

January 16, 2019

Emergency Services – Liability FAQ

In many of our Municipalities, emergency services are provided by volunteers and they are protected for legal liability by the Municipality's insurance program carried through RMA Insurance. We get many questions on what exactly the volunteer is and isn't insured for. Breakdown of the coverage provided.

1. Who is insured?

All volunteers acting within the scope of their duties providing emergency services, including first aid medical help, are insured under the general liability policy through RMA Insurance to the full limit carried by the Municipality. If the volunteer is certified to give medical treatment, such as being a paramedic, medical malpractice is covered as well to the full limit of the policy (this coverage is only active when the medical professional is working on behalf of the Municipality, any moonlighting activity is not covered).

2. Is there coverage should someone who is a third party, not a volunteer, be hurt, or their property damaged during an emergency situation due to the actions of a volunteer?

Yes, because the volunteer is responding on behalf of the Municipality, the Municipality assumes legal liability for all non-intentional acts of the volunteer. The Municipality's insurer will defend the volunteer and make restitution to any third party should an incident occur

3. If a motor vehicle accident occurs while driving fire equipment to a scene, will it be covered?

Under Alberta law, the driver of a vehicle can be held legally liable for any accident in which they were at fault in creating, regardless of ownership of the vehicle. There is a possibility that a volunteer can be named as a defendant in a claim. However, it is never the intention of the Municipality to have a volunteer be legally liable in an automobile accident when responding. The Municipality and its insurer will work to have the driver released from the claim.

4. Is there coverage for damages to a volunteer's personal vehicle at any time while responding to an emergency, be it at scene or while left back at the station?

No, there is no coverage in any way under the Municipality's insurance program to cover loss or damage to volunteer's vehicles. The volunteer is recommended to ensure they have their own personal insurance in place to respond to any losses that occur. There will be no compensation through the insurance program.

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BULLETIN

Municipalities carry a comprehensive insurance program specifically designed to protect the legal liability of volunteers on behalf of the Municipality. If there are any specific circumstances you would like to discuss, please contact our office.

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