

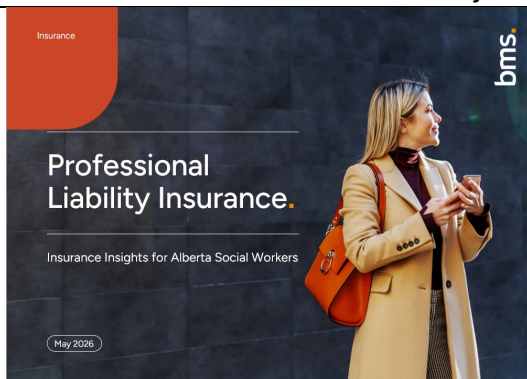
Professional Liability Insurance Webinar: May 21, 2026

ACSW and BMS

Unfortunately, there were some technical difficulties with recording the session, and as a result there is no recording available. Below are notes, as well as questions and answers, for those who were unable to attend.

You are encouraged to reach out to BMS (contact at end of slide deck) for insurance questions and to ACSW for Insurance requirement questions.

We hope to offer another session late in the year.



Debra: Good morning and welcome to our presentation about professional liability insurance. I am pleased to welcome Tara Scullion from BMS to speak with us about professional liability insurance. Tara is here to provide general information about professional liability insurance so that social workers can be informed, ask the right questions and make informed decisions about their professional liability coverage



Tara: Just to give a bit of context on who we are-BMS is a broker that specializes in working with professional associations across Canada. We provide insurance and risk management services to more than 600,000 professionals/ businesses through our partnership with over 70 national and provincial associations.

Within the social work space, we support members across the country through our partnership with the Canadian Association of Social Workers. That program is delivered at the provincial level, so if you're a member of the Social Workers Association of Alberta, you may have coverage arranged through that structure.



For today, I'm really here in the capacity of a PLI resource-to speak more generally about how professional liability insurance works, what it's intended to cover, and some of the key considerations for registrants

Why social workers need Professional Liability Insurance.

You can be held legally responsible for **errors, omissions, or negligent acts** that occur when delivering professional services. If a client or patient is harmed, you may be required to provide financial compensation.

Professional Liability Insurance (PLI) protects both you and the public. It ensures that, if a mistake or oversight leads to injury, there is coverage in place to defend you and compensate the affected individual.

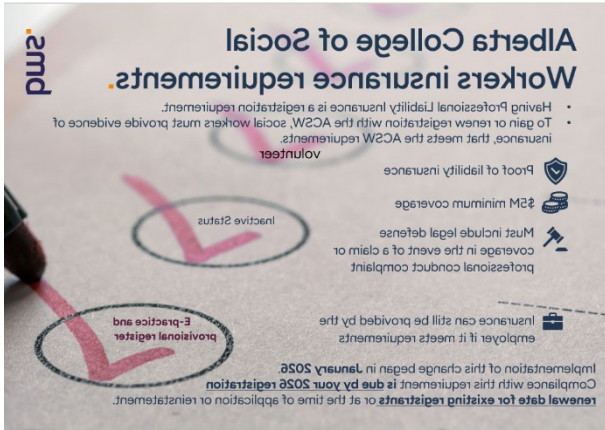
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Tara: Professional Liability Insurance (PLI) exists because, as regulated professionals, you can be held personally responsible for errors, omissions, or alleged negligence in your work.

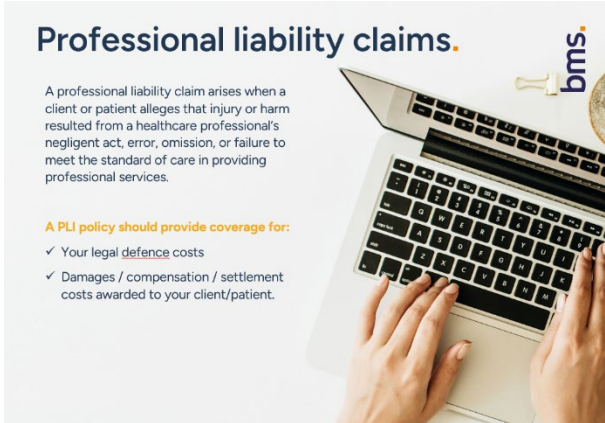
If your advice causes or even is alleged to have caused a client or patient to sustain an injury, you might be found liable and be required to provide financial compensation.

