



SPECIAL RESOLUTION 2012- 1

Liability Protection Agreement

(Amendment to expand coverage for volunteer fire fighters)

Coverage for volunteer fire departments has been a thorny issue since the MIABC's inception. The MIABC has no difficulty covering these services; we currently cover dozens of volunteer fire departments throughout B.C. However, some volunteer fire departments are not eligible for MIABC coverage because of the way that they are structured. Essentially, we cannot cover those that are established as independent legal entities. In order to be covered by the MIABC, a volunteer fire department must fall within the definition of an "Insured Party" set out in the *Liability Protection Agreement*. All of an MIABC member's employees, officers, directors and Council members are included in the definition. A society, association, or "special purpose body" (which includes a corporation) are also covered, provided all members or shareholders are MIABC subscribers. In addition, volunteers are covered, but only if they are providing services under the direct supervision of an officer or employee of an MIABC subscriber. These provisions of the *Liability Protection Agreement* are not complied with when a local government enters into an agreement with an independent association or society for the provision of services. Another concern is that many "volunteer fire fighters" are not "volunteers" at all and, consequently would not be covered by our *Liability Protection Agreement* even in circumstances where it had been thought they were. Some MIABC members have entered arrangements whereby the member pays a fee or other remuneration either to individual fire fighters, or to the VFD entity. In either case the fire fighter is either an employee (in which case the entity should not be covered) or an independent contractor (in which case neither the fire fighter nor the entity should be covered). The most effective way to provide coverage for volunteer fire services, while avoiding the myriad of problems presented by the various arrangements and structures adopted by our members, is to cover the fire fighters individually. This can be done by expanding the definition of "Insured Party".

Resolution 2012-1

That the *Liability Protection Agreement* be amended as follows:

The definition of **Insured Party** is amended to include:

...any person providing fire fighting services to a Subscriber, other than an employee of the Subscriber, but only if that person is a member of a fire fighting association with which the Subscriber has existing written contractual arrangements for the provision of fire fighting services by members of the firefighting association, and then only while that person is in the course of providing those services to the Subscriber.