



## **ACCESSIBILITY:**

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## **STATEMENT OF LIABILITY INSURANCE**

The Liability Insurance of Waterloo Catholic District School Board (WCDSB) covers persons who, at the request of the Board, are performing activities involving supervision of students. This includes volunteers assisting with either in school or extra-curricular activities as arranged and/or approved by principals.

For example, if a volunteer was working with a group of students and an accident occurred resulting in a lawsuit, WCDSB's Liability Insurance would cover the volunteer as well as the Board.

If volunteers are transporting students in their private vehicles to WCDSB approved events, it is necessary that they have liability insurance on their vehicles. It is recommended that the minimum liability limit be \$1,000,000.

WCDSB does carry excess third party liability insurance to provide protection for employees of the Board, including volunteers, who may on occasion use vehicles not owned by WCDSB to transport students, without charge, for emergencies, curriculum or extra-curricular activities. The liability covered is that liability imposed by law upon an employee of the Board (including volunteers) for bodily injury or death to students suffered while such students are being transported by the person who is acting on behalf of the Board.

This insurance covers only that liability imposed by law, which may be in excess of the person's own third party auto liability coverage, to a maximum of the Board's non-owned auto policy i.e. the automobile policy of the driver is the primary responder with Ontario School Board's Insurance Exchange (OSBIE) responding only after the primary responder's limits have been exhausted. OSBIE covers up to a combined limit of \$20M.

**All volunteer "trip drivers" are required to complete the "Volunteer Driver's Form" as Appendix G2. Use of a volunteer's car must be authorized by the principal as the Board's agent.**

## **VOLUNTEER DRIVERS / INSURANCE REQUIREMENTS**

Students may be provided with transportation by volunteer WCDSB or non-WCDSB employees, including students, who are properly licensed and can provide proof of adequate insurance coverage.

All volunteer drivers' vehicles, to their knowledge, must be in good repair and have working seat belts for all seats in the vehicle. Children weighing less than 18 kg (40 lbs.) must be transported while seated in appropriate car/booster seats which must be properly secured per manufacturer's instructions.

The principal must ensure that those who provide transportation for students have a minimum of \$1,000,000.00 Liability and Property Damage Insurance.

The principal shall keep a record of the names of those drivers who meet the Public Liability Insurance Coverage specified above and only those drivers will be allowed to transport students to and from school activities.



**Summary of Licensing and Vehicle Requirements**

Seating Capacity	Driver Status	Vehicle Status	Compensation	Driver License Requirement	Vehicle Requirement Per Highway Traffic Act
5 passenger seats plus Driver	Volunteer, Staff, Parent	Owned, leased or rented by a Volunteer, Staff or Parent	No	G	None
			Yes	G	None
6 to 9 passenger seats plus Driver	Volunteer, Staff, Parent or Contracted Driver	Owned, leased or rented in the name of WCDSB or operated under contract with the Board	No	G	None
			Yes	G	<ul style="list-style-type: none"> <li>• Safety inspection stickers</li> <li>• Log book</li> <li>• Highway Traffic Act (H.T.A.) Regulation 483</li> </ul>
10 to 24 passenger seats plus Driver	Volunteer, Staff, Parent or Contracted Driver	Owned, leased or rented in the name of WCDSB or operated under contract with the Board	No	F	H.T.A. Regulations for this type of vehicle
			Yes	E	H.T.A. Regulations for School Purposes Bus

1. The Highway Traffic Act (Ontario) governs the licensing of School Purposes Bus Drivers that enter into a contract with the Board for the transportation of students.
2. Volunteer drivers who do not receive compensation for the transportation of students do not enter into a contract with the Board.
3. Compensation, as far as the Ministry of Transportation is concerned, is any form of remuneration, i.e. mileage, gas allowances, flat fee, etc., paid by the Board to anyone to transport students.

**NOTE:**

If a Trip is planned for out of the Province, please check with the appropriate authorities to ensure that your license and the vehicle meet the necessary regulations.

**SUMMARY OF INSURANCE COVERAGE**

**Volunteer Supervisors on School Outings**

The Board's Liability Insurance Policy protects both staff and volunteers who are working within the scope of their duties for WCDSB. This coverage responds to lawsuits that are brought against staff or volunteers who are supervising school events and provides protection up to the \$20 million policy limit.



## **Volunteer Drivers for School Activities**

Ontario Legislation makes Automobile Insurance compulsory in the Province of Ontario. This same Legislation makes the vehicle insurance primary coverage. In other words, the insurance on the vehicle responds to claims first.

The School Board's Liability Policy contains an Endorsement, called the Non-Owned Automobile Endorsement, which extends coverage to those who are using personal vehicles on the business of the Board. In accordance with Legislation, this coverage is **excess** to the insurance on the vehicle. For example, if an accident occurred while the vehicle was being operated on a school outing, and the vehicle was insured for \$1 million of liability insurance, and there was a successful suit against the owner of the vehicle for \$3 million, the Board's liability insurance would respond to the \$2 million in excess of the \$1 million carried by the owner.

There is no coverage under this Endorsement for damage to the vehicle itself. Coverage is limited to liability only.

Passengers who are injured would recover Accident Benefits under their own automobile policies. Thus, students injured in an automobile accident, would report the injuries to their parents' auto insurer. If there is no automobile insurance policy in the family, the injured passenger would collect benefits under the liability policy in place on the vehicle in which they were riding at the time of the accident.

## **Personal Automobile Insurance Coverage**

For the personal protection of volunteer drivers, all owners/drivers of private vehicles must carry a minimum of \$1 million of liability insurance. If there is any doubt about the insurance coverage carried, or the use of the vehicle to transport students, volunteers should review their coverage with their insurance Brokers.

## **USE OF VEHICLES RENTED FOR SCHOOL / BOARD PURPOSES**

Legislation which came into effect March 1, 2006 changes the priority of coverage when rental vehicles are used to transport students or in the execution of other school/board activities. For rental vehicles, the priority of coverage is as follows:

1. Primary Auto Liability – Personal Auto Policy of driver who rents the vehicle;
2. Excess Auto Liability #1 – OSBIE Non-Owned Auto Policy
3. Excess Auto Liability #2 – Rental Agency Policy