

KIN Canada

Commercial General Liability and Director's & Officer's Liability

Coverage Summaries and Definitions

COMMERCIAL GENERAL LIABILITY SPECIFICATIONS

COVERAGES:

Bodily Injury and Property Damage
 Products / Completed Operations Personal Injury Liability Advertisers Liability
 Tenant Legal Liability Limit Employee Benefits Employers Liability
 Non-owned Automobile Liability
 Legal Liability for Damage to Hired Automobile
 Medical Expense
 Host Liquor Liability

KEY COVERAGES DEFINED

Occurrence Property Damage

The coverage normally provided by liability policies is on a 'caused by accident' basis. This restriction is amended by making the coverage apply on an 'Occurrence Basis.'

Personal and Advertising Injury Liability

Personal injury includes protection for any liability arising out of:

- a) False arrest, malicious prosecution, wrongful detention or imprisonment;
- b) Libel, slander, defamation of character or humiliation;
- c) Invasion of privacy, wrongful eviction or wrongful entry;
- d) Misappropriation of advertising ideas;
- e) Infringement of copyright.

Contingent Employers Liability

Provides coverage in those instances where an employee is injured while engaged in a task that does not fall within their regular duties or in circumstances where an employer may be called upon to reimburse the Workers' Compensation Board.

Products Liability

Products Liability provides for Bodily Injury or Property Damage claims arising out of the consumption, handling or use of goods or products manufactured, sold, handled or

distributed, providing such claim occurs away from the premises and after possession of the said goods or products has been relinquished.

Contractual Liability

A standard Comprehensive Liability policy limits Contractual Liability cover for liability assumed only under certain reported contractual agreements, such as: "Railway Sidetrack Agreement, Easement Agreement, Elevator Agreement, etc." This policy is amended to broaden the contractual liability cover so as to cover all contracts under which the insured assumes liability of another, if the contract is made prior to any Bodily Injury or Property Damage actually occurring.

Incidental Malpractice

Coverage is provided for the club members who are held responsible for the injury caused to a third party by the administration of first aid.

Additional Insureds

Association coverage has been extended to include all members and volunteers, while acting on club activity. In addition to indemnifying the member, the costs of defence are also paid, even though the club may eventually be held entirely liable. Certificates for additional insureds may be obtained from HUB International HKMB.

Foundations

The policy has been endorsed to include any charitable subgroup of Kin Canada that mirrors the National Association from an administration basis.

Non-Owned Automobile Liability

This policy grants cover to the club itself for legal liability arising out of the operation of non-owned vehicles while on club business if you become involved in a suit arising from the operation of the non-owned vehicle. Legal liability for damage to non-owned vehicles is covered to a limit of \$50,000 and subject to a deductible of \$1,000. Note that these vehicles must be rented in the club's name for this coverage to apply.

Swimming Pools

All swimming or paddling pools of any size must conform to the local, municipal by-laws, including the regulations regarding the hiring of fully certified staff to operate the pool.

Liquor Liability

This coverage is provided to protect clubs from claims that may arise from the serving or sale of liquor at club functions and fundraising activities. The intent of this coverage is not to insure ongoing bar or restaurant type operations (i.e. daily run facilities or where paid staff are hired).

Auxiliary Clubs

The policy has been endorsed to include any subgroup of Kin Canada that mirrors the National Association from an administration basis.

Claims Procedure

In the event of any incidents involving Bodily Injury and/or Property Damage to a third party, the attached incident report is to be completed immediately and forwarded to National Headquarters.

Deductible

Please note that a \$1,000 deductible amount applies to each Bodily Injury and/or Property Damage occurrence, including expenses.

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DIRECTOR'S & OFFICERS INSURANCE SPECIFICATIONS

OVERVIEW OF COVERAGE

Who is insured?

Past, present and future Directors, Officers, Trustees, Employees, Volunteers, Committee Members of your club, including the estates, heirs, legal representatives and assigns of each of the above. Your club on behalf of the Corporation for all loss for which the Corporation may be required or permitted by law to indemnify such Assureds.

What is insured?

Legal Liability for claims made during the policy period for Wrongful Acts.

What is a "Wrongful Act"?

Any actual or alleged error or misstatement or misleading statement or act or omission or neglect or breach of duty by the Assureds in the discharge of their duties, individually or collectively.

Loss Covered

"Loss" shall mean damages, judgments, settlements and costs, charges and expenses, provided, however, that loss shall not include exemplary damages, criminal or civil fines or penalties imposed by law or matters that are uninsurable under the law pursuant to which this policy shall be construed. Punitive damages will be covered where insurable by law.

Important Exclusions:

- Personal profit or advantage
- Return of remuneration, which should not have been paid
- Fraudulent, dishonest, or criminal acts
- Claims insured by other valid insurance
- Bodily Injury and Property Damage (see National Liability Program)
- Wrongful Act or any fact, circumstance or situation where notice has been given prior to Aug. 20, 1994 (the date your coverage began) including interrelated Wrongful Acts
- Claims made by another director or officer unless it is part of and results directly from a claim not otherwise excluded
- Claims made by the club against a director or officer
- Pollution
- Duties not related to club activities
- Claims of which the Insured have received notice or of which they otherwise have knowledge prior to Aug. 30, 1994
- Claims arising out of Fiduciary Liability (Liability of or pertaining to Directors or Officers acting as a Trustee or Trusteeship, i.e. Wrongful use or mismanagement of a trust fund)
- Wrongful dismissal excluded, except to a very limited degree (i.e. If the Courts awarded a dismissed employee severance pay in excess of the amount give by the Corporation, the Insuring Company would not reimburse the Corporation for this difference; however, the policy would likely respond towards defence costs.)

Claims Procedure

For information relating to the coverages provided, please contact Kin Canada Head Office.

Information

National Headquarters staff is to be immediately advised of any circumstance indicating that an eventual claim may be made against any Director or Officer. Please note that HUB International HKMB will not accept any claim notification that has not been received by National Headquarters. It is, therefore, imperative that any such circumstance (and all relevant documentation) be communicated without delay to National Headquarters staff, who will then contact HUB International HKMB on your behalf.