

PEARSON DUNN

INSURANCE PROGRAM FOR



Term: May 1, 2018 to May 1, 2019

Insurance Program Overview

The insurance program for Hike Ontario provides coverage to Hike Ontario as the provincial association. Coverage is available on a buy-in basis to member clubs who have applied and been accepted for coverage.

"Member" means any member, temporary player or other person actively engaged in and appropriately registered (has paid the insurance premiums) and is in good standing with all requirements of Hike Ontario.

"Sanctioned Activities" shall mean one which is approved by **Hike Ontario**.

Sanctioning is the mechanism that confirms an activity is part of the association's scope and thus covered by the insurance program.

Activities Covered

- Hiking Activities
- Member Training Events
- Sanctioned Non-Hiking Activities
- Trail Maintenance/Trail Building
- Open Houses
- Membership Meetings
- Fundraisers
- Certification Programs
- Promotion of Sport
- Publication of Newsletters
- Annual Awards Ceremonies/Wind up Banquets

***Please note, "Special Events"** run by member clubs, can be considered for coverage under Hike Ontario's Liability Insurance Policy. Such events must be **approved by Hike Ontario** and underwritten by the Insurer on a "case by case" basis. Additional premium will apply.

Program Overview

This **Comprehensive General Insurance Program** is administered by **Pearson Dunn Insurance &** underwritten by **Sutton Special Risk**.

The **Insurance Program** features the following coverages with respect to **Hike Ontario** sanctioned activities: Hiking, member training events, sanctioned non-hiking activities and trail maintenance.

- Commercial General Liability
- Errors & Omissions Liability
- Directors' & Officers' Liability

The **Commercial General Liability Coverage** will pay those sums that the insured becomes legally obligated to pay as compensatory damages because of bodily injury to or damage to property of others, such as spectators, passers-by, property owners and others resulting from your operations or actions. Coverage includes your legal liability for injury to participants. The coverage provided, also includes Injury to Participants that result from your association, member clubs, or individual members negligence.

The Policy even includes at no additional cost, **Additional Insured's**, such as Municipalities, Government Departments, Sponsors and Owners of the Facilities in whose name you have agreed to provide insurance for their vicarious liability arising out of your operations.

Errors & Omissions Liability Coverage protects the insured for negligent acts, errors or omissions whenever or wherever committed or alleged to have committed in connection with the sport. This section of coverage is written on a "**claims-made**" wording which states that a claim must be made against the insured during the policy period. In the event of any occurrence likely to result in a claim under this Insurance, IMMEDIATE NOTICE should be given to the insurer.

Directors' & Officers' Liability Coverage protects the insured's Directors' & Officers', Executives, Employees and Volunteers for compensatory damages as a result of their wrongful acts. "Wrongful Act" shall mean any actual or alleged breach of duty, breach of trust, neglect, error, misstatement, misleading statement, omission, breach of warranty of authority or other act done or attempted by the Directors or Officers of the Corporation, Sports Club, Sports League, or Sports Association, or any other matter claimed against them solely by reason of their status as Directors or Officers. This section of coverage is written on a "**claims-made**" wording which states that a claim must be made against the insured during the policy period. In the event of any occurrence likely to result in a claim under this Insurance, IMMEDIATE NOTICE should be given to the insurer.

Commercial General Liability/Errors & Omissions Liability

Who is Insured?

Hike Ontario and All Registered Members who have purchased the applicable insurance coverage under **Hike Ontario's Insurance Program** including:

Directors, officers, participants, trainers, officials, employees, executives, managers, coaches and volunteers while acting within the scope of their duties.

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| Sum Insured: | \$5,000,000 Commercial General Liability/any one occurrence |
| Sum Insured: | \$1,000,000 Errors & Omissions Liability/any one claim |
| | \$1,000,000 Aggregate limit/any one period of insurance |
| Deductible: | \$1,000 |
| Policy Number: | 170/026008 |
| Insurer: | Sutton Special Risk underwritten by Certain Lloyd's Underwriters |
| Policy Period: | May 1, 2018 to May 1, 2019 |

Policy Extensions:

- Participant Liability Coverage - \$5,000,000
- Premises, Property and Operations - \$5,000,000
- Occurrence basis broad form property damage - \$5,000,000
- Products and Completed Operations - \$5,000,000 Aggregate
- Tenants Legal Liability - \$5,000,000
- Incidental Medical Malpractice - \$5,000,000
- Cross Liability - \$5,000,000
- Host Liquor Liability - \$5,000,000
- Personal Injury/Advertisers Liability - \$5,000,000
- Non-Owned Automobile - \$5,000,000
- Employers Liability - \$5,000,000
- Cross Liability - \$5,000,000
- Medical Payments, any one person - \$5,000 any one person - \$25,000 any one accident
- Additional Insured's
- Landowners Endorsement included on policy
- Radio/Cell Phone condition – Trail Building Maintenance condition – Power Condition & Excluded Activities

Directors & Officers Liability

Who is Insured?

