

# PROCEDURE FOR INCIDENTS/ACCIDENTS

## When an incident/accident occurs

As soon as an incident or accident occurs, even without knowing if the third party will claim against the harbour authority (HA) and/or the Government of Canada, the HA is to report the incident or accident by advising their Small Craft Harbours (SCH) contact. Their SCH contact is responsible for providing the information to SCH HQ who then informs the insurance broker. The purpose of this process is to report the incident or accident.



**NOTE:** Although all incidents must be reported first to your SCH contact, then to SCH HQ, they may not always fall within the scope of the third party liability insurance (TPLI) coverage and policy. Incident reports are sent for review to the insurance broker, who ultimately decides if the incident would be covered by the TPLI. If the broker believes the incident is covered by the TPLI, he advises the insurer *the Continental Casualty Company (C N A)* that a claim may be submitted by a third party.

## How to complete an incident report

The Incident Report Form can be found on the SCH website, at this address: <https://dfo-mpo.gc.ca/sch-ppb/index-eng.html> .

Incident reports should include all relevant information regarding the incident and have as much details as possible. It should also specify what is believed to be the cause of the incident. The report shall include if the HA believes the cause of the incident to the third party is a result of actions or the lack of, whilst otherwise in their care, custody and control. If photographs or videos were taken they should be sent with the incident report.

## What is the procedure when a third party wants to submit a claim?

1. Third party claimants may and should contact their insurers. If the third party wishes to pursue a claim for damages, they should notify the HA who will then advise the third party of the process. In the event the HA is served with a claim, the third party shall write a statement of claim to the HA outlining the details of the claim. Such document should be elaborated by the claimants insurer or lawyer.
2. The HA will forward the statement of claim to their SCH contact and if not already done, include the incident report. Their SCH contact will then provide it to SCH HQ. SCH HQ, in consultation with the SCH contact, will gather as much information regarding the incident before sending it to the broker. SCH HQ will send all information to the broker, who reviews the incident report and advises if it falls within the TPLI policy. If further information is required, the broker will advise SCH HQ, who will then communicate with the SCH contact.
3. If the incident falls within the scope of the TPLI policy, the broker opens a file and sends the claim to the adjuster. These adjusters work for our insurance company C N A. A copy of the letter addressed to the adjuster is also sent to SCH HQ along with a file number to be used in all subsequent correspondences.
4. The adjuster will contact the HA and/or the third party if necessary.
5. The adjuster will provide his final report to the insurance company C N A.

If a suit is filed against the Government of Canada, a suit for which the insurance company would have the right to defend Canada as an additional insured under the contract of insurance, the insurance company shall contact the Department of Justice Canada, by registered mail to the address below, in order to agree on the legal strategy.

Senior General Counsel  
Civil Litigation Section  
Department of Justice Canada  
284 Wellington Street, East Tower  
Ottawa, Ontario K1A 0H8

General questions or comments email: [webadmin@justice.gc.ca](mailto:webadmin@justice.gc.ca)

## Once the claim is settled

6. **Justified claims:** C N A will send a cheque for the total claim amount along with a letter to the third party and/or the company that will repair the damage. A copy of this letter will also be sent to the HA and to SCH HQ. A copy of the letter will also be provided to the SCH contact for their information.
7. **Unjustified claims:**
  - a. The adjuster from C N A will send a letter to the third party with a c.c. to the HA and the insurance broker to inform them of the decision taken.
  - b. The insurance broker will notify SCH HQ and the HA.
8. SCH HQ updates a database with the accident reports and claim requests received from the HA, the insurance broker and C N A. This database is updated regularly and as new information is received.

