INSURANCE

National Insurance Program

Hockey Canada has constructed a National Insurance Program to provide financial resources to help deal with the cost of risks which confront organized hockey. The information outlined within this insurance section is secondary to that which is contained in the actual policy wordings of the Hockey Canada master policy.

Who is Eligible/Covered?

- Hockey Canada and each of the Branches of which Hockey Canada is comprised is specifically named as an insured, as well as all sub-associations, leagues and teams which form a part of Hockey Canada.

- Any officer, director, employee, coach, volunteer worker, instructor, referee, safety person, trainer or member of a committee while acting within the scope of his/her duties.

- Members of teams, leagues, Branch teams, zone teams, national teams, or international teams provided all are registered with or affiliated with Hockey Canada.

- Any sponsor of any team of Hockey Canada but only with respect to his, her or their liability as such, and it includes any owner of any insured team.

- A “volunteer” defined as a non-paid person donating his or her time and who is assigned specific duties and for whom a premium has been paid.

- The premium will have been submitted by the local MHA, team or league on behalf of all its members. It includes a formula that incorporates the “volunteer” member fee into the overall fee paid on behalf of its player participants.
Each Hockey Canada, Branch or association member for whom a premium has been paid is entitled to the following coverage under the Hockey Canada National Insurance program:

♦ Comprehensive General Liability

♦ Sexual Misconduct

♦ Accidental Death and Dismemberment

♦ Major Medical and Dental

♦ Directors and Officers Liability NEW!

**When Are You Covered?**

- During a Hockey Canada/Branch SANCTIONED event (league games, tournaments, practices, training camps, sanctioned fund-raisers) involving and/or WHEN PLAYING OTHER MEMBER (HOCKEY CANADA/OTHER BRANCH) TEAMS ONLY.

- During transportation directly to and from the arena or venue for the above sanctioned events.

- While billeted or at a hotel during the above sanctioned events.

**How to access the National Insurance Program**

- A Hockey Canada Injury Report form must be completed for each and every serious accident, injury or death that occurs to a Hockey Canada member during any Hockey Canada/Branch sanctioned event.

- These forms can be obtained from the Branch office, and should also be in supply with your local minor hockey associations or teams. A copy can also be found in Appendix 7 of this guide.
• The injured person must ensure that these reports are completely and accurately filled in and submitted to your Branch office within 90 days of the injury.

• Immediate and accurate reporting assures everyone that members receive the benefits to which they may be entitled. **With serious injury and/or death it is imperative that the Branch office be notified immediately.**

**How to Make a Claim**

• **SECURE** a Hockey Canada Injury Report Form from the team, Minor Hockey Association, or Branch office.

• **COMPLETE** the form in its entirety. Have the team official complete the team section and the Doctor/Dentist complete the back of the form.

• **SUBMIT** the fully completed form to the Branch office along with any receipts or invoices within 90 days of the date of the accident.

**NOTE:**

♦ Only Accident Report Forms received within 90 days of the date of accident will be accepted.

♦ Forms must be completed in their entirety or they will be returned.

♦ Only original receipts and/or invoices are acceptable.

♦ **Hockey Canada is strictly a supplemental insurer.** If you have access to any other insurance, you must pursue it through them first. Hockey Canada shall cover those costs not covered by your primary insurance to our policy limits.
Directors’ and Officers’ Liability (D &O Liability)  NEW!

Hockey Canada’s D&O insurance program covers the directors and officers of all Minor Hockey Associations, Junior Teams, Branches, and Major Junior Hockey Teams and Leagues for their exposure to legal action arising from alleged wrongful acts, which they are believed to have committed while on the board of directors of one or more of these organizations.

When coverage applies, the policy will provide for defence against the action and if the case should go against the director or officer, will pay the amount of the indemnification.

In the event that a director or officer should receive an action against him/her the Branch Office must be advised immediately so that proper steps can be taken to investigate and defend the case.

