

CITY OF VANCOUVER BRITISH COLUMBIA



INDEMNIFICATION OF VOLUNTEERS BY-LAW NO. 11340

**This By-law is printed under and
by authority of the Council of
the City of Vancouver**

**(Consolidated for convenience only
to June 25, 2019)**

BY-LAW NO. 11340

A By-law to provide for the indemnification of registered volunteers

[Consolidated for convenience
including By-law No. 12471,
effective June 25, 2019]

WHEREAS section 180 of the Vancouver Charter authorizes Council to enact a By-law to provide indemnity to volunteers against claims arising out of the performance of their duties, to the extent set out in the By-law;

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Interpretation

1. In this By-law:

“City” means the City of Vancouver.

“Volunteer Form” means a City approved form signed by a registered volunteer.

“claim” means:

- (a) an action for damages or other legal remedy, brought by any originating legal process, cross-claim, counter claim or third or similar party notice; or
- (b) an oral or written demand for compensation or other legal remedy;

against a registered volunteer, arising out of and in the course of performing the activities described in the Volunteer Form.

“damages” means damages, including prejudgment interest, due or awarded in payment for actual injury or economic loss and does not include punitive, aggravated or exemplary damages, fines or penalties.

“indemnify” means, at the sole discretion of the City:

- (a) to defend, settle or pay a claim; or
- (b) to pay or satisfy a judgment or an award of damages imposed in connection with a claim.

“program organizer” means a manager, supervisor or employee who is authorized by the City, the Board of Parks and Recreation, the Vancouver Library Board, or the Vancouver Police Board, to supervise registered volunteers.

“registered volunteer” means a person who has signed a Volunteer Form, has been accepted as a volunteer and is providing or has provided a public service at the request of or with the consent of the City, the Board of Parks and Recreation, the Vancouver Library Board, or the Vancouver Police Board.

Indemnification

2.1 Subject to section 2.2 of this By-law, the City will indemnify a registered volunteer, if the registered volunteer:

- a) promptly after being served with a claim, delivers a copy of the same to the City Clerk;
- b) does not admit or assume fault in connection with the claim, or enter into any settlement or resolution of the claim, without the prior approval of the Director of Legal Services;
- c) consents in writing to the City having complete discretion to resolve the claim, including resolution by:
 - i) appointment and instruction of legal counsel,
 - ii) assumption of the defence of the claim,
 - iii) payment of legal costs and expenses,
 - iv) conduct of all necessary investigations,
 - v) compromise or settlement of the claim, or
 - vi) payment or satisfaction of a judgment or an award of damages imposed in connection with the claim;
- d) cooperates fully in the defence of the claim, to the satisfaction of the Director of Legal Services; and
- e) provides statements and discloses documents upon request, to the satisfaction of the Director of Legal Services.

2.2 Despite Section 2.1, the City will not indemnify a registered volunteer if:

- a) the claim includes allegations of dishonesty, gross negligence, malicious or wilful misconduct, libel or slander, a criminal act or an intentional tort;
- b) the registered volunteer has misrepresented a material fact on the Volunteer Form;
- c) the claim is in relation to anything that is specifically excluded from indemnity on the Volunteer Form;

- d) the claim is in relation to a failure to comply with a City policy or a direction of a supervisor or program organizer; or
- e) the claim is for a fine or penalty imposed on the registered volunteer.

Indemnity over

3. The City will not seek indemnity against a registered volunteer in respect of any conduct by such registered volunteer which results in a claim, unless:

- a) the claim includes allegations of dishonesty, gross negligence, malicious or wilful misconduct, libel or slander, a criminal act or an intentional tort;
- b) the registered volunteer has misrepresented a material fact on the Volunteer Form;
- c) the claim is in relation to anything that is specifically excluded from indemnity on the Volunteer Form;
- d) the claim is in relation to a failure to comply with a City policy or a direction of a supervisor or program organizer; or
- e) the claim is for a fine or penalty imposed on the registered volunteer.

Citation

4. The name of this By-law, for citation, is the "Indemnification of Volunteers By-law".

Severability

5. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 15th day of September, 2015

(Signed) "Gregor Robertson"
Mayor

(Signed) "Janice MacKenzie"
City Clerk