



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

POLICY

POLICY	Engineers and Geoscientists BC Indemnification Policy
NUMBER OF POLICY	CO-16-22
DATE OF POLICY	February 12, 2016
APPROVED BY	Council

POLICY OBJECTIVES

1. The objectives of this policy are to:
 - (a) protect individuals from personal financial losses or expenses in connection with them acting within the scope of their duties or in the course of their employment;
 - (b) protect Engineers and Geoscientists BC's interest and its potential or actual liability arising from acts or omissions of its officers and employees; and
 - (c) ensure the continuation and effectiveness of Engineers and Geoscientists BC's functioning as a public body.

COVERAGE

2. Indemnification under this policy means to:
 - (a) retain or pay for legal representation for an individual defending in a civil claim or proceeding;
 - (b) retain or pay for legal representation for an individual against whom a complaint has been made to a professional regulatory body;
 - (c) retain or pay for legal representation for an individual who has been legally compelled to give evidence in a court proceeding or at an inquiry; or
 - (d) pay an amount to settle a civil claim or satisfy a judgment.

INDIVIDUALS EDLIGIBLE FOR COVERAGE

3. Individuals eligible for coverage under this policy are:
 - (a) members of Council;

- (b) employees of Engineers and Geoscientists BC;
- (c) Engineers and Geoscientists BC members acting on behalf of Engineers and Geoscientists BC or under the direction of Council; and
- (d) individuals (who are not Engineers and Geoscientists BC members) acting on behalf of Engineers and Geoscientists BC or under the direction of Council.

DETERMINANTS OF ELIGIBILITY

4. With respect to any matter, an individual is eligible for indemnification only where:
 - (a) the individual has not acted in bad faith;
 - (b) the individual's impugned conduct was:
 - (i) in the performance or intended performance of a duty under the *Engineers and Geoscientists Act* (the "Act"),
 - (ii) in the exercise or intended exercise of a power under the Act, or
 - (iii) in the case of an Engineers and Geoscientists BC employee, within the employee's normal course of employment;
 - (c) Engineers and Geoscientists BC is not itself a plaintiff or complainant against the individual in that matter; and
 - (d) the individual has in a timely and forthright manner informed Engineers and Geoscientists BC of the matter
5. In assessing an individual's request for indemnification, there will be an initial presumption that the individual has met the eligibility criteria set out at paragraph 4 above, unless or until there is evidence to the contrary.

ENGINEERS AND GEOSCIENTISTS BC RIGHTS

6. Where an individual has sought indemnification under this policy:
 - (a) Engineers and Geoscientists BC may make such investigations, conduct such negotiation toward settlement, and settle any civil claim as it deems fit;
 - (b) Engineers and Geoscientists BC may ask the individual to retain his or her own independent lawyer at Engineers and Geoscientists BC's expense, or Engineers and Geoscientists BC may elect to retain legal services for the individual; and
 - (c) if an individual retains his or her own independent lawyer, and if the lawyer submits a bill for legal services that is excessive in the opinion of Engineers and Geoscientists BC, then Engineers and Geoscientists BC may require the individual to apply to Court to challenge the lawyer's bill.

REVIEW DATES

February 12, 2016 (CO-16-22) – Approved by Council