

B.C.C.G.C. INSURANCE SUMMARY (V 1.0)3

DISCLAIMER: This document is for review and reference purposes ONLY. This is not an exhaustive list of the limits and coverages. The insuring agreement, policy wordings, limits, limitations, conditions and exclusions will apply in the event of a claim.

BC COUNCIL OF GARDEN CLUBS INSURANCE PROGRAM

WHO QUALIFIES?

To qualify for commercial general liability insurance, an organization must be a member of the B.C.C.G.C.

HOW MUCH & FOR HOW LONG?

The liability insurance fee is calculated at a per member rate and the rate will change every year contingent on various factors. The rate will depend on the organization's insurance needs and the coverage will be in effect from January 1st @ 12:01AM to January 1st @ 12:01AM (Twelve-Oh-One-AM) - 1 year.

Insurance Policy Period: January 1 to January 1 (1 Year)

PAYMENT

Fees are NOT pro-rated and payment in FULL for the insurance is required at the time of membership renewal – this ensures that the organization does not fall in breach of their insurance due to late payments.

Recommendation: Renew your organization's membership before January 1 to make the most of your membership renewal.

What if the organization is late to renew? Can it back date coverage to January 1?

No. Backdating is not permitted. The insurance company cannot insure an organization for a date that has already passed. This means, the date the organization renews its membership and pays for insurance is the date the organization's insurance coverage starts. For example, if your organization renews and pays on June 1st, its coverage will start on June 1st and expire on January 1st (less than 1 year). No backdating is another reason your organization should try its best to renew its membership by January 1st so that your organization maximizes the fees it is paying.

WHY LIABILITY INSURANCE?

Because no matter how careful an organization's members are, accidents happen. The organization's members can be sued by anyone who claims injury or damages resulting from the activities of the organization. The members may not be liable, but will still need to be defended in court. A liability policy will pay for this defence as well as any costs awarded against the members. In short, liability insurance gives peace of mind.

WHO IS INSURED?

All members of the organization, including executives, managers, employees and volunteers while acting within the scope of their duties on the organization's behalf.

ACTIVITIES COVERED

The commercial general liability policy will extend to the organization's activities. It will also extend to the operations of garden clubs/allotment gardens, community gardens, hosting of meetings, field trips, 2 flower shows per club per year, and 2 plant sales per year.

COMMERCIAL GENERAL LIABILITY INSURANCE

Inclusive Limit: \$5,000,000

Deductible: \$1000

The policy will pay those sums that the insured (your organization) becomes legally obligated to pay as compensatory damages because of bodily injury to or damage to property of others, such as spectators, passersby, property owners and others resulting from the organization's operations or actions. Coverage includes the legal liability for injury to participants.

Including the following extensions:

- Premises, Property and Operations
- Products and Completed Operations
- Blanket Contractual
- Personal Injury (libel and slander)
- Employees as Additional Insured
- Cross Liability
- Non-Owned Automobile (in most cases)
- Tenants Legal Liability \$250,000

A deductible of **\$1000** applies to bodily injury, property damage and legal expenses.

COVERAGE FOR ALLOTMENT AND/OR COMMUNITY GARDENS

Due to the higher risk and exposure that allotment/community garden operations pose, a separate rating and additional premium will apply. Gardens up to 15 acres are eligible for liability coverage through the BC Council of Garden Clubs. For gardens over 15 acres, please advise as separate coverage is required.

ERRORS & OMISSIONS LIABILITY (DIRECTORS AND OFFICERS/WRONGFUL ACTS) INSURANCE

Directors and officers may be sued for actual or alleged errors or omissions while performing their duties as officials of the organization. E&O (D&O/Wrongful Acts) insurance will pay those sums the organization and the directors and officers become legally obligated to pay as compensatory damages because of a wrongful act. Compensatory damages means allegations, claims and/or lawsuits involving

a sum of money.

Exclusions (No E&O/D&O Coverage for): Humanitarian claims, wrongful dismissals, employment practices, workplace violence, public relations management costs and punitive damages.

Inclusive Limit: \$1,000,000

Deductible: \$1000

EXCLUSIONS (NO COVERAGE)

Medical Expenses

- There is no coverage for medical expenses a member may incur as a result of the member getting injured while participating in the organization's activities
- For example, no dental coverage, no physiotherapy coverage and no ambulance

coverage. **Virus, Bacteria, Disease & Contagion Exclusion**

- No liability coverage for any claim in any way caused by or resulting from any virus, bacteria, disease or contagion
- Examples of virus, bacteria, disease or contagion (not an exhaustive list):
 - Coronavirus disease (COVID-19)
 - Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)
 - Ebola
 - Avian Influenza (Avian Bird Flu)
 - Legionella (Legionnaire's Disease)

Abuse Exclusion

- No liability coverage for any act, threat or allegation involving molestation, harassment, corporal punishment, assault, battery or any other form of physical, sexual, emotional, psychological or mental abuse.

