



5.08 LIABILITY COVERAGE

5.08.1 GENERAL

The Province of British Columbia provides commercial general liability insurance for volunteers while they are performing authorized services on behalf of the province.

Related Policies:

- 1.08 Application for Training Task Number
- 2.02 Task Authorization
- 5.01 Task Registration
- 5.04 Public Safety Lifeline Equipment Repair/Replacement

5.08.2 DEFINITIONS

See Terms and Definitions

5.08.3 POLICY STATEMENT

- (1) Liability protection and coverage extended to volunteers registered with Emergency Management BC (EMBC) only applies when operating and/or training under an approved EMBC task.
- (2) Volunteers and volunteer groups should take steps to minimize any personal property, bodily injury, or third party liability risk exposures.

5.08.4 CONDITIONS/RESPONSIBILITIES

- (1) **Emergency Program Act:** The *Emergency Program 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 *Good Samaritan 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 *Good Samaritan Act* covers volunteers who are not employed expressly for rendering medical services or aid, and who do not render medical services or aid with the view to gain.
- (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). In addition, 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.

- (4) **Other 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 with EMBC policy, reimbursement for the repair or replacement of property lost or damaged during an authorized task. Reimbursement is normally limited to 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. Volunteer societies are encouraged to ensure that they have both appropriate and adequate insurance coverage to protect the society, its assets, and its members and directors.

(5) **Liability Coverage for Volunteers in Respect of Medical Acts:**

- a. If the **volunteer is not a medical professional** and is administering first aid within the limitations of his/her training or knowledge, the volunteer is covered under the Commercial General Liability Policy, exempt from civil liability under the *Emergency Program Act*, and exempt from liability under the *Good Samaritan Act*.
- b. If the **volunteer is a medical professional** and renders medical treatment, the volunteer is NOT covered under the Commercial General Liability Policy, is exempt from civil liability under the *Emergency Program Act*, and may be exempt from liability under the *Good Samaritan Act*.

5.08.5 AUTHORITIES

Emergency Program Act

Good Samaritan Act

Original Signed by

Stan Bates
Executive Director, Operations
Emergency Management BC



January 7, 2019

5.08.6 RELATED DOCUMENTS

- 5.08 Liability Coverage Procedures
- 5.08 Liability Coverage FAQs