

June 12, 2009

To: Golden and District Search and Rescue (GADSAR)

Re: Notification to Withdraw Search and Rescue Services

We received your letter of June 11, 2009 regarding the decision by Golden and District Search and Rescue Society (GADSAR) to immediately suspend search and rescue services. GADSAR – like all other volunteer search and rescue teams in BC - has the utmost respect from the Province and our support remains unwavering and consistent.

While the Province does provide liability and WCB coverage for individual SAR volunteers (see below), we are unable to provide 3rd party indemnification for SAR societies and associations because the Province has no legal relationship with them. SAR societies and associations are not operational or covered under task and the expectation is that, as non-operational independent entities, they must provide for their own insurance.

Our solicitor has advised that she would be willing to explain the legal relationships between the Province and GADSAR as a society, the Province and individual search and rescue members and the Province's overall framework for emergency response with your lawyer once he or she is retained.

While we respect the decision by GADSAR to cease provision of services, we hope the following information will address your immediate concerns and help GADSAR re-evaluate their decision to withdraw search and rescue services.

- The Province of BC, through the Provincial Emergency Program (PEP) provides WorkSafe BC and third party liability coverage for all PEP volunteers. SAR members must be on task and working within their approved scope and mandate. A task is defined as an approved activity where volunteers and others have registered according to PEP policy to provide specific services on behalf of the Province.
- The Emergency Program Act (EPA), Part 4, Section 18, provides exemption from civil liability for employees and volunteers when carrying out measures relating to emergencies and disasters and for which the person(s) was not negligent. This comprehensive general liability insurance policy is limited to \$2 million per incident. The Province pays legal costs on behalf of volunteers named in an action and who were registered under task at time of the incident.
- PEP policy (*Public Safety Lifelines Volunteers Injury, Disability, Accidental Death, Liability and General Insurance Coverage* November 14, 2008) states that individual exemption from civil liability provided under the EPA does not extend to liability incurred outside a PEP-approved task. Again, all volunteers must be on a task for liability coverage to apply.

- It is clearly noted that societies or associations are not provided exemption from civil liability under the EPA and as such are encouraged to purchase additional liability insurance for their directors and officers to ensure they have full coverage.
- PEP and the BC Search and Rescue Association (BCSARA) have consistently messaged and encouraged all SAR teams in BC to seek and obtain appropriate and adequate coverage to protect their society, assets and directors/officers in the event that legal action is taken against them.
- The National Ground SAR Insurance Program (developed with assistance of Algoma Insurance Brokers and J&H Marsh & McLennan) provides general and professional liability (<http://www.algomains.com/>). SAR teams do not have to be SARVAC members to apply nor do they have to be incorporated as formal societies.
- Many SAR societies in BC – including GADSAR – currently have this insurance and therefore have full 3rd party liability coverage for their directors and officers.
- The withdrawal of GADSAR services does not relieve the society of responsibilities associated with any lawsuit filed against the society.

We appreciate the dedication and work that all SAR teams undertake on behalf of British Columbians and we acknowledge GADSAR's long history of professional response and accomplishment over the years. We remain willing to work with GADSAR through BCSARA to identify any policy and/or coverage issues and to ensure that your team is supported to the fullest extent possible. The liability and exposure risk to individual GADSAR volunteers remains extremely low given the coverage that the Province provides. In addition, we understand that GADSAR Society's legal costs associated with the recent lawsuit will be covered under Algoma's 3rd party liability policy.

We recognize it has been a long and challenging season for GADSAR and we are sincerely committed to finding a successful resolution to this issue.

Yours truly,

Chris Duffy
A/Executive Director
Provincial Emergency Program
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