

INDEMNIFICATION OF BOARD EMPLOYEES AND MEMBERS OF THE BOARDStatement of Policy

It is the policy of the Peel District School Board that the Board indemnify and hold harmless its employees and members and the heirs, executors and administrators, and the estate and effects of such employees and members of the Board of legal liability arising out of an act, error or omission by the individual acting on behalf of the Board.

This policy is aligned with and supports the principles and expectations of the Board's Human Rights policy ([Policy 51](#)) and the Equity and Inclusive Education policy ([Policy 54](#)). At all times, this policy should be interpreted to be consistent with the Board's policies and the *Ontario Human Rights Code*.

Administrative Regulations

1. The Board agrees to indemnify and hold harmless its employees and members and the heirs, executors and administrators, and the estate and effects of such employees and members of the Board with respect to any and all claims, complaints, or charges, and in particular, to pay on their behalf all fines, awards, and reasonable sums which the individual shall become obligated to pay by reason of any court order or sentence or any award and any liability imposed by law upon such individual provided, however, that the legal liability arises out of an act, error, or omission by the individual acting on behalf of the Board, and also provided:
 - a) the individual was acting in good faith, in accordance with Board policies;
 - b) the individual did not intentionally breach the relevant statute or regulation, and provided that this indemnification shall not apply to any charges pursuant to the Criminal Code of Canada (except that Subsection 171(1),18 of the Education Act, R.S.O. 1990, c. E2 shall apply) the Canada Food and Drugs Act, or; the Controlled Drugs and Substances Act;
 - c) the claim does not arise out of a matter personal to the individual;
 - d) the individual provides full information to the Board and its agents, in a timely manner, with respect to the incident and surrounding circumstances and co-operates fully with the Board and its agents with respect to the investigation, negotiation, settlement, and defence of the claim or, charge, and
 - e) the indemnification is subject to a specific order of a court or board of competent jurisdiction prohibiting indemnification.
2. With respect to any claims for damages, all of the provisions in the Board's insurance policy or policies as well as any internal policy with respect to procedure and

coverage will apply. With respect to charges or complaints against an individual, subject to the exceptions set out in subclauses 1(a), (b), (c), and (d), the Board shall appoint legal counsel and any and all experts as the Board considers necessary. With respect to charges pursuant to the Criminal Code of Canada, the Canada Food and Drugs Act, or the Controlled Drugs and Substances Act, the Board may, in its sole and absolute discretion, determine whether it will appoint legal counsel and any and all experts as the Board considers necessary. In any such case, the Board shall have the full right to defend in the name of and on behalf of the individual, and make such investigation and conduct such negotiations and settlements of any claim, complaint, or prosecution as may be deemed necessary or expedient by the Board. Where an individual is charged or is subject to a complaint under an Act or Regulation or under the Criminal Code of Canada, and chooses to appoint their legal counsel or experts, the Board shall not be obligated to pay legal or expert costs, but shall in its sole discretion determine what, if any, amount of such legal or expert costs the Board will reimburse to the individual, either during the prosecution or hearing, or after the completion of the prosecution or hearing. Where an individual appoints their own legal counsel and pleads guilty to a charge, this indemnification shall not apply. Where an individual appoints their own legal counsel and there is a conviction after trial or award after a hearing, the indemnification will apply, subject to the limitations set out above.

3. The Board reserves the right to dispense whatever discipline, including possible termination of employment, in accordance with other Board contracts or policies, as it may deem appropriate, if the employee does not act in good faith or in accordance with Board policies or goes beyond, or short of, or breaches what would be considered normal and prudent conduct. The Board also reserves the right to take whatever steps it deems necessary with respect to a member of the Board, on a similar basis as noted immediately above.
4. The indemnification covers employees and former employees for any act, error, or omission which occurred during the performance of an employee's duty while employed with the Board, and also covers a member or former member of the Board for any act, error, or omission which occurred during the performance of the member's duty while a member of the Board. The indemnification also extends to the heirs, executors and administrators, and the estate and effects of such employees and members.

Sources:

The Education Act and its Attendant Regulations
Criminal Code of Canada
Canada Food and Drugs Act
Controlled Drugs and Substances Act

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