



INSURANCE CLAIMS/ ACCIDENTS/PROPERTY DAMAGE

Responsibility: *Coordinating Superintendent, Business Services & Treasurer of the Board*

Legal References: *Insurance Act
Occupational Health and Safety Act
Workplace Safety and Insurance Act
Education Act*

Related References: *Administrative Procedure 1415 – Use of Volunteers
Administrative Procedure 1590 – Transportation – Off-Campus
Administrative Procedure 3140 – Reporting and Investigation of
Employee Incidents, Accidents and Safety Concerns
Administrative Procedure 4260 – Student Transportation (STSWR)
Board Policy 4021 - Volunteerism
Online - [Property-Incident Report](#)
Online - [Student/Parent/Volunteer/Visitor Injury](#)
FS-19-RS1 – Board Vehicle Incident Report
FS-19-RS2 – Employee Personal Equipment Used on Board Property
FS-19-RS3 – Students Participating in Interscholastic Sports
FS-19-RS4 – Volunteer Driver - Authorization to Transport Students*

Revisions: *March 2017, March 2019, November 2020, June 2021*

Reviewed: *July 2016*

1. Preamble

- 1.1 The following procedures provide guidelines and expectations in response to injuries, Waterloo Region District School Board (Board) property loss or damage along with related insurance claims and coverage.

2. Overview

- 2.1 The Board's insurance provider is Ontario School Board Insurance Exchange (OSBIE). The Board policy includes coverage for:
- property damage to Board owned assets (buildings, Board vehicles) subject to a deductible amount
 - liability insurance for damages and/or injuries to Board employees, approved volunteers, co-op students while engaged in work assignments, and sporting officials while at school events.

3. Injury to Employees (to be reported to the Health, Safety and Security Department)

- 3.1 See Administrative Procedure 3140 – Reporting and Investigation of Employee Incidents, Accidents and Safety Concerns

4. Injury to Student/Parent/Volunteer/Visitor (to be reported online directly to OSBIE)

- 4.1 Whenever an injury occurs, OSBIE requires the completion of an OSBIE Injury Report Form. This is to be submitted online only.

- 4.1.1 Critical or Fatal Injury
 - Call 911
 - contact your Superintendent, Student Achievement & Well-Being
 - complete the online [OSBIE Injury Report](#) immediately. Enter basic facts only, no opinions. Include specifics i.e., right arm, left shoulder, etc.
 - Call OSBIE directly at 1-800-668-6724.
- 4.1.2 Minor Injury
 - Complete the online [OSBIE Injury Report](#) immediately. Enter facts only, no opinions. Include specifics i.e., right arm, etc.
- 4.1.3 Dental Injury
 - Students who have a dental injury and did not obtain Student Accident Insurance at the beginning of year may apply for special assistance for coverage under the CINOT Program - [Region of Waterloo Public Health](#)

*NOTE: OSBIE's liability policy does not provide accidental medical expense coverage to injured students for any school programs. Parents should be encouraged to purchase "[Student Accident Insurance](#)" at the beginning of the school year. *Students who have "Student Accident Insurance" must submit the claim within 30 days of the date of the accident. This is the responsibility of the claimant.**

- 4.2 OSBIE will advise Risk Services staff if they intend to send an adjuster to the accident location. The school will be advised when to expect an adjuster and the name of the adjuster. Working on our behalf, the adjuster will assess the situation and advise all of us of the steps to be taken. **Details of the incident should not be discussed with anyone other than the adjuster and necessary Board personnel.**

5. Property Incident – Board Property/Items/Equipment – Damaged/Stolen

5.1 Fire or Flood

- 5.1.1 Call urgent response at 519-570-0003 ext.4123.
- 5.1.2 A [Property-Incident Report Form](#) must be completed and submitted online immediately.
- 5.1.3 Be sure to list all the damaged items/equipment on the report. Include the make, model, serial number, and quantity of the item(s). Risk Services will be in contact after reviewing the report regarding replacement/reimbursement of the damaged items/equipment.
- 5.1.4 Depending on the amount of damage, OSBIE may assign an adjuster to attend the site. In most cases, the adjuster is called at the time of the incident, usually by Facilities staff.

5.2 Theft, Break-In, Vandalism

- 5.2.1 Whenever any type of theft, break-in or vandalism occurs, a [Property-Incident Report Form](#) must be completed and submitted online.
- 5.2.2 Be sure to list all the damaged/stolen items and/or equipment including the make, model, serial number and quantity of the item(s). List all asset ID numbers for I.T. equipment (e.g. Chromebook). Risk Services will be in contact after reviewing the report, regarding replacement/reimbursement of the stolen or damaged items/equipment.
- 5.2.3 In some instances, Facility Services staff calls in an adjuster once they have visited the site and assessed the amount of damage.
- 5.2.4 The Board does not provide coverage for personal staff or student items. The Board may provide coverage for employee items if the [Employee Personal Equipment Used on Board Property](#) (FS-19-RS2) form was completed and filed with Risk Services prior to an incident.