As a director you may be personally liable for such things as:

- Employee discrimination
- Wrongful dismissal
- Activities of volunteers and/or employees
- Enforcement of Association or government regulations
- Providing advice to members
- Unpaid wages
- Uncollected withholding taxes
Hockey Canada passed a motion at the recent Annual General Meeting of the Association to implement a national Directors and Officers Liability Insurance. The Policy will be underwritten by Axa and the Broker is B. F. Lorenzetti and Associates. The Policy effective date is July 1, 2005. Hockey Canada recommends the following:

- Take care to report any and all incidents that may result in a potential Directors and Officers claim. D & O policies are “on a claims made form”, you have coverage for claims reported during the term of your policy, however upon cancellation of the policy no claims from that period will be accepted. Similarly, the new policy will not cover claims that you knew about but did not report to your prior insurer.

For more detailed information on the Hockey Canada Insurance Program refer to the Hockey Canada “Safety Requires Teamwork” booklet which can be found at www.hockeycanada.ca under insurance, by contacting your Branch office or in Chapter 14 of this manual.
Optional Insurance Programs

Property Insurance

Provides coverage against “All Risks” of direct physical damage to the Minor Hockey Association’s property. This would include office furniture, equipment, sound equipment, video equipment or any other property belonging to the Association/Team/League. Also included, is coverage for equipment etc. that has been temporarily removed from the arena/office by a responsible person of the Association/Team/League to work on Association/Team/League business.

Dishonesty Insurance

Provides coverage for Associations/Teams/Leagues who may fall victim to their funds being stolen by an employee or volunteer, who is part of the organization and who may have access to the Organization’s funds. It covers the Association/Team/League against the fraudulent use of funds by a member of the Organization.

Money & Securities (Broad Form)

Associations/Teams/Leagues have access to moneys collected from members or through fundraising events. This money can be insured against a hold-up or a break-in at the home of the custodian. This coverage can be very important, as it is not always possible to make bank deposits immediately following a fundraiser and such a loss could have a serious effect on the organization’s operations. This form would also provide coverage against money & securities on a 24-hour basis against the perils of theft, burglary, hold-up and fire.

Electronic Data Processing

This coverage applies to your computer, software and data and includes the extra expenses to re-constitute lost information as a result of a covered loss. The coverage has been extended to cover the equipment while temporarily removed from the arena/office by a responsible person of the Association/Team/League to work on the Organization’s business.
Legal Expense Insurance

This coverage provides your Association/Team/League financial assistance to find an amicable or judicial solution to legal dispute. This insurance only covers legal/judicial fees not damages and provides unlimited telephone legal assistance.

Certificate of Insurance  NEW!

Note: Sanctioned events take place within clearly defined parameters set out by your Branch and its constituents. These can include association, team and league scheduled practices, games, evaluations/tryouts and related activities. These activities, which would qualify as “normal” hockey program delivery, all fall within the scope of regular day to day operations of a minor hockey association, team and league and do not require specific sanctioning authority.

However, program extensions such as dry land training camps, exhibition games and tournaments all require separate specific sanctioning.

It is understood that in the course of annual programming many team, association, and league activities can fall outside what is considered to be normal programming. These kinds of activities usually occur away from the arena venue and in the surrounding community where opportunities exist to enhance the programs offered to our teams.

Please contact your Branch office to determine the procedure for obtaining a certificate of insurance within your jurisdiction.
**Arena Use Agreement**

**General Information**

When you enter into agreements utilizing various recreation facilities – public and private – for programming we enter into the field of contract liability.

When reviewing, renewing or negotiating your ice user/arena contracts with your local municipality or private facility owner make sure that you read and understand the contract. Know what you are signing and what you are signing responsibility for.

Most often, arenas are municipally owned, and municipalities are increasingly insisting that Hockey Canada “hold them harmless” for any liability arising from the use of the arena, and to either indemnify them for, or pay on their behalf any and all liability claims that may directly or indirectly arise in consequence of our activities. These undertakings are frequently embodied in the language of the contracts that we sign. It typically has the effect of making us contractually responsible for the acts of arena employees or sub-contractors who are not under our control, direction or supervision.

Facility contracts may contain wording which attempts to offload all responsibility when anything goes wrong, on you the user. Such things as defective arena equipment, carelessness/negligence of arena staff, and the actions of other ice users in the community are beyond your control and therefore you must not be held responsible. Look carefully at the wording of your contract and specifically for such phrases as “save and hold harmless”, “responsible for any damage”, and “we (facility) will not be held responsible for…”.