A PLI is designed to pay for your legal costs in the case of a claim, should you need to hire a lawyer as well as pay for any compensation awarded.

PLI is there to protect both the professional and the public-by ensuring there are resources in place to defend you, and compensation available to the injured party if harm has occurred.



Debra: Professional liability insurance is a registration requirement. You are required to have a minimum of \$5 million in coverage and this must include legal defense coverage. At registration and at renewal you must confirm that you have coverage in place. All social workers regardless of registration status (general, provisional, courtesy, or ePractice) must have professional liability insurance. You must also have professional liability insurance if you have an inactive status. This change in requirement came into effect in January 2026 and all social workers must comply with this change at the time of their registration renewal in 2026.



Tara: To review, a professional liability claim arises when a client or patient alleges that injury or harm resulted from a healthcare professional's negligent act, error, omission, or failure to meet the standard of care in providing professional services.

A PLI policy should provide coverage for:

- ✓ Your legal defence costs
- ✓ Damages / compensation / settlement costs awarded to your client/patient.



Tara: Let's look at a case example.
<reads example on slide>

In this example a professional liability policy should cover the costs of your legal defense and any money you are obliged to pay because of a finding or determination of a breach of your professional duty to which the insurance applies.



Other types of professional liability claims.

Disciplinary (Legal Expense) Claims
Where the insured is required to respond to a complaint or investigation made to their profession-specific provincial/territorial regulatory body (e.g., ACSW)
e.g.: unprofessional behaviour; biased/discriminatory treatment; failure to obtain informed consent, etc.

Criminal Claims
Where the insured is charged with a criminal offence related to their professional practice.
e.g.: sexual assault

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Tara: Civil claims are what most people think of-but they're only one piece.

As a Professional you can also face: College complaints, also called legal expense claims. This would be for complaints made against you to your college or regulatory body. That can include allegations of unprofessional behavior, discriminatory treatment, failure to obtain informed consent, there could be a wide variety of reasons why an individual would make a complaint against a professional to their regulator.

The third type of claim is criminal claims, and that's where the insured social worker is charged with a criminal offence in relation to their professional practice.

As the broker of the CASW program we can say that based off the claims data we see, the majority of claims made against social workers are those made to the provincial colleges. Regulatory colleges serve as the first point of accountability for the public, so patients, families, and colleagues are more likely to submit concerns there rather than pursuing legal action.



Disciplinary (regulatory legal expense) claims.

A complaint was submitted by a social worker's former employer to their College regarding professional practice. The complaint alleged that the social worker failed to maintain adequate clinical documentation and did not consistently follow organizational policies when managing complex client cases.

Concerns were also raised about decision-making and communication with clients, which the employer suggested posed potential risks to service quality and client/patient outcomes.

Outcome: The social worker was found to have breached professional standards. The College required completion of a remediation plan, including documentation training and practice supervision.

You will want insurance coverage for:

- ✓ The costs of your legal defence



Tara

<reads example on slide>

Criminal claims.

A client or patient alleges that their social worker engaged in inappropriate sexual contact during a treatment session and reports the incident to police. Criminal charges are laid against the social worker.

You will want insurance coverage for:

- ✓ The costs of your legal defence



Tara

<read example>

Regulatory trends across Canada.



Higher minimum limits;



Broader coverage expectations, e.g.:

- No deductible
- Longer Tail/Extended Reporting Period
- Client/Patient Therapy & Counseling
- Coverage for defence of College Complaints



Individual policies increasingly mandated.



Tara: Because we work with many different regulated health professionals across Canada, we're seeing a consistent shift in how regulators approach professional liability insurance.

