



BOARD MEMORANDUM

Date: January 26, 2022
To: Board of Trustees
From: Shawna Walter, Acting Superintendent
Originator(s): Liliana LeVesconte, Associate Superintendent, Corporate Services
Subject: January 2022 Update - Bill 58 Freedom to Care Act – Volunteer Insurance

Purpose:

For information.

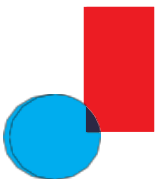
Background:

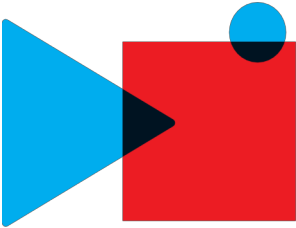
Bill 58, or Freedom to Care Act, came into effect on September 1, 2021. Bill 58 is of interest to the Division mainly from the aspect of volunteer coverage. There are three scenarios that are of interest to Sturgeon Public School Division:

1. Volunteers or groups of volunteers that act, at our request, on activities controlled and initiated by the Division. Examples of such are off-site activity volunteers, hot lunch volunteers, classroom volunteers and library volunteers.
2. School Council as a Volunteer Group
3. Parent Fundraising Group as a Volunteer Group.

Bill 58 addresses all volunteer groups, not just those in the education system. Bill 58 covers the following:

- No volunteer is liable for damage caused by an act or omission while volunteering for an organization, as long as the volunteer acted within the scope of a not-for-profit organization and the volunteer was properly authorized to do so;
- Bill 58 does not cover liabilities of a volunteer if the damage was willful, reckless, criminal misconduct, or gross negligence;
- Bill 58 does not cover liabilities of a volunteer while operating a motor vehicle or other transportation vessel, for which the volunteer is normally required to maintain insurance;
- Bill 58 does not cover offences;





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- Bill 58 does not cover damages done while under the influence of alcohol or drugs; and
- All costs related to a claim against a volunteer are to be absorbed by the not-for-profit organization, such as Sturgeon Public School Division and their insurance policies in effect.

For the scenarios listed above, the Division obtained a legal opinion by which it was clarified that:

1. Sturgeon Public volunteer groups are protected as indicated in Section 251 of the Education Act, however, there are situations where the Division would not be covered under that section, and insurance would come into effect. Sturgeon Public School Division has been advised to procure the appropriate insurance policies that provide indemnity against liability, as available. The Division believes it has the coverage necessary that is available to us within our own limitations.
2. School Councils are viewed as acting within the scope of the volunteer's responsibility, and therefore, are insured as outlined in article 1. above. School Councils are not required to obtain additional insurance, however, as listed in Bill 58 exclusions above, the same limitations would come into effect for School Councils.
3. Parent Fundraising Groups – same as School Councils.
4. **January 2022 Update** - Volunteers engaging in skimming and other fraud activities will be reported to the police for investigation. The Division has insurance coverage for such issues under the Employee Dishonesty policy, which also covers volunteers.

Administration is prepared to respond to questions at the January 26, 2022, Public Board Meeting.

Sincerely,

Shawna Walter, M.Ed
Acting Superintendent

