from an emergency or critical incident, or in anticipation of an emergency or critical incident (e.g., in preparing for, or mitigating, a critical incident or emergency). These directions must come from authorized people or organizations that have a role in handling emergencies, including:

- regional districts, municipalities, Modern Treaty Nations, and provincial government ministries and their employees
- the provincial administrator or EMCR staff
- a member of an emergency management organization or a multijurisdictional emergency management organization
- federal departments or agencies responsible for national defence or that take emergency measures under an agreement with the BC Minister of Emergency Management and Climate Readiness

For a complete list of people and organizations that can issue official guidance, see section 154(1).

Acting in bad faith or gross negligence

The protection against civil legal proceedings for damages under the Act does not protect a person who acts in bad faith or is grossly negligent.

What constitutes gross negligence or bad faith is fact dependent. It requires consideration of the law as it relates to the facts of a particular situation and is beyond the informational scope of this document.

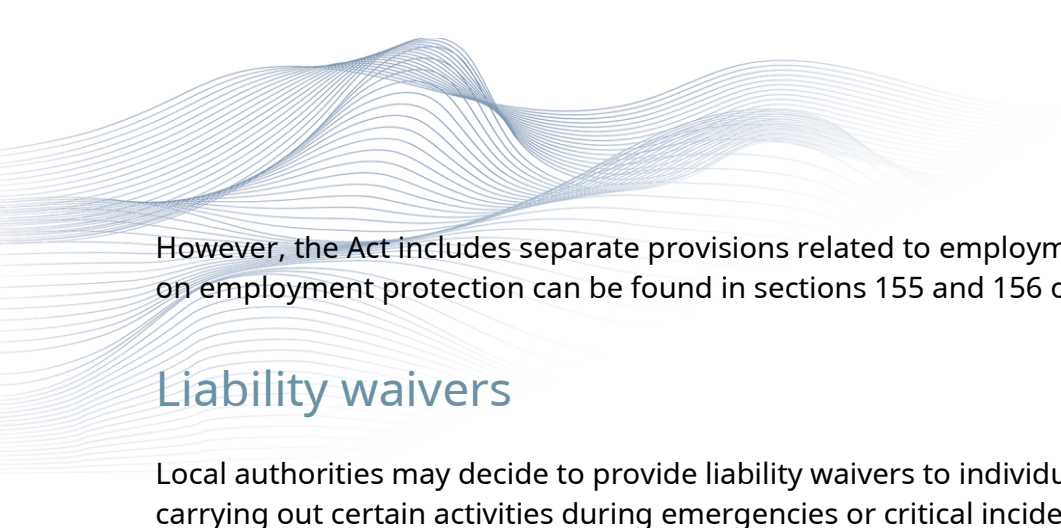
Limits of EDMA liability protection

The liability protection under section 154 of the Act only applies to civil legal proceedings for damages. It does not protect individuals from other proceedings, such as criminal proceedings, regulatory offences, administrative law proceedings (e.g. judicial review applications) or human rights proceedings. For example, if someone commits a crime (for example, assault, theft, or fraud) during an emergency response, they can still be charged and prosecuted under criminal law.

This protection also does not apply for all volunteers. Only volunteers included in the list of “protected persons” (see above) can be protected from civil legal proceedings.

The liability protection does not protect individuals from:

- disciplinary actions,
- employment-related consequences, or
- other forms of liability that may result from their conduct.



However, the Act includes separate provisions related to employment protection. Information on employment protection can be found in sections 155 and 156 of the Act.

Liability waivers

Local authorities may decide to provide liability waivers to individuals or organizations carrying out certain activities during emergencies or critical incidents that waive liability claims by the local authority against the individual or organization. Liability waivers are separate from the protection provided under section 154 of the Act. This informational document does not address waivers.

It is a decision for local authorities, in consultation with their legal advisors, to decide whether to develop and use liability waivers.

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