5.3 Mysterious Disappearances

- 5.3.1 From time to time, it may become apparent an article at a location has been misplaced or disappeared from your site. If there is no sign of forced entry or other proof of theft of the missing article, we treat this as a "mysterious disappearance". As such, Risk Services will not pay for the replacement(s).
- 5.3.2 In any case, a [Property-Incident Report Form](#) should be completed and submitted to Risk Services. When you report that an article has disappeared, include the following information:
 - when you discovered that the item was missing;

- if you have proof of forced entry;
 - describe the known circumstances surrounding the disappearance.
- 5.3.3** Risk Services will notify you regarding the decision to classify the incident as a mysterious disappearance or if the article replacement will be paid through Risk Services.
- 5.4 Preventative Maintenance or Theft Prevention Costs**
- 5.4.1** A Property-Incident Report Form may be submitted when property maintenance or upgrades to board facilities would prevent future thefts or financial losses from vandalism.
- 5.4.2** Risk Services will review the request and notify Facility Services if the cost of the maintenance or upgrade should be covered from the Risk budget.
- 5.5 Equipment on Loan or Assigned to an Employee**
- *It is the responsibility of the principal or manager to be aware and track equipment being used off-site. Equipment on Loan or Equipment Assigned forms are no longer required by Risk Services.*
- 5.5.1** ON LOAN - Risk Services does not cover the cost of replacement for items or equipment borrowed by employees to use off site. The employee using the items/equipment assumes responsibility for the care, custody, and control of each item.
- 5.5.2** ASSIGNED – If items/equipment assigned to an employee for their position with the Board become lost, stolen or damaged, submit a Property-Incident Report Form to be reviewed by Risk Services to determine if the cost to repair or replace the item is a personal or a Board responsibility.
- 5.6 Equipment on Loan or Assigned to a Student**
- 5.6.1** Risk Services does not cover the cost to replace or repair items borrowed or assigned to students to use off site. The student using the item (equipment) assumes responsibility for the care, custody, and control of each item.
- 5.7 Employee Personal Items/Equipment Used on Board Property**
- 5.7.1** Occasionally, a Board employee may wish to use personal items or equipment on a Board site for curriculum purposes. An Employee Personal Equipment Used On Board Property form (FS-19-RS2) must be completed for each piece of equipment which is being used on Board premises and for which insurance coverage is requested. The Principal must approve and acknowledge the educational value of the item/equipment.
- 5.7.2** Insurance covers the school year period only (Sept 1st to June 30th).
- 5.7.3** The form is an acknowledgement that the employee is loaning or using his/her own equipment on Board property without fee for curriculum purposes only.
- 5.7.4** Board insurance may cover the replacement of such equipment in the event of damage or loss, provided the form is on file with Risk Services prior to any incident.
- 6. Volunteer Transportation of Students in a Non-Board Vehicle**
- 6.1** When transportation for students is provided in a non-Board vehicle, the principal should ensure drivers have adequate liability and property damage insurance:
- By car, only those who carry a minimum of \$1,000,000 of coverage; or
 - By up to 8 passenger van, not less than \$1,000,000 of coverage.
- 6.2** The Board may provide insurance for Non-Board owned vehicle accidents resulting in damages beyond \$1,000,000 if the Volunteer Driver form (FS-19-RS4) is on file prior to the accident. The first \$1,000,000 must be covered by the vehicle owner's insurance.
- 6.3** Student drivers cannot transport other students to Board sanctioned field trips unless they are over 18 years of age with an unrestricted license and are on file with the school as a volunteer. (see AP1590 – Transportation – Off-Campus for further information)
- 6.4** A Volunteer Driver form (FS-19-RS4) must be approved by the Principal and on file at the school location prior to an incident.

- 6.5 Rented vehicles are covered under the Board's insurance policy if it is not more than an 8-passenger vehicle (see [AP1590 – Transportation – Off-Campus](#) for further information).

7. Board Vehicle – Accident or Break-in

- 7.1 When a Board-owned vehicle is involved in an accident or break-in/theft:
- complete a [Board Vehicle – Incident Report \(FS-19-RS1\)](#)
 - be specific and provide as much detail as possible
 - a vehicle content list (i.e. tool list) must be on file in Facility Services prior to an incident for the replacement costs to be covered by Risk Services
 - if a Board employee is injured, please refer to AP3140
 - in the case of a fatality, please call OSBIE directly at 1-800-668-6724
- 7.2 Fines for traffic violations, moving violations or parking tickets are the responsibility of the driver. Drivers who operate a board vehicle will not be reimbursed for traffic violations, moving violations or parking tickets they may incur. If an employee incurs a fine for a traffic or parking violation, the employee must reimburse the Board personally for the amount of the charge.

