INSURANCE OVERVIEW

Monday, October 23, 2023

Gallagher

Insurance | Risk Management | Consulting

ONTARIO Volleyball

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Insurance Carrier: GameDay Insurance / Excess Underwriting

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Sport & Entertainment Expertise

- Over 100 PTSO & NSO clients in Canada, including many Olympic sports.
- $12M+ gross written premium in Canada.
- 12 full-time staff dedicated to specialty of business in Sport & Entertainment.
- Consistently provide Risk Management education and thought leadership.
- Established Global Sports Practice.
- Experience placing special coverage for athletes traveling to international competition.

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How is coverage applied?

Risk Assessment

- Ontario Volleyball Association (OVA) and Gallagher collaborate to inform the insurance carrier (GameDay Insurance / Excess Underwriting) on OVA's annual operations and activities to provide applicable coverage to OVA and its member clubs.
- OVA has best in class policies and insurance coverage in place to protect the organization and member clubs and continues to evaluate its insurance program to best protect its member clubs.
- All member clubs should ensure they are following OVA sanctioning procedures and protocols. In the event that OVA policies are not followed by a member club, the coverage may not protect the member club or member n the case of a claim.

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Who and What Is Covered?

Who Is Covered?

- Ontario Volleyball Association (OVA) Members
- Insurance policy owned by Ontario Volleyball Association but covers all OVA members.
- Coverage extends while participating in activities that are sanctioned by OVA.
- Coverage includes clubs, athletes, coaches, officials and volunteers.

What Is Covered?

- Sanctioned sports events.
- Must be sanctioned by Ontario Volleyball Association.
- Includes competitions, demonstrations and training.
- Many social and fundraising activities.
- Members must refer to OVA for sanction protocols.

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Summary of Coverage

OVA Member Clubs

Liability

- Protects the club in the event that someone sues in a civil action for bodily injury or property damage of others.

Sport Accident

- Allows injured member to recoup out of pocket expenses due to injury.

Errors & Omissions Liability

- Protects the Directors, Officers, Executives, Employees and Volunteers against professional liability for damages resulting from a negligent act, error or omission arising out of the conduct of your business.
- *Note: This coverage is not as robust as a Directors & Officers policy would provide.*

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Liability

Third-Party Property Damage (i.e. property of others)

- Ex. A team accidentally damages the facility change room.

Bodily Injury – club is sued by a member or bystander

- Ex. A parent falls at the end-of-year tournament
- Ex. Athlete sustains leg injury when she collides with another athlete during practice or competition.

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Sport Accident

- Sport Accident coverage is for members (players, coaches) only, not volunteers.
- Do not have to prove negligence.
- Coverage for sanctioned activities including competitions, demonstrations and training within Canada only.
- Coverage acts as secondary response plan once other coverage is exhausted – following OHIP and private medical plans.
- Covers needs that result from sport accident for 52 weeks.
- Physician must indicate what path to recovery is required.
- Member should NOT go directly to physiotherapist or chiropractor and expect this amount to be covered.
- Has to be within the sport, and it has to be an accident.
- *Examples: Athlete fractures leg at practice or athlete sustains concussion as a result of an accident during a sanctioned competition.*

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Response To Claims

Liability / Lawsuit (insurance@ontariovolleyball.org)

- If your club receives a letter from a lawyer stating they are investigating on behalf of an injured party or a statement of claim:
  - Do not respond to the lawyer directly.
  - Do not provide them with any requested information or documentation.
  - Send a copy of the correspondence / documentation to OVA immediately.

Sport Accident Claim (https://www.ontariovolleyball.org/insurance)

- Club Rep must complete incident report and notify OVA within 30 days.
- Club Rep to provide Accident Claim Form (available through OVA) to injured member.
- Submit accident claim form by within 90 days (include copies of invoices to date.
- As appropriate, Adjuster will contact injured party or parents / guardians directly.
- *Note: Submit accident claim form even if family has own private insurance plan.*

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Errors & Omissions vs. Directors & Officers

Errors & Omissions (E&O) Liability

- E&O coverage currently exists through membership with OVA under the GameDay Insurance / Excess Underwriting Policy.
- The Errors & Omissions Liability protects the Directors, Officers, Executives, Employees and Volunteers against professional liability for damages resulting from a negligent act, error or omission arising out of the conduct of your business.
- The Errors and Omissions insurance applies to “wrongful act” only:
  - i. committed in the “coverage territory” during the policy period; and
  - ii. arising out of the conduct of your operation.
- The Errors & Omissions Liability does not extend to wrongful acts in any “employment practice” such as wrongful dismissal etc.

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Directors & Officers

- **Insuring Clause 1, “Side A”**
  - Pays on behalf of the directors and officers when the corporation is not able to provide indemnity and protects personal assets of directors and officers.
- **Insuring Clause 2, “Side B”**
  - Pays on behalf of the corporation when indemnification is provided to directors and officers.
- **Insuring Clause 3, “Side C”**
  - Claims against the corporation itself, without any individuals being named in a claim.
- **Broad Definition of Wrongful Act**
  - Any actual or alleged act, error or omission, misleading statement, misstatement, neglect or breach of duty.

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Directors & Officers

Employment Practices Liability

Coverage for an organization against claims by:

- Employees or former employees for allegations of harassment, discrimination, wrongful termination, failure to promote, hostile work environment, etc.
- Customers or guests on premises for allegations of harassment or discrimination (e.g., a player discriminated against by coach).
- Coverage includes amounts for defense costs, judgments, settlements. This may include amounts for emotional distress, mental anguish, severance.
- Small organizations are at risk due to - lack of in-house legal guidance, limited HR resources / training, informal atmosphere, no place to complain, limited processes.
- *Note: While majority of claim are liability or sport accident related, this coverage is important as D&O claims are becoming more frequent in the current amateur sport landscape and would better protect the OVA Member Club Directors and Officers.*

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Questions?

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