

LIABILITY INSURANCE

1. *What kind of liability protection is provided to Provincial Emergency Program (PEP) volunteers?*

Registered PEP 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 the local authority or by PEP under a contract or PEP 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 PEP 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).

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

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

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

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.

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

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

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

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

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

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

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

Section 18 of the *Emergency Program Act* provides exemption from civil liability when a society is carrying out authorized emergency measures.

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

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.

WORKERS' COMPENSATION BOARD (WCB) COVERAGE

9. *When does WCB cover a volunteer?*

Emergency service volunteers are covered under the *Workers' Compensation Act*. For the purposes of WCB coverage, volunteer activities are divided into four categories:

Operational tasks:

PEP volunteers are considered to be "on operational call"; therefore they receive coverage for the travel portion of their response (portal to portal) as well as for the operational tasks.

Training tasks:

Travel related to training tasks is not subject to the same level of urgency, therefore the travel portion is not covered by WCB. However, the training exercise itself is covered by WCB.

Demonstrations and competitions

Demonstrations or competitions where there is a significant risk of injury are viewed as an opportunity to test the level and quality of training. A PEP training task number should be requested. Once assigned a task number, the participating volunteers qualify for WCB coverage for the demonstration/competition, but not for travel to these activities.

Public education and displays:

Public education activities, such as mall displays or parades, are not covered by WCB.

10. *What does WCB pay for if I'm injured?*

WCB only applies where there is a **loss of wages**. WCB pays partial wage replacement based on a percentage of your earnings. For those who work sporadically, the partial wage replacement is based on a percentage of a number of years' average salary. Wage replacement does not apply to persons whose present income is not affected by the injury. WCB also pays applicable medical and rehabilitation expenses.

The maximum WCB benefit is based on the average industrial wage which is currently \$59,600. The \$59,600 maximum applies to all BC workers who receive WCB coverage in the province and is not specific to PEP volunteers.

11. *What does WCB pay if someone is killed while on a task?*

Funeral expenses, a one-time-only lump sum payment which is over and above the pension amount, and a pension based on a number of variables such as the age of the surviving spouse, the number of dependents and, most significantly, the volunteer's average yearly earnings at the time of the death.

12. *Will WCB cover volunteers if the accident was their fault?*

Yes, WCB is “no fault” and volunteers would be covered.

13. *What conditions are there for WCB coverage?*

Volunteers are covered whenever they are registered for an authorized operational or training task (see categories explained in question 9 above).

14. *If a PEP volunteer is injured and lifted out of a site by the 442 Search and Rescue Squadron, does WCB still apply?*

Yes, WCB still applies.

15. *Are air crew (spotters) covered for WCB while flying in a private aircraft? How does WCB respond in relation to aircraft insurance?*

Yes, they are covered. WCB coverage is primary; meaning no other insurance policy that may be in force at the time of the injury will pay compensation of any kind as long as WCB coverage is applicable.

VEHICLE INSURANCE

16. *Are volunteers covered for WCB while traveling in a vehicle? How does WCB pay in relation to ICBC insurance?*

Assuming volunteers are travelling to a task after being issued a task number, WCB coverage would apply. WCB would recover payments from ICBC.

17. *If I use my vehicle as a volunteer for PEP 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.

EQUIPMENT INSURANCE

18. *How should the group equipment be insured?*

PEP does not provide coverage for equipment. The municipality or group should insure their own equipment, particularly any vehicles, boats or aircraft.

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

Minor Personal/Group Equipment and Property:

PEP 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 for which the owner was not reimbursed for the equipment or property use.

Major Equipment (personal vehicles, boats, generators, etc.):

PEP will reimburse the lesser of the actual repair cost or the cost of the deductible portion of insurance coverage to a maximum of \$500, or if not insured, the maximum sum of \$500.

AGE FOR VOLUNTEERS

20. *For WCB and liability insurance purposes, what are the minimum and maximum ages for volunteers to enrol with PEP?*

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.

FOR FURTHER INFORMATION ABOUT PEP OR EMERGENCY PREPAREDNESS:

- PEP web site at: <http://www.pep.bc.ca>
- Toll-free message line: 1-888-811-6233
- or contact any of the following offices:

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WCB, Insurance and Liability Protection for PEP Volunteers