None of us like signing this type of contract; but we are usually in a poor bargaining position. We must either sign the contract, or lose the use of the arena facility. While it is clearly unreasonable for a contract to make us responsible for the acts of persons not under our control, it may nonetheless be enforced in a court of law, especially when the two contracting parties involved are considered to be of equal “weight” in terms of knowledge and resourcefulness.

You can provide an addendum to your contract that states that you will accept the terms therein however you note in writing that you are signing for only those matters over which you have control.
There are some arguments that may help Hockey Canada when liability should more properly fall to the owner of the arena. In general, it is not quite as easy as the contract may make it appear for the arena’s owners to escape the consequences of their negligence; and may be particularly difficult for them to escape from “gross” negligence. This is especially true when the liability generating condition is under their exclusive control, when they are fully aware of a defect that has injury causing potential and when they have failed to take the proper steps to correct it.

It is reasonable to conclude that Hockey Canada and the owner of the arena have joint responsibility. Ideally, Hockey Canada and the owner will develop an operational partnership that will provide a safe environment within which hockey can be played. The “environment” can be considered as consisting of two main segments: the playing area, and the public area.

**In the playing area** you are obviously concerned with such issues as ice condition, lighting, the location and the physical design of the penalty bench, condition and composition of boards and related factors. It will take into account new technology.

For example, it is now possible to install magnetic net fastening devices rather than fixed anchors. Given that the magnetic installations have a significant potential for the reduction of injury, such equipment is not merely possible, but is now necessary if we are to:

- Eliminate avoidable injury.
- Successfully defend against liability for net related injury in the future.

**In the public area** you are concerned with the safety in the balance of the arena and the external areas surrounding the arena. It includes such obvious items as: adequate spectator protection, emergency exits, floor maintenance and condition (especially around snack bar concessions) and overall operations.

When defects exist they should be clearly and formally identified, and Hockey Canada or its branches must take such action as may be practical and possible to work with the arena owner on a corrective program.
In situations where the owner will not cooperate, you should ensure that the list of defects is lodged with the owner, and regularly updated as conditions within improve or remain unchanged. The owner must be regularly informed of your concerns and of our willingness to contribute, to the best of our ability, to the accident prevention partnership.

Finally, if you believe that a specific defect or the total number of defects is such as to make it imprudent to use an arena for a particular purpose (league play, for example, versus practice only), the arena should not then be used for that purpose until such time as the hazard or hazards of concern have been eliminated, or at least minimized.

Hockey Canada’s potential contract liability exposure is not, of course exclusively concerned with the use of arenas. A form of contract liability may or may not exist whenever we hire or rent buses, banquet halls, or set out or accept certain terms from any of the many who provide us with supplies or services.

The principle that governs all of these contractual relationships is straightforward, we must do everything possible to resist taking on, by contract, liability that more properly belongs to others. We should review all contracts carefully with this danger in mind.

We do not seek to victimize others by unreasonably passing on our own proper common law liability via a contract, but equally, we are not prepared to become victims when others seek to pass it on to us.

**Arena Use Agreement Template and Letter**

Please see **Appendix 6** for an example of an acceptable Arena Use Agreement. Hockey Canada strongly encourages all Branches and MHA’s to use or follow this agreement as a guideline when signing any agreement in terms of renting a facility.
Commonly asked Questions

Insurance Claims

1. What type of coverage do we have and what are the limits of coverage for different situations?

   This information is detailed in the "Safety Requires Teamwork" booklet or on the Hockey Canada web site. Hockey Canada Branches order this booklet each year for distribution to the membership.

2. What type of Coverage do we have and what are the limits?

   • Comprehensive General Liability
   • Accidental Death and Dismemberment
   • Major Medical/ Dental Coverage
   • Sexual Misconduct Liability Insurance
   • Directors and Officers Liability NEW

   For more details involving these coverage's, please refer to the "Safety Requires Teamwork" booklet in Chapter 14. These booklets are also available from your Branch office.

3. Where are the forms to be submitted?

   The Hockey Canada Insurance Claims Forms are available at the Local Association and Branch Offices or on the Hockey Canada web site. Once the form has been fully filled out, the form should be sent directly to the Branch Office within 90 days of the incident. The form then will be forwarded to Hockey Canada for processing.
4. **How long does it take to process the claim?**

   The time required to process the claim will vary due to the type of claim made. This process could take 4 - 6 weeks. Branches are advised as to the status of each claim through periodic reports from Hockey Canada. Certainly the time of year impacts on the speed of the process.

