

## KHC Insurance Summary

The Kamloops Hiking Club has Commercial General Liability (CGL) insurance provided by the Federation of Mountain Clubs of British Columbia (FMCBC).

Commercial General Liability Insurance policies are designed to provide protection for claims arising out of the insured's liability for negligent acts and/or omissions causing injury or damage thru the ownership of property, operations, sale or distribution of products as well as professional services. Coverage includes defense costs and claims settlement. A series of exclusions apply for areas either uninsurable (e.g., intentional acts) or insured through other third party liability policies (e.g., auto liability, directors and officers liability).

Our CGL insurance coverage is in place to protect:

The club, its trip organizers, volunteers, and those authorized to carry out functions for or on behalf of the club (i.e. instructors) from being sued by a trip participant (member or guest) and third parties.

Our CGL policy's main objective is to cover club sanctioned trips and social events.

Waivers:

- Guests must sign a waiver and may participate on up to three trips annually without purchasing a club membership.
- Waivers are a requirement of our insurance: club members and trip participants **must** sign a waiver.
- Waivers can be printed and then signed by hand, or signed online using a digital signature. The Electronics Transaction Act does not require a witness for waivers filled out online.
- Because we have no ability to ensure that a member/participant has completely read a waiver, the **key is to ensure that the member/participant was given ample opportunity** to read the waiver.
- The legal effect of a waiver should not be downplayed. Waivers are legal and have been successfully enforced in BC.
- Give members/participants ample time to read the waiver. Don't wait until you reach the trailhead to sign waivers. The waiver should be signed when opting out of the trip is still an option.

Minors:

- Minors (under 19) are included under the policy provided they are members of the club and a waiver was signed by the minor and their parent/guardian. Although an insurance requirement, a waiver signed by a minor and/or his/her guardian is **unenforceable**. A waiver signed by a minor and/or his/her guardian serves to draw their attention to the possibility of injury and makes them aware of and assume the inherent risks of the activity.
- If a minor signs up for a trip, the trip leader can decide whether the minor will be allowed on the trip and on what terms.
- Prior to the minor's first event, both the minor and the parent/guardian must sign the KHC Acknowledgement of Risk Form (available on the KHC website) in front of a club representative (i.e. they should print the form and bring it with them).

**If an incident does occur:**

- Make safety the first concern for the injured person and others who are present
- Record the details of the incident as soon as possible on the FMCBC Incident Reporting Form
- Record the name and contact information of all trip participants. Even if trip participants did not

witness the accident, they may still have valuable information.

- Ask other volunteers or trip participants to write down their own accounts of the incident and surrounding circumstances.
- Submit all forms, names and witness reports to the President of KHC and to FMCBC as soon as possible and keep a copy for club records.