Hike Ontario and Member Clubs who have purchased the applicable Insurance Coverage under Hike Ontario's Insurance Program. "Insured" shall mean any natural person who was or now is or may hereafter become a director, secretary, executive officer or Employee of the Corporation, or other functional equivalent in the sports club, sports league or sporting association specified in the Policy hereto by whatever named called and whether or not validly appointed to occupy or duly authorize to act in such position; or, any Director or Officer being a natural person and who by virtue of any applicable legislation, is deemed to be a Director or Officer of the Corporation.

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| Sum insured: | \$2,000,000/Any one claim/Aggregate Limit/Any one period of Insurance, or, \$5,000,000/Any one claim/Aggregate Limit/Any one period of Insurance. Limit is as per list on insurance policy declaration |
| Deductible: | \$1,000 |
| Retro-active Date: | Member Club original inception date with Sutton Special Risk |
| Policy No: | 170/026009 |
| Insurer: | Sutton Special Risk underwritten by Certain Lloyd's Underwriters |
| Policy Period: | May 1, 2018 to May 1, 2019 |

Insuring Agreement:

The Insurer will pay on behalf of the Directors and Officers any Loss which the Directors and Officers may become legally obligated to pay and for which they may not be legally indemnified by the Corporation or Sports Club, Sports League or Sports Association specified in the Declarations hereto as a result of any Claim, by reason of any "**Wrongful Act**" committed by them in their capacity as a Director or Officer, first made against them jointly or severally during the Policy Period and notified to the Insurer during the Indemnity Period.

"**Wrongful Act**" shall mean any actual or alleged breach of duty, breach of trust, neglect, error, misstatement, misleading statement, omission, breach of warranty of authority or other act done or attempted by the Directors or Officers or any of them in the discharge of their duties solely in their individual or collective capacity as Directors or Officers of the Corporation or Sports Club, Sports League or Sports Association specified in the Declarations hereto or any matter claimed against them solely by reason of their status as Directors or Officers.

Highlights of Coverage

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| <ul style="list-style-type: none"> ▪ \$5,000,000 Commercial General Liability/per occurrence | <ul style="list-style-type: none"> ▪ Territorial Limits mean: <ul style="list-style-type: none"> (a) Canada (b) Elsewhere in the world in respect of: <ul style="list-style-type: none"> (I) Any act or omission occurring within Canada; (ii) Acts or omissions of persons normally resident in Canada, but temporarily engaged in the business outside Canada; (iii) Bodily Injury or Property Damage caused by Products |
| <ul style="list-style-type: none"> ▪ \$1,000 Property Damage & Bodily Injury Deductible | <ul style="list-style-type: none"> ▪ \$1,000,000 Errors & Omissions Liability/Any one Claim/Aggregate Limit Any One Period of Insurance |
| <ul style="list-style-type: none"> ▪ Participant Liability included | <ul style="list-style-type: none"> ▪ \$5,000,000 Incidental Medical Malpractice (Non-Professionals) |
| <ul style="list-style-type: none"> ▪ \$5,000,000 Non-Owned Automobile Liability | <ul style="list-style-type: none"> ▪ \$5,000 Voluntary Medical Payments (<i>Third Party</i>) Any one Person/\$25,000 Any one Accident |
| <ul style="list-style-type: none"> ▪ \$5,000,000 Personal Injury/Advertisers Injury Liability | <ul style="list-style-type: none"> ▪ Sponsors, Government Departments, Municipalities as additional insureds ▪ All Landowners as additional insureds |
| <ul style="list-style-type: none"> ▪ \$5,000,000 Premises, Property and Operations Liability | <ul style="list-style-type: none"> ▪ Host Liquor Liability for annual awards ceremonies and wind up banquets |
| <ul style="list-style-type: none"> ▪ \$5,000,000 Tenants Legal Liability | <ul style="list-style-type: none"> ▪ Cross Liability Clause Included |
| <ul style="list-style-type: none"> • \$5,000,000 Products & Completed Operations Liability/Aggregate Limit | <ul style="list-style-type: none"> ▪ Directors & Officers Liability/Any one Claim/Aggregate Limit Any One Period of Insurance - limit as per insurance policy declaration |
| <ul style="list-style-type: none"> • \$5,000,000 Employers Liability | |