5. **How do I attach a receipt to a claim that has already been submitted?**

   If receipts are available after the claim has been forwarded to Hockey Canada, the receipts can be sent to the Branch Office or Hockey Canada to be attached to the submitted claim. The original receipts should make specific mention of the individuals name, date of accident, and association made on the claim.

6. **Are named and unnamed volunteers covered to go on the ice?**

   Only those volunteers that have been placed on the Local Association or Club lists approved by the Local Association and forwarded on to the Branch are insured for on and off-ice activities within the direct approved operations of the association.

7. **Are Off-Ice officials covered? For what?**

   Yes, if they appear on the approved list of volunteers that the Local Association or Club recognizes as volunteers. This list should be forwarded to the Branch. They are covered as all other approved volunteers are under the same coverage and limits, as are the players. For on-ice activities, these volunteers are not covered if they decide to help out at practice for example.
8. **Is there an information package available that could be sent to Local Associations?**

Yes, each year Hockey Canada publishes a booklet which outlines the Hockey Canada Insurance Program. It is called "Fair Play Means Safety For All" / "Safety Requires Teamwork". This booklet is available through your Local Association by the Branch. Included in this booklet is information about the Hockey Canada Insurance Program.

9. **Why do I have to submit to my own insurance company first when it is a hockey injury? That is why we pay insurance.**

The Hockey Canada Insurance Program is designed to be a secondary insurer for our participants. The policy is structured in a way that the participants' insurance pays first and the Hockey Canada Insurance pays second. The premiums you pay are based on this and it is in an effort to keep your hockey costs down.

10. **Why can't I get my salary replaced if I can't work because of a hockey injury?**

Currently the Hockey Canada Insurance program does not have a provision under the policy for Income Replacement. This type of insurance is costly and applies to a small percentage of players in Hockey Canada.
11. What is the rate breakdown for the Insurance Fees that we currently pay?

There are different rates that the Branches are charged based upon the claims experienced in that specific Branch. The base rate for minor hockey players in Hockey Canada is as follows:

- Deductibles/Administration $2.50*
- Medical dental insurance $1.25
- A. D. & D Insurance $2.50
- Liability Insurance/Sexual Misconduct $8.90
- Risk Management $1.00**
- Total $16.15

* There is a $100,000 deductible on the Liability policy which is funded by Hockey Canada.
** $0.50 of this fee remains in the Branch for Branch risk management initiatives.

12. Are Local Associations aware their team should purchase additional coverage when traveling outside of Canada?

Many Local Association teams are aware that they should purchase additional Health Insurance when leaving the country. Provincial health care plans will cover out of province medical expenses and Hockey Canada insurance has specific limits that apply once the primary insurance coverage has been exhausted.

The Hockey Canada limit of $5,000.00 Cdn. only applies to hockey related accidents. Therefore, a coach who has a heart attack in the U.S. in his/her hotel would not have access to the coverage.
Directors and Officers Liability Insurance

13. What is it?

This type of insurance is insurance that covers the specific acts of a volunteer board of directors.

14. Does my association have it?

This type of insurance became part of the Hockey Canada Insurance Program on July 1, 2005. This means that your Minor Hockey Association is covered as of this date.

15. Why should we have Directors and Officers Insurance?

It is another line of defense for an association or club to cover specific acts of the association or club that are not covered under the Commercial General Liability of the Hockey Canada policy.

16. Does Hockey Canada Insurance cover the Local Association Directors and Officers Liability Insurance?

Yes, Hockey Canada now purchases Directors and Officers Insurance.

17. What coverage is available for fundraising events such as fairs, midnight madness events, etc.?

The Hockey Canada Insurance Program is designed to provide protection for those activities that are directly related to the playing of hockey.

Although fundraising is an important part of any hockey association and / or club, it is not directly related to the playing of the sport. Hockey Canada insurance is designed for protecting those directly involved in the playing of the game.

If you have questions, please contact your Branch Office and they can provide further clarification specific to your questions. The Hockey Canada policy covers Branch sanctioned hockey activities only, and the Branch is the best place to determine if your hockey activity meets their sanctioning criteria.
18. **What insurance is available for on ice events that involve outside participants i.e. Skate-a thons etc.?**

The Hockey Canada Insurance Program is designed to protect those who have paid the full premium and are registered members of the Local Association through the Branch. It is not designed for events that involve the general public or even parents of the players registered unless they are listed as volunteers and act as volunteers with the local association.