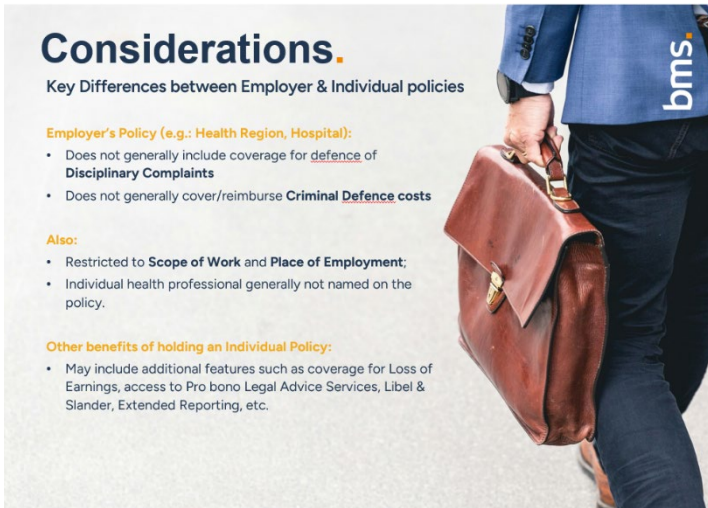
There's a move toward higher limits, but also toward making sure policies include specific types of coverage-like defence for college complaints.

In many cases, some regulators are also moving toward requiring individuals to confirm that they have appropriate coverage in place.

The goal behind all of this is really consistency-to make sure that,



regardless of how or where someone practices, there is appropriate protection in place.



Tara: Many social workers may covered under an employer’s policy, and that can absolutely form part of your overall protection. But there are a few important things to understand about how those policies are structured.

First, employer policies are designed primarily to protect the organization. Typically, the policy is there to safeguard the organization itself. In most cases, individual healthcare professionals aren’t necessary individually named on that policy. That means is, if a claim arises, the organization’s legal team will likely focus on protecting the organization first. The way the defense is managed, or whether a settlement is made, may not align with your own best interests.

Second, and this relates directly to the new ACSW requirement, employer policies do not always include coverage for college complaints or disciplinary matters.

There are also other practical considerations, for example, coverage is often limited to your role within that organization and may not extend to other activities, different work settings, or periods between roles.

For some social workers, their employer coverage may meet their needs, if it meets the ACSW insurance requirements. For others, particularly those working in multiple settings or looking for more certainty around how



coverage applies, having their own policy can provide more clarity and consistency.

Individual PLI would:

- Ensure that you have your own legal defense, independent of your employer’s legal team.
- It provides direct coverage for legal fees, settlements, or awards that are against you personally.

Consideration for your protection.

A Social Worker moves from private practice to the hospital setting. Two years later, the SW is sued by a client he had previously seen while in private practice. **There is no insurance coverage for this claim under the hospital’s insurance policy.**

A Social Worker is terminated from their job at a local hospital due to allegations of discrimination and unprofessional conduct brought forward by co-workers. The employer notifies the provincial College in accordance with the College’s mandatory reporting requirements. The College launches an investigation and the matter is referred to a Disciplinary Hearing. **There is likely no insurance coverage for this claim under the hospital’s insurance policy.**



Tara:

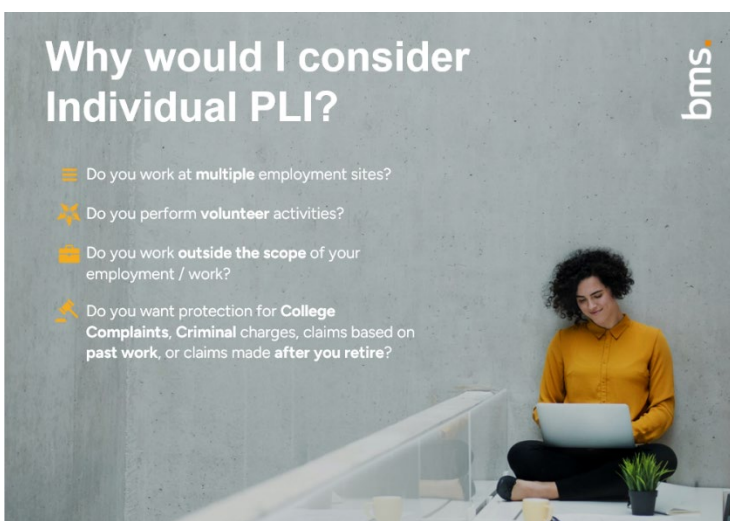
<reads examples on slides>

These are examples we’ll often walk through because they highlight how coverage can vary depending on the situation.

