

SECONDARY PROFESSIONAL LIABILITY INSURANCE

Exclusive to members and members in training with the Ontario Society of Professional Engineers (OSPE)

Description of Coverage

Secondary Professional Liability Insurance protects individuals against liability or allegations of liability for injury or damages that have resulted from a negligent act, error, or omission that has arisen out of your professional capacity as an engineer. **This coverage is supplementary to any existing primary professional liability insurance, which members may have access to through their employers or their own policies.**

It is important to note that coverage is afforded on a “claims-made and reported” basis and will respond to claims made during the policy period. This means that the policy which is in place when a claim is made will be the policy to respond – regardless of when the incident occurred. Therefore, it is extremely important there is no lag or gap in coverage between policy periods. Coverage needs to be continuously in place to ensure you are continuously protected.

This coverage is not for Certificate of Authorization holders such as: firms, corporations, public entities, or employers as these groups may be expected to carry specific professional liability coverage as part of their business. If you (or your business entity) offer and provide professional engineering services to the public, you (or the business) must hold a Certificate of Authorization (C of A). C of A holders assume professional responsibility for the services provided and are generally required to carry Primary Professional Liability Insurance.

Further information about Primary Professional Liability Insurance available through the OSPE program can be found on our website at www.ospe.bmsgroup.com or by calling **1-844-294-2717**.

Secondary Professional Liability

Per Claim Limit	\$125,000
Aggregate per Member	\$125,000
Policy Aggregate	\$1,000,000
Deductible (per member)	Nil
Whistle-Blower (new)	\$25,000
Disciplinary Defence Costs (new)	\$30,000
Loss of Documents (new)	\$5,000
Crisis and Reputational Management (new)	\$15,000
Extended coverage for retired business owners (new)	Available subject to waiting periods

Who is afforded coverage?

All OSPE professionally licensed, associate, and intern members in good standing automatically receive Secondary Professional Liability Insurance.

New in 2023!

The Secondary Professional Liability Insurance now includes **whistle-blower coverage**. This coverage is intended to provide compensation for reasonable legal expenses incurred for consultation and advice, as well as compensation for lost income replacement resulting from loss of employment due to the activity as a whistle-blower by you, up to \$25,000. This section of the coverage is provided on a primary basis.

This policy also now extends to provide protection in the event of a disciplinary complaint, for reputational management, loss of physical documents, as well as broader coverage for retired business owners.

Disciplinary, Regulatory or administrative Expense Reimbursement

The insurer will reimburse you, upon written request, for reasonable legal fees and expenses incurred by you in responding to any Federal, Provincial, or Municipal disciplinary, regulatory or administrative action commenced directly against you provided that the action arises out of professional services performed by you or alleged to have been performed by you for a maximum limit of \$30,000. This is not intended to cover any damages, fines, taxes or penalties.

Loss of Documents Reimbursement

Reimbursement for reasonable expenses incurred in the event that any of your written or printed documents have been destroyed, damaged, lost or mislaid and after diligent search cannot be located up to a limit of \$5,000. This does not include electronic documents.

Crisis Event and Reputation Management Reimbursement

With prior consent, for crisis event expenses paid, subject to a maximum of \$15,000 per policy year. A crisis event expenses are reasonable fees, costs, ad expenses paid by you, with with the insurer's prior written approval, for consulting services by a public relations firm to you in response to reputational harm resulting from the delivery of professional services.

Exceptions

Work outside of Employment

Members providing consulting services outside of their regular employment activities qualify for this insurance as a primary insurance if fees earned from these activities represent less than \$5,000 per project and not more than \$20,000 per policy period.

Claims from Employer

This policy excludes claims brought forward against you by your current or past employer(s).

Decision Makers

This policy does not extend coverage to your business or for your services as a director or decision maker of the firm and is therefore limited to engineering services only. New this year, if you are a business owner that is retired, you now have access to coverage but subject to a waiting period of 6 months, 2 years or 5 years, depending on the reason of the closure of your business. Note that as a business owner, you are still responsible for securing the appropriate insurance required to protect your business entity as coverage under this policy only extends to you as an individual.

Reporting a Claim

Prompt claims notification is very important and should be made within 30 days of receiving a formal notice or statement of claim. Failing to report a claim may result in denial of coverage. Please refrain from making any written or oral statements to the claimant unless the insurer advises to do so.

If you are unsure, always err on the side of caution and report the claim.

Members receiving notice of a claim or who are aware of a potential claim should contact BMS directly at **1-844-294-2717** or ospe.insurance@bmsgroup.com.

How to Apply

Please contact OSPE to secure membership and receive coverage.

BMS Canada Risk Services Ltd (BMS)

825 Exhibition Way, Suite 209 Ottawa, ON K1S 5J3

Toll Free: 1-844-294-2717

Email: ospe.insurance@bmsgroup.com

Web: www.ospe.bmsgroup.com

Ontario Society of Professional Engineers (OSPE)

4950 Yonge Street, Suite 502

Toronto ON M2N 6K1

Toll free: 1-866-763-1654

More information

This brochure is a summary of coverage and is for information purposes only. Full terms and conditions of the policy, including all exclusions and limitations are described in the policy wordings, a copy of which can be obtained from BMS Canada Risk Services Ltd (BMS). For more information on the coverage please contact us.