

Insurance Task Force

**Q&A SUMMARY OF WRITTEN COMMENTS DURING AND AFTER THE AGM.**

*Note: Questions have been anonymized and summarized where multiple similar questions were submitted, or non-question related information was included.*

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Q.

My concern is that if we do implement association insurance requirements, that we should avoid limiting how LA's practice. For example, OAA does not permit their members to hire subconsultants (or recommends against it). LA's currently lead projects with many subconsultants and I would encourage this to be considered in the context of any insurance requirements.

A.

This is a complexity that we are aware of and we understand that some multidisciplinary companies are operating under separate companies due to different insurance requirements (OAA being one). On the other hand, there are valid reasons why OAA recommends or prevents against hiring directly some particular types of subconsultants, who's scope involves higher risk. This will all be reviewed and considered further over the coming year.

Q.

There are many OALA members working in related fields who wish to maintain their licensing and registration out of love for the profession and the hard work to become licensed. I work in a related field but do not practice as a landscape architect in terms of my output, but the training serves me well and it is advantageous to my role being a registered member. I should not have to have insurance as none of my work will impact on public safety. I am not in academia.

A.

These are the types of nuanced situations that we are looking to better understand from all OALA members. If you, or other members in a similar situation are willing to share more information on your individual situation, we would be interested to learn

more. There will also be further opportunities to let us know about your particular situation in upcoming membership outreach efforts.

Q.

How can the OALA mandate a minimum amount of insurance without first providing a product that would be affordable for a member to carry for a lifetime? This also does not fill in the existing gaps in this industry.

A.

This is another focus area of the task force, where we are looking to work with insurance industry representatives to develop improved insurance offerings that better address the needs of OALA members, including existing gaps.

Q.

We should also recognize that insurance companies will be only too happy to sell us more product, and that that society is becoming increasingly risk averse and over-insured. However, I do think that it is reasonable that if you are a practising Landscape Architect you carry professional liability insurance.

A.

Our goal with developing a recommended program for the OALA will be to develop a balanced approach. We recognize that there are very real insurance needs and liability exposures that OALA members are faced with. We will be looking to work with insurance representatives, legal professionals, other stakeholders and OALA members to determine what appropriate minimum insurance standards would be.

Q.

Please ensure that the Task Force reviews 1) the length of time that records need to be kept and 2) how long must one maintain insurance beyond the completion of a project. for example if a project was completed in 2008, how long is that project open to a claim being filed against the designers.

A.

We have flagged these items as issues of interest to OALA members and will be looking to provide recommendations based on future discussions with insurance representatives and legal professionals. We understand that these are times sensitive issues for many members and will be looking to provide more information within the next year.

Q.

As a business owner, we cover our (employees) LA's with corporate E&O insurance. There should be a different insurance type for sole practitioners vs. corporate LA employees. I believe it may cause members not to pursue their stamp so they do not need to have insurance. I believe all members should have E&O insurance if they want to be a practicing landscape architect. If not, then it is a business decision.

A.

We recognize that many members are covered under corporate E&O. Within the task force, we have representatives from each of the areas of practice and insurance coverage that you have noted and will remain aware of these complexities as we move forward. Your point regarding insurance standards potentially dissuading members from moving through to Full Membership categories is noted and this will be a part of our ongoing review. Our goal is of course to improve on the strength of the profession and better support OALA members, not to dissuade member growth within the profession.

Q.

I wanted to speak to the point whether insurance should be mandatory as a condition of OALA membership or if a member should be free to make their own decisions. I don't take one side or the other, but wanted to throw out a suggestion for consideration. I agree that education is an important service the OALA can provide, and lining up a variety of insurance products from different vendors is important to get the best priced products for us. Perhaps your task force could explore an opt-out provision. Members may be required to formally notify the OALA they are opting out or in a circumstance where the member is very wealthy, may choose to self insure.

A.

The concept of a provision for qualifying circumstances where members are sufficiently protected, without having conventional insurance coverage has been noted as an item to consider as we move forward with better understanding how members are practicing and what their varying risk exposure conditions are.

Q.

Would individual members be required to carry separate insurance from their employers who have insurance?

A.

We recognize that many OALA Members are covered with E&O insurance as employees of private corporations or public organizations. There are instances where individuals may have liability exposure outside of their primary employment. We will be looking to better understand these circumstances over the coming year.

Q.

there is a wide variety of asks on Insurance coverage for public sector work, from \$1M to \$10M. Is there an opportunity for the Task Force and / or Insurance providers to lobby public sector buyers to establish standards for insurance coverage? For instance, I believe some OALA members may not be able to obtain \$10M coverage, or there would be an unreasonable cost to carry. I also see a large disparity between what LAs are being asked to carry compared to OAA members (which is often \$250k for OAA and never below \$1M for OALA members). In your research, did the Task Force see any reasons for this disparity?

A.

We have noted insurance coverage requirements on public sector work for OALA Members as an item of interest for OALA members. Without a practice act, the OALA is in a different position than the OAA to negotiate with municipalities on these standards however, we recognize that work can be done to engage with municipalities in this area and others. We are also forwarding this item on to the OALA Municipal Outreach Committee for their consideration.