In both of these cases, the individual may have had employer coverage—but the claim itself falls outside of how that coverage typically applies.

Why would I consider Individual PLI?

- Do you work at **multiple** employment sites?
- Do you perform **volunteer** activities?
- Do you work **outside the scope** of your employment / work?
- Do you want protection for **College Complaints, Criminal** charges, claims based on **past work**, or claims made **after you retire**?



Tara:

Pulling this all together this is really the point where we encourage you to take a step back and look at your own coverage.

As Debra mentioned earlier, the ACSW requirements now include not just a minimum level of coverage, but also specific expectations-particularly around legal defence for college complaints.

You *can* rely on an employer policy, as long as it meets those requirements-but as we’ve talked about, that can vary



depending on the employer and how the policy is structured.

For some social workers, their employer coverage may align with the requirements. For others-especially if you work in multiple settings, have responsibilities outside your core role, or are thinking about how coverage applies over time-there can be a bit more uncertainty.

That's often where having your own policy can provide more consistency, because it's tied directly to you and your practice.

It's also worth thinking about how coverage applies over the long term-whether that's changing roles, moving into private practice, or eventually stepping away from practice.

At the end of the day, it's really about making sure your coverage reflects your situation, and that you feel clear on what would happen if you ever needed to rely on it.



Tara: The next couple of slides help to explain and understand the questions to ask about your coverage.



Key PLI policy details explained.

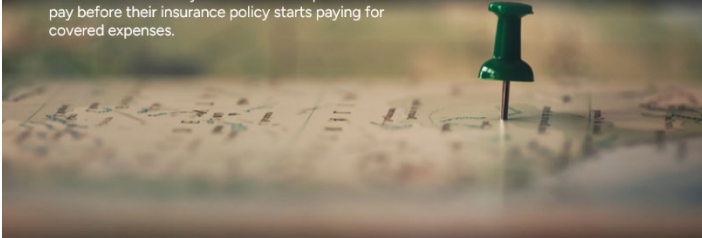
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Coverage Territory

Every insurance policy will clearly define its coverage territory (where losses or damages must occur to be covered).

Deductible

The amount of money that the insured person must pay before their insurance policy starts paying for covered expenses.



Tara:

Coverage territory simply means where you can deliver your services in order for your policy to respond. Some policies only apply if you're working in Alberta, others might extend across Canada, and some may even provide worldwide coverage. This becomes important if you ever travel for work, pick up shifts in another province, take on opportunities outside your employment or provide any sort of virtual care. You want to know for sure that your coverage follows you wherever you practice

Deductible

That's the portion you're expected to pay out of pocket before insurance kicks in. Some professional policies have no deductible, which is great. If yours does, know the amount so there aren't surprises



Key PLI policy details explained.

Retroactive Date

The earliest date on which injury or damage may occur and still be covered under the policy. The wrongful act / incident that gives rise to the claim must have taken place on or after the retroactive date for coverage to apply.

Extended Reporting Period

Extends the time period during which claims may be made and reported to the insurer. Applicable to new claims that come forward after the policy has expired and in respect of acts, errors, or omissions committed prior to the expiry of the policy.



Tara: Before we talk about retroactive dates or extended reporting period coverage, it's important to understand the type of policy you have. Most professional liability policies for healthcare providers are written on either a **claims-made or an occurrence basis**

Claims-Made vs. Occurrence

A claims-made policy is triggered when a claim is actually made against you during the time your policy is active- regardless of when the incident happened. For example, let's say a patient interaction from a few years ago leads to a complaint today. Even though the incident was in the past, it's the policy you have in place right now that you would report the matter to.

An occurrence-based policy works differently. In that case, coverage is tied to when the incident happened.

Retroactive Date

Now, with a claims-made policy, you'll often see a retroactive date. This date sets the line in the sand for how far back your coverage applies. So if your retroactive date is January 1, 2020, and a claim arises today from an incident in 2018- your policy like would not respond, because it's before the retroactive date.

Extended Reporting Period (ERP)

Is relevant if you discontinue practice, retire if you have a claims made policy. ERP is the length of time you can report claims after your last active policy has expired. If for example you have a policy that stipulates that your have 2 years of ERP this means that if a new claim were to be made against you when you are retired, and it's made against you within



the first 2 years of your policy expiring, you could report this claim under your last active policy.