8. Staff/Parent/Visitor/Student Vehicle Accident (on Board property)

- 8.1 The Board does not provide insurance coverage for staff, families/caregivers, visitor, or student vehicles. The cost of damages is the responsibility of the vehicle owner or the vehicle owner's personal insurance.
- 8.2 The principal (or designate) should enter an online [Property-Incident Report Form](#) for Board files.

9. Employee Personal Vehicle – for Board Assigned Work Related Use

- 9.1 Based on current roles and responsibilities, an employee may be required to use their own vehicle for Board assigned work.
- 9.2 The employee is responsible for maintaining the vehicle.
- 9.3 The Board's automobile insurance policy does not cover the employee vehicle.
- 9.4 If personal injury occurs while carrying out assigned work duties, the Workplace Safety and Insurance Act would apply.
- 9.5 The Board provides compensation based on a 'per kilometer rate', see AP4380 – Travel, Meals and Hospitality Expenditures.
- 9.6 Fines for traffic violations, moving violations or parking tickets while an employee is performing board assigned work are the responsibility of the employee. An employee will not be reimbursed for the cost of a traffic violation, moving violation or parking ticket.

10. Certificates of Insurance/Additional Insurers

- 10.1 An owner of a property that students and staff may visit on a field trip or other Board sanctioned events may request to be added to the Board's insurance policy because they wish to be protected for liability arising out of the use of their premises and facilities for school activities and functions by the Board. OSBIE may extend coverage if appropriate through the issuance of a Certificate of Insurance.
- 10.2 To request a **Certificate of Insurance naming a third party**, complete the [Certificate Request Form](#) and submit to risk@wrdsb.ca (attach a copy of the fully executed agreement or contract.)
- 10.3 If a third party is asking for the Boards "**Evidence/Proof of Insurance**" visit the [Risk Services website](#) to obtain a copy of the Board certificate.

11. Volunteers

- 11.1 As per the Education Act, 1998, Section 171 (4), the principal is authorized *“to assign to a person who volunteers to serve without remuneration such duties in respect of the school as are approved by the Board, and to terminate such assignment.”*
- 11.2 The principal is to determine volunteer assignments and/or duties and ensure the volunteer is aware of the school Code of Conduct as well as established Board Policies and Procedures.
- 11.3 The Board’s Excess Automobile Liability insurance coverage only applies when the volunteer is carrying out duties assigned by the principal. (Board sanctioned)
- 11.4 An approved volunteer is not covered by the Workplace Safety and Insurance Act through the Board.
- 11.5 Volunteers are required to hold a current Criminal Reference Check (Level 3) if supervising students that are not in direct proximity of a board staff member or if deemed necessary by the Principal. Volunteer drivers are required to hold a current Criminal Reference Check (Level 3).

12. Lawsuit, Potential Lawsuit, or Statement of Claims

- 12.1 The Education Centre as well as school sites may receive litigation documents naming the Board or persons employed by the Board in a lawsuit or potential lawsuit. This may cause stress for all involved and may require a timely response by the Board to adhere to often short timelines.
- 12.2 These official documents may be sent via mail, courier, fax and most recently email, often from a law firm representing an applicant or claimant or from various levels of court.
- 12.3 If such a package or document arrives at your site, promptly contact the Coordinating Superintendent, Business Services & Treasurer of the Board, to make them aware of the delivery. Based on the urgency of the response, the Coordinating Superintendent, Business Services & Treasurer of the Board, will determine the best manner to deliver the package to the Education Centre. The Coordinating Superintendent, Business Services & Treasurer of the Board and the Manager of Risk and Review Services will determine the appropriate Board response, including but not limited to OSBIE and Crawford Canada, our third-party claims adjuster.

Brief Process

Once the office of the Coordinating Superintendent, Business Services & Treasurer of the Board is in receipt of the litigation document(s) the following process occurs:

- The package is reviewed with the Manager of Risk and Review Services.
- Risk Services alerts and forwards a copy to the Ontario School Board Insurance Exchange (OSBIE) our insurance provider for review to determine if the matter falls under the OSBIE policy.
- Acting on behalf of the Board and Board employee(s), OSBIE opens a file for investigation and responds to the Claimant(s) representative on behalf of the Board and named staff.
- OSBIE may assign Crawford Canada (a 3rd party adjuster) to the file to perform interviews, collect staff notes, documents, photos, Board policy and procedures, for the purpose of investigation and preparation for litigation. The Board and/or Board employee(s) may be contacted directly by OSBIE or Crawford to carry out these activities.
- As the case moves forward, OSBIE may assign Legal Counsel to further support the employee through the litigation process.

- Legal Counsel may require further information from the Board and/or Board employee(s) and therefore, may contact parties as well.
- The assigned Legal Counsel will guide and support us through the process up to and including court proceedings, if necessary.