

# Professional Legal Expense Insurance for Municipalities

## Bill C-45 for Municipalities - New in Canada

This new product is available to all Municipalities throughout Canada and provides for the payment of legal fees incurred in defending charges of criminal negligence brought pursuant to the Criminal Code.

Bill C-45 made amendments to The Criminal Code whereby under the new section 217.1

“Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task”

i.e. an explicit duty has been established on the part of those with responsibility for directing the work of others, requiring them to take reasonable steps to prevent bodily harm arising to those whom they direct. Thus persons in positions of authority are responsible for their subordinates' health and safety.

### SUMMARY OF COVERAGE

Coverage is provided for both the organization itself and its employees and elected officials where charges of criminal negligence are laid pursuant to sections 217.1; 219; 220 and 221 of *The Criminal Code*. Bill C-45 extended the definition of “everyone” in *The Criminal Code* to include “an organization”.

This program is designed to give you the peace of mind knowing that you can obtain immediate legal assistance without worrying about the costs. When required, you will select your lawyer from a panel of legal firms who specialize in representing institutions and municipalities. The legal fees of the lawyer you choose to represent you will be paid up to a maximum hourly rate of \$275.

This is only an outline of the policy. Certain policy exclusions and limitations may apply in any given fact situation and limit the amount payable under this coverage. Full terms and conditions of this insurance, including all exclusions and limitations, are described in the policy document, a copy of which can be obtained from Wintoniak & Motard Assurances.

### PRINCIPAL EXCLUSIONS

- Actions against STERLON or insurer
- Appeals or Judicial Review
- Pre-existing matters
- Legal fees incurred prior to approval
- Allegation against the Insured involving assault, violence, fraud, conspiracy to defraud or dishonesty

### INDEMNITY LIMITS

- Pays up to \$250,000 per claim, to an annual total expense of \$250,000, for reasonable legal fees (at a rate of up to \$ 275/hour)
- Legal proceedings must commence in Canada
- No deductible
- No payment for awards, damages, fines or penalties

### WHO CAN YOU CALL FOR MORE INFORMATION?



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