Other Exclusions

The following exclusions are common on most commercial general liability policies:

- Terrorism Exclusion
- Asbestos Exclusion
- Fungi Exclusion
- Data Exclusion
- Cyber Liability
- Exclusion
- Sport Accident or AD&D (Medical Expenses)
- Travel Medical
- Professional Liability

Day of Event Insurance - FAQ

The intent of Day of Event (DOE) insurance is to provide or give access to DOE liability insurance to those guests who attend club functions (see 4 below) because they would most likely NOT have their own liability insurance.

1) What is Day of Event (DOE) insurance?

DOE is an option to provide your guests liability protection. As an example, if a guest brings a backpack to one of your club's functions and someone trips over it causing a liability concern, you will be covered if the guest has DOE insurance.

2) What is a guest and what is a member of the public?

A guest is someone who is attending your function by personal invitation from your club, while a member of the public is someone who comes to your function by a public invitation to your event (like an advertisement for a plant sale).

3) What is a club function?

A club function is any event sponsored by the club, such as club meetings, a potluck, a plant sale, a workshop or a presentation.

4) What functions are covered by the BCCGC insurance?

Any function (event) sponsored by the club, such as club meetings, a potluck, a plant sale, a workshop or a presentation are covered by the BCCGC insurance, except those functions that are held at a private residence. It is expected that the homeowners insurance covers those functions.

5) What about presenters?

Presenters fall into three categories:

- The presenter is a member of a BCCGC member club, in which case they are covered by the BCCGC insurance.
- The presenter is a member of a legal entity not part of the BCCGC (such as a garden business). They should be covered by the legal entity's insurance. Please check with them to make sure that they are covered as such.
- The presenter does not fall into either of the above two categories. In this case, the presenter or club could purchase DOE insurance.

6) What about functions open to the public?

For events open to the public, members of the public do not need DOE insurance. However, volunteers who are assisting the club with the sale and are **not** members of the club should purchase DOE insurance.

If it is a public event, it is recommended to identify the risks and/or hazards of the venue and put up signage about such risks and hazards.

If it is a private function, then the registration should contain the information noted above in 5). If possible a waiver should be used.

7) How much does DOE cost?

DOE costs \$0.50 per guest. However, DOE insurance can only be used once for each individual guest for one club function in a calendar year, whether it is a 1 hour meeting or a 3 day plant sale. DOE insurance is valid for up to 3 consecutive days only.

For example, in March you might buy DOE insurance for one non-member (Chance the Gardener) who comes to help set up tables for your plant sale. You may not purchase DOE insurance for Chance again until next year. If you wish to have Chance help out at or attend another function (like a seasonal potluck) in the same year, please add them to your membership list.

8) What information do I need to collect from my guests?

Each club would need to record the full name, date of birth, date of event, phone number and email address of each guest at the event that you are purchasing DOE insurance. The club does NOT submit this information to the BCCGC. This information is only for the case that the event for which DOE coverage was purchased becomes involved in a liability lawsuit.

The birth date is asked for, since it is the best way to distinguish an individual; however, you may use another method instead. In a community garden, you could use a plot number to distinguish an individual.

9) What information do I submit to the BCCGC?

You only need to submit the number of guests that you purchased DOE insurance for a particular function. Any information collected about a guest (as noted in point 5 above) is kept on record by your club only, in case it is needed for a liability suit. In this litigious time, it is recommended that the information is kept for at least 7 years.

10) When do I submit payment to the BCCGC?

Payment in total for all of the DOE guests is due in December. To help us keep track of the number of guests at each club's functions for all the clubs across the province, we ask that each club sends in the number of guests at each function, after each function, since you may not have exact numbers before each function and to help remind us of who purchased DOE insurance when we would like submit payment by December. Payment can be sent by e-transfer to treasurer@bcgardenclubs.com and the number of guests after each function can be sent to 2vicepresident@bcgardenclubs.com.

At the end of December, please submit the total number of guests that attended all of your functions to the Second Vice President to confirm the numbers. Once received, this will be forwarded to the Treasurer for payment. If you need a receipt for your club records please let us know.

11) Can we use a waiver instead of DOE

Yes, but the DOE is a more reliable way to provide protection for your club 12) If we pay for more members than we have, can we use the over payment for insurance?

Only if you add that guest to your club membership roster before the function. This may be useful if a guest plans to attend more than one function (for example, a family member)

13) Our meetings are advertised on our website and open to the public. Would these guests be considered members of the public?

Yes, as long as they are not volunteers helping out with the meeting

14) Our annual plant sale is advertised widely in our community and open to the public. We can have up to a couple of hundred people come to our sales. Would we be required to purchase DOE insurance for the plant sales, over and above our BCCGC insurance?

No, only for those non-members helping out at the plant sale

15) What about family members who help out at events, such as the plant sale in the capacity of potting up, delivering plants, directing traffic, helping to set up, etc.?

Yes, you should consider DOE insurance for them

QUESTIONS?

Contact: Ron Ouwerkerk Email: 2vicepresident@bcgardenclubs.com