

Provision to allow for an exemption from Professional Liability Insurance Requirements for PGO's Certificate of Authorisation Holders (O. Reg. 324/16)

The PGO Registration Regulation allows for an exemption from professional liability insurance requirements for holders of a PGO-issued Certificate of Authorisation. The relevant section of the regulation is presented below for your information. **Sub-section (3) details the actions required to invoke the provision.**

Professional Liability Insurance

36. (1) It is a condition of every certificate of authorisation that the certificate holder meet one of the following requirements:

1. The certificate holder must be insured against professional liability under a policy of professional liability insurance that meets or exceeds the requirements set out in subsection (2) and must provide to the Registrar a certificate of insurance that confirms the insurance coverage.
2. The certificate holder must be insured against professional liability under a policy of professional liability insurance that substantially complies with the requirements set out in subsection (2) and, before the certificate holder enters into any agreement to provide professional geoscience services to any person, the certificate holder must provide documentation of the insurance to the person and to the Registrar.
3. If the certificate holder is not insured against professional liability, the requirements listed in subsection (3) must be met before the certificate holder enters into an agreement to provide professional geoscience services to any person.

(2) The requirements referred to in paragraphs 1 and 2 of subsection (1) are as follows:

1. The policy must contain a limit for each single claim of not less than \$250,000 and either an aggregate policy limit for all claims of not less than \$500,000 per year or an automatic policy reinstatement feature.
2. The policy must contain coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional geoscience offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms are consistent with normal insurance industry practice from time to time.

(3) For the purposes of paragraph 3 of subsection (1), the following requirements must be met before a certificate holder who is not insured against professional liability enters into an agreement to provide professional geoscience services to any person:

1. The certificate holder must give the person a copy of the certificate holder's identification and a copy of the certificate of authorisation.

2. The certificate holder must give the person a written statement signed by a person with the authority to legally bind the certificate holder in the following form:

Ontario Regulation 324/16 (Registration) made under the *Professional Geoscientists Act, 2000* requires a holder of a certificate of authorisation who is not insured against professional liability to inform a person with whom the certificate holder intends to enter into an agreement for professional geoscientific services that the certificate holder is not so insured.

I, (*name of representative of the certificate holder*), as representative of (*name of the certificate holder*), the holder of a certificate of authorisation issued by the Association of Professional Geoscientists of Ontario, inform you with this statement that the certificate holder is not insured against professional liability.

3. The person must give the certificate holder a signed statement confirming that the person has read the statement set out in paragraph 2 and acknowledges that the certificate holder is not insured against professional liability.
4. The certificate holder must give the Registrar a copy of the documents described in paragraph 1 and the statements described in paragraphs 2 and 3.