



5.08 LIABILITY COVERAGE

5.08.1 RELATED DOCUMENTS

- 5.04 Public Safety Lifeline Equipment Repair/Replacement
- 5.08 Liability Coverage Policy
- 5.08 Liability Coverage Procedures

5.08.2 FREQUENTLY ASKED QUESTIONS

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

Registered EMBC volunteers have three levels of protection:

- **Emergency Program Act:** The *Emergency Program Act* 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 incorporated business or incorporated public institution authorized by a local authority or by EMBC under a contract or EMBC task number who are appointed, authorized, or required to carry out measures relating to emergencies or disasters.
- **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 or does so with a view to gain).
- **Provincial commercial general liability insurance:** The government maintains a commercial general liability insurance policy that includes third party bodily injury and property damage, as well as coverage for legal defense in the unlikely event a legal defence is needed.

2. Who pays the legal costs if a lawsuit is brought against a volunteer?

The commercial general liability insurer provides a legal defence on behalf of the volunteer named in an action.

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

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



- Exempt from civil liability under the *Emergency Program Act*.
- Exempt from liability under the *Good Samaritan Act*.
- Covered under the commercial general liability policy.

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

- Exempt from civil liability under the *Emergency Program Act*.
- May be exempt from liability under the *Good Samaritan Act*.
- Not covered under the commercial general liability policy because medical malpractice is excluded from coverage. Medical professionals may carry insurance that may apply to their volunteer deployment.

4. Are there any exemptions to protections provided to EMBC's volunteers?

The exemption from civil liability provided under the *Emergency Program Act* does not extend to gross negligence or liability incurred outside of an EMBC approved task, likewise for the liability insurance provided by the Province.

The exemption from civil liability provided under the *Good Samaritan Act* does not extend to gross negligence or when a volunteer is employed expressly for performing a service or does so with a view to gain.

Commercial general liability policy is subject to common exclusions found in similar insurance policies. The policy does not extend to liability incurred outside of an EMBC approved task.

5. Does the liability protection cover volunteers with professional credentials such as doctors and engineers?

Yes. They have the same coverage as any other volunteer. However, the commercial general liability insurance policy purchased by the government does not cover professional errors and omissions liability or medical malpractice liability. Professionals may have other coverage for errors and omissions or medical malpractice to cover their professional risk which may provide defense costs for allegations of gross negligence.

6. What types of events/activities does the commercial general liability insurance provide coverage for?

Commercial general 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 search and rescue prevention activities or any other events/activities that you may engage in outside of a training or operational task.



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

Volunteer instructors and students are covered by the commercial general liability insurance policy. However, volunteer instructors must ensure course standards are not compromised when assessing students and only certify students that meet the qualifications.

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

Search managers are covered by the commercial general liability insurance policy. However, they must act in good faith, knowing the skills and abilities of the personnel they are directing, and only assign tasks to personnel with the corresponding skills and abilities to perform them safely.

9. Are the assets of a society at risk from a civil lawsuit?

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* unless appointed, authorized, or required to respond under the Act.**

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

The commercial general liability insurance policy 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 encouraged to purchase additional liability insurance for officers and directors to cover their risks.

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

The vehicle should be rated for its normal use; volunteer work with the vehicle does not affect the insurance rating. The volunteer is responsible for policy deductibles and any increase in premium as a result of physical damage to vehicle or liability incident.

12. How should the group equipment be insured?

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

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

See policy suite 5.04 Public Safety Lifeline Equipment Repair/Replacement for more information.