If others involved with the on-ice activity are not members of the association then the event would not likely be sanctioned by the Branch and the Insurance Certificate would not be issued to cover the event. The event would have to obtain separate insurance for the event from another broker.

19. **Is there coverage if liquor is involved?**

Yes, there is coverage within the Hockey Canada Insurance Policy however it is for Hockey Canada/Branch sanctioned hockey activities only. This coverage is deemed for specifically approved Hockey Canada functions that may have alcohol involved. It is not designed to conduct "Blue Line Clubs".

20. **What types of events/fundraisers are covered under the Hockey Canada Insurance Program?**

Low risk events such as:

- Raffle Ticket Sales
- Registration Booths in a Mall
- Proof of Insurance Requests from cities or towns for Ice Rental Agreements
- Special Development Programs
- Dry land Training
- Rental of Facilities for meetings related to the function of the team or association.
Sanctioned Tournaments

Silent Auctions / Dances- sanctioned only

21. **What is required by the team for dry land training coverage?**

Usually, the owner of the facility (school board) requests "Proof of Insurance" from the team and / or Local Association. The team or association outlining the details of the event fills out a Hockey Canada Certificate of Insurance Request Form along with any other pertinent information about the event. The form is then forwarded to the Branch office for initial screening based upon the Insurance Certificate Criteria. If approved, the Branch forwards the request to BF Lorenzetti (Hockey Canada Insurance Broker) for completion of the actual certificate of insurance. Once the Branch receives this certificate, they will send it back to the Local Association or Club.

This process reduces the risks of insuring events that are not sanctioned, high risk or do not fall with the sanctioning guidelines set forth by the Branch.

22. **Are Local Associations aware they must request certificates for Special Events?**

In many cases, an Insurance Certificate is requested by those owning or operating a facility, hall, and arena for the event scheduled. Many municipalities in the country do request "Proof of Insurance Certificates" for the teams and or association renting the ice or using the rooms in the facilities for meetings etc.

This is to ensure that those using the facilities are covered under some sort of insurance plan and the municipality is not the sole insurer for the use of the facilities and the events conducted in it. These types of certificates are approved due to the fact that they are directly related to the operations of the association, team or club.
23. Why do we pay for insurance if most of the fundraising efforts are not covered?

Hockey Canada has been involved with risk management and its application toward Insurance Certificates and fundraising events. Some events that Local Associations and Clubs feel would raise much needed funds are deemed to be of high risk and therefore will not be issued an Insurance Certificate.

24. Why don't they lower the premium and then we could look after our own insurance coverage for fundraising?

The premiums that are currently enjoyed by all Branches are based upon the total membership of players in Hockey Canada (535,000 players). Obviously with this large number of people paying into the fund for insurance the premium charged for the amount and type of insurance is favorable.

If selected smaller groups were to pay for similar coverage, the rate would be much higher. Also, for the Hockey Canada Insurance Program to add coverage for all types of fundraising the rate of insurance would be much higher for all and even higher for the smaller groups.

If one looks at the current rates for insuring fundraising events, especially those that involve alcohol, you will notice that it is very expensive. The risk of insuring these types of events is obviously very high therefore dictating a high premium.

25. What are the liabilities in hosting fundraising events?

Depending upon the nature of the event, the risks can be high to very high.

Also involved in the risk assessment are Provincial Laws that dictate the process, safeguards and coverage that must be in place.

Certainly events that involve alcohol, fairs, concerts and vehicles all present a high element of risk to an event.
Organizers of fundraising events should be aware that when other organizations or groups are requesting to use Hockey Canada Insurance, they are attempting to use our insurance to assume the primary or secondary risk involved in the event.

The Hockey Canada Insurance Program is currently in a very favorable financial position. This is primarily due to the fact that we have applied good risk management policies to the events that we host and have integrated these practices into our various programs. This was not always the case. A few years ago, Hockey Canada had a very difficult time in maintaining a solid insurance program. Several factors were involved, including large injury claims that placed a strain on the finances of the Insurance Program.

