



COALITION AGAINST NO-FAULT IN BC

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RE: Fighting the Attorney General's Civil Liability Review

HOW OUR LAWS WORK NOW & HOW THEY COULD CHANGE

The changes being considered to BC's laws of civil liability are extensive. They are not limited to cars and accidents. They will involve far more because the laws may govern incidents, accidents and wrongful acts wherever they occur - whether you are at work, in your home or on a public road. While reviewing the following information, try to look beyond what may appear to be complex or unusual legal terms. Focus instead on the harmful effects the proposed changes would bring to innocent people. The following provides a glance at how six existing areas of law work for the people of the province, at present, and the impact proposed changes would have on innocent members of society.

Joint and Several Liability

- When a poorly made condominium leaks, it is the law of **joint and several liability** that enables innocent victims to be compensated fairly for the damage caused by faulty design, development and construction.

DANGER: elimination of joint and several liability

RESULT: businesses/governments will be protected from paying the extent of damages suffered by innocent people

Vicarious Liability

- When wrongs occur at the workplace, at work-related areas or in work-related ways, it is the law of **vicarious liability** that helps protect innocent people from the risks created by companies and poor business practices. This makes employers responsible for the conduct of their employees. This is an important legal obligation, especially when an employee's negligence or deliberately harmful actions cause injury or other damage to innocent people.

DANGER: removal of vicarious liability

RESULT: companies could be free from the risks they create

Non-Delegable Duty

- When negligent behaviour committed by government contractors leads to harm of innocent people, it is the law of **non-delegable duty** that requires the government to be responsible for the people and companies it hires.

DANGER: disposal of non-delegable duty

RESULT: government will not be responsible when its poor hiring practices lead to harm

Class Proceedings

- When a group of victims emerges after a pattern of wrongs is revealed, it is the right to a **class-action proceeding** that enables innocent parties to seek compensation.

DANGER: many class action lawsuits will be too costly for victims to pursue

RESULT: limited class action lawsuits will leave many victims without compensation

The Limitation Act

- When the effects of wrongful acts are fully realized and understood many years after the fact, it is **The Limitation Act** that sets out the ultimate time period for pursuing a legal action.

DANGER: limitation periods will be too short

RESULT: the window of opportunity will be too narrow for many victims to be compensated

*The five areas above refer to rights of innocent individuals with regard to taking legal action as a means of being compensated for harms done to them.

There is one more important area at stake...

Structured Settlements

- **A structured settlement** refers to the way in which an innocent person is compensated by the parties responsible for paying what is due (paying the cost of the damages suffered). The Attorney General's consultation explored the idea of forcing courts to impose structured settlements. In essence, this would amount to having an allowance passed down to an innocent person, a person who deserves to make decisions for themselves or obtain help from those they trust.

DANGER: structured settlements will be forced on victims

RESULT: the finances of innocent people will be controlled by insurance companies