



The Honourable Doug Ford, Premier of Ontario

By email: premier@ontario.ca

July 21, 2020

Subject: Request for a Provincial emergency order to provide “Good Samaritan” COVID-related liability protection to nonprofits

Dear Premier:

We are writing to request urgent action by the Ontario government to address concerns raised by Ontario’s nonprofit sector about access to insurance related to COVID-19. We first brought this issue to your government’s attention on June 17 with a [letter](#) to the Attorney General.

The Ontario Nonprofit Network (ONN) is the independent network for the 58,000 nonprofits in Ontario, focused on policy, advocacy and services to strengthen Ontario's nonprofit sector as a key pillar of our society and economy.

We are asking for the Ontario government to pass an emergency order immediately (before Bill 195 receives Royal Assent) that provides “Good Samaritan” protection to our sector, making nonprofits – and their directors, officers, employees, and volunteers – not liable for COVID-related damages if they operate in accordance with all applicable emergency and public health guidance.

The nonprofit sector [contributes](#) \$50 billion to Ontario’s GDP. Nonprofits employ over one million workers, of which 80 per cent are women. Five million people collectively donate 820 million hours of labour to Ontario communities, the equivalent of 400,000 full-time jobs. As a sector, Ontario nonprofits receive less than half of their revenues from governments.

Nonprofits have barely survived the first phase of the pandemic only to find themselves struggling to operate or re-open because of skyrocketing insurance costs, COVID-related exclusions, and an excessive burden of liability falling on volunteer boards of directors. ONN has heard from organizations in a wide variety of areas, from sports, mental health, home and community care, neighbourhood centres, to social service organizations.

Issues include:

- Significant cost increases (some sectors are seeing doubled costs)
- Pandemic-related exclusions
- Challenges recruiting and retaining volunteer boards of directors, and
- In some cases, outright denial of coverage.

This issue could affect the ability of nonprofits to deliver services: Funders have identified a barrier in flowing funding to nonprofits during the crisis if organizations are unable to secure insurance, including the federal [Emergency Community Support Fund](#). Furthermore, this may have ripple effects for the 14+ provincial ministries that provide funding through transfer payment agreements to up to 15,000 nonprofits that deliver services on behalf of the Ontario government. Even for small agreements, the Province typically requires evidence of \$2 million in liability insurance as well as any other insurance that a "prudent person" might carry.

There is precedent: The Ontario government has provided "Good Samaritan" relief to nonprofits operating in good faith before. For example, the [Donation of Food Act](#) ensured that those who donate food to food banks and other nonprofits were not held liable for damages related to the consumption of that food, and [changes to the Health Protection and Promotion Act](#) after SARS offered "Good Samaritan" protection to health professionals.

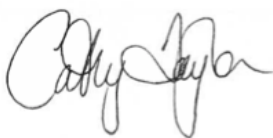
This is not about backstopping negligence. To be clear, we are not looking for protection from litigation if nonprofits have been negligent and have not followed public health guidelines. We are looking to the Ontario government to protect nonprofits that have acted in good faith as they re-open and follow public health guidelines.

If the Ontario government waits to act before the fall Legislative session, it will be too late for many organizations.

People and communities have relied extensively on nonprofits for support during COVID-19 and will continue to rely on them in the recovery phase. To ensure that nonprofits are there when people need them, we must address the urgent issue of nonprofits' access to insurance.

We look forward to working with your government to immediately provide a solution to this issue. Thank you for your serious consideration.

Sincerely,



Cathy Taylor
Executive Director
Ontario Nonprofit Network

Copy to: The Hon. Doug Downey, Attorney General via MinisterAG@ontario.ca
The Hon. Rod Phillips, Minister of Finance via Minister.fin@ontario.ca
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