If we issue Insurance Certificates to teams, clubs and associations for any type of fundraiser that they deem as profitable, we would be placing the Hockey Canada Insurance Program at risk. This risk could include higher premiums or no insurance at all.

26. What is the coverage?

There is different coverage available in the Hockey Canada Insurance program.

They are listed in detail in the "Safety Requires Teamwork" booklet. This booklet answers many of the questions posed in this document in greater detail.

This information is also posted on the Hockey Canada web site (www.hockeycanada.ca).
Harassment / Abuse

27. **What type of coverage is available if I am involved in a case situation?**

The Hockey Canada policy would cover your civil defense costs including the investigation until such time as you were found guilty in a criminal action. The Hockey Canada liability policy cannot cover expenses related to the criminal charges brought against a member of the association regardless of the nature of the charge(s).

28. **Some volunteers are being accused of specific acts involving harassment / abuse. Is there any coverage for the accused to clear their name?**

The Hockey Canada Insurance program will not fund an action against an individual for libel and slander. If the individual believes he / she has been wronged and seeks damages from the individual who spread the story, Hockey Canada may actually defend the individual in the aforementioned action.

General Questions

29. **Do coaches have to wear helmets?**

Currently this is required in many jurisdictions throughout Hockey Canada, please consult with your local association to determine if this is required.

30. **Do goalies have to wear their helmet while on the bench?**

This is not an issue under the Insurance Program, however it is a regulation that goalies must wear their helmet while on the bench.
31. Do players have to wear their helmets in the penalty box?

Again, players must wear their helmet as per the regulation.

32. Where can we get a copy of the policy?

The Branch has a copy of the Hockey Canada Insurance Policy. Individuals who wish to review the document are free to come in to the Branch office to do so.

33. Do we get a summary of all our claims?

Hockey Canada does provide a summary of claims and their status at various points in the season. This information is forwarded to the Branches for their review.

34. Who produces the claims form? Are we responsible for our own?

Copies of the claims form can be obtained from your Branch office and copies made for general distribution to the Local Associations.

35. How do we know if a claim has been made?

Claims must be filed with the Branch prior to forwarding it to Hockey Canada. Hockey Canada in turn forwards information relative to the status of the claims to the Branch and the Branch then forwards this information back to the local association.

36. If there is no Trainer on the bench, are we covered?

This is based upon the specific regulations of the Branch pertaining to Trainers. There certainly would be some coverage considerations if teams repeatedly refused to provide a Trainer.
37. **Are Exhibition Games Covered?**

   Yes, as long as the Branch approves the game.

38. **Are players not registered with the Branch insured at a clinic or practice?**

   Yes, if it is a try-out. No, we do not extend coverage to non-members, the event would not be sanctioned if it involved non-members.

39. **What if a new player comes out to try the sport to see if they like it?**

   As long as it is a try-out for a sanctioned team it would be covered as a sanctioned event of the association and the Branch. Upon registering with the association the insurance fee would be paid and the player is therefore covered by the insurance.

40. **What if they do not like the experience of the try out and they only participate for the one time?**

   In the case of try-outs, we believe that most of the participants will eventually register somewhere in the system and therefore pay a premium with the team they end up with. The provision should not be used throughout the season as a means of determining if someone likes the sport enough to sign up for the season. Hockey Canada does not cover "Members for a Day" without receiving the full premium.

41. **Is the parent covered who is driving just his or her own children to a hockey event?**

   No, coverage is in place for volunteers of the association while performing volunteer duties, there is no coverage for parents who are exercising their parental responsibility in getting their children to the game/practice. Coverage is in place from the time in which they are directly going and returning from the sanctioned event. Not for other side trips, etc.
The insurance covers volunteers directly associated with the team or performing a team function. It is a parental responsibility to get their sons or daughters to the rink. Unless the parent is the coach / asst. coach/manager or trainer or has been assigned a specific duty by the team (i.e. picking up another player, bringing equipment, getting skates sharpened) then they simply are not covered.

42. **What happens if a player says they've had an injury for several months, but haven't told you? Are they covered? Are you covered?**

Yes, the player is covered for their injuries and should report it when it occurs, and the team should report the injury to the Branch on a Hockey Insurance Claim Form. The form should be forwarded to the Hockey Canada within 90 days of the date of the accident or there is no coverage.