Insurer: Sutton Special Risk underwritten by Certain Lloyd's Underwriters Agreement No. B1551170Y18

Description of Liability Coverages

- **Participant Liability** - This coverage protects the insured from bodily injury or property damage in the event that an injured athletic participant files a lawsuit.
- **Voluntary Medical Payments** - Reimburses others (*third party*) for their medical expenses if they are injured as a result of your activities.
- **Blanket Tenants Legal Liability** - Provides coverage for your legal responsibility for damage to premises that you rent in the course of your activities.
- **Non-Owned Automobile Coverage** - Protection against legal liability arising from an auto accident when someone is driving their own vehicle on the association's behalf.
- **Personal Injury** - Coverage against libel, slander.
- **Advertisers Liability** - Will protect the insured in the course of advertising your goods, products or services.
- **Incidental Medical Malpractice** - Protection for rendering first aid to an injured person by a non-medical professional in the course of your activities.
- **Employees Liability Coverage** - This coverage protects the insured against the possibility of an employee suing for injury suffered in the course of their employment.
- **Cross Liability Clause** - This clause allows for additional insured's to sue, if necessary within the policy.
- **Premises, Property and Operations** - This provides coverage for the insured that is responsible in the scope of their operations for premises and property to which they have control over. It covers an insured for liability claims of bodily injury to members of the public while they are on the insured's premises or protects the insured in case you cause an accident that result in damage to the property of others.
- **Products and Completed Operations** - This is simply a broader form of liability coverage normally associated with manufacturers and business.
- **Blanket Contractual** - This provides coverage for the insured when he/she signs a contract, which stipulates the legal responsibility of the insured.
- **Occurrence Basis Property Damage** - Again, this is just a broader type of coverage. Occurrence happens over a period of time, whereas, an accident wording is sudden and accidental.
- **Errors & Omissions** – This coverage protects the insured for negligent acts, errors or omissions whenever or wherever committed or alleged to have committed in connection with the sport.
- **Directors & Officers Liability** - This coverage protects the directors and officers of an organization itself, to cover damages or defense costs in the event they suffer such losses as a result of a lawsuit for alleged wrongful acts while acting in their capacity as directors and officers for the organization.

Requirements

Excluded Activities:

Coverage is not provided for the following activities and /or events:

- Horseback riding
- Dog-sledding
- Any activity involving the use of a motorized vehicle
- Off road mountain biking through wooded trails
- Kayaking – Class III rapids or higher
- Rock climbing
- Fireworks demonstrations
- Zip-lining
- Water skiing
- Alpine skiing

This exclusion applied regardless of any other cause or event contributing concurrently or in any other sequence to said liability, claim, bodily injury, property damage or loss.

Policy Requirements

The insurance policy has the following requirements/ warranties that must be met in order for coverage to respond.

- It is a condition precedent to all rights to indemnity under this Policy that radios and /or cell phones will be carried for contacting emergency services, if required. This would apply to any activity you are doing.
- It is a condition precedent to all rights to indemnity under this Policy that all volunteers working on trail building and/or maintenance must sign a waiver and be supervised by qualified team leader.
- It is a condition precedent to all rights to indemnity under this Policy that all power equipment must be used by experienced personnel wearing proper safety equipment – i.e. eye glasses and work gloves etc.

Disclaimer

This document is a coverage summary for your convenience, not a contract or legal or tax advice. This document contains proprietary and confidential information belonging to Pearson Dunn Insurance, a Jones Brown company. The unauthorized reproduction or use of this document or information contained herein is prohibited by law. It is provided to facilitate your understanding of the relevant insurance program. Please refer to the actual policies when issued for the specific terms, conditions, limitations and exclusions that will govern coverage in the event of a loss.

In evaluating your exposure to loss on your insurance policies, we have been dependent upon certain information that was provided by you. If there are other areas that need to be evaluated prior to binding coverage, please bring these areas to our attention. Higher limits for the program's policies may be available; if you wish to pursue this option please advise our office as soon as practicable so that we may solicit market quotations on your behalf. Please refer to the actual policies for specific terms, conditions, limitations, and exclusions that may impact the scope of your insurance coverage.