So to sum up: understand whether your policy is claims-made or occurrence, know your retroactive date, and check if there's an extended reporting period option. Those three details make a huge difference in knowing if you're really covered when something comes up.

Consideration for your protection.

You change insurance policies after working for several years. Three years later, you are sued by a client you saw while insured under your previous policy. Do you have coverage for this claim?

Recommendation: Check policy wording: Does the policy have a retroactive date?

Two years into retirement, you are sued by a client you previously treated. Do you have coverage for this claim?

Recommendation: Check policy wording: Does the policy have an Extended Reporting Period?



What should I ask?



Key questions to help you better understand your coverage

Professional Liability Limit	<ul style="list-style-type: none"> What are the per claim and aggregate policy limits? Are the limits per insured? (vs shared with all insureds/the insured organization)
Coverage Territory	What is the coverage territory of the policy?
Covered Services	Does the policy cover your full scope of practice as a Social Worker? (vs limited to scope of employment and/or place of employment)
Additional Coverage	Does the policy include coverage for: <ul style="list-style-type: none"> College (Legal Expense) claims Criminal claims Others (for example, libel & slander, abuse, coroner's inquest, economic loss, etc.)
Retroactive Date	Is there a retroactive date on the policy?
Extended Reporting	What is the extended reporting period? Is there additional cost?
Deductible / Claims Payment / Legal Defence	<ul style="list-style-type: none"> Is there a deductible? Are claims paid by the insurer? (vs paid by you first, then reimbursed by the insurer) Is there an hourly cap on legal costs?



Tara: We'll wrap up with a few practical questions you can take away. Whether your coverage is through an employer or your own policy, these are the types of things you'll want clear answers to-particularly around limits, scope of coverage, and whether disciplinary matters are included. The goal here isn't to make this complicated-it's just to make sure there are no surprises if you ever need to rely on your coverage.



 <p>Connect with BMS.</p> <p>1-855-318-6558</p> <p>connect.canada@bmsgroup.com</p>	<p>You do not need to be a client to reach out to ask questions about professional liability insurance or to discuss your particular insurance needs.</p> <p>You can contact us by phone at 1-855-318-6558 or by email at connect.canada@bmsgroups.com</p> <p>You do need to be a member of the Social Worker’s Association of Alberta to access our professional liability insurance.</p>
 <p>Connect with the ACSW</p> <p>https://acsw.ab.ca – ACSW website</p> <p>Practice Consultation Service - https://acsw.ab.ca/professional-practice/consultation-service/</p> <p>Registration Department: registration@acsw.ab.ca</p> <p>Phone: (780) 421-1167</p>	<p>The ACSW is happy to connect to clarify if and when insurance is needed. We are not insurance experts and so refer any insurance specific related questions to your insurance provider if not BMS.</p>
<h2>Questions and Answers</h2>	
<p>I’m employed-is my employer’s policy sufficient?</p>	<p>An employer’s insurance policy may provide some level of coverage; however, it often has limitations. For example:</p> <ul style="list-style-type: none"> • Coverage may be restricted to duties performed within your employment role • Your interests may not always align with your employer’s in the event of a claim • Employer policies typically do not provide individual legal representation for regulatory (College) matters



<p>What is the difference between occurrence-based and claims-made coverage?</p>	<ul style="list-style-type: none">• Occurrence-based coverage: Applies to incidents that occur during the policy period, regardless of when the claim is reported• Claims-made coverage: Applies to claims that are reported while the policy is active, provided the incident occurred after any applicable retroactive date <p>Understanding which type of policy you hold is important, particularly if you change insurers or cease practice.</p>
<p>What is an Extended Reporting Period (ERP)?</p>	<p>An Extended Reporting Period (ERP) is a period of time after a claims-made policy expires during which a claim can still be reported and, if covered, treated as though it was reported during the policy period.</p> <p>This is particularly important if you stop practicing, retire, or change insurers. Some policies include only a short ERP (e.g., 30 days), while others provide longer protection. If you have a claims-made policy, it's important to confirm whether an ERP is included and for how long.</p>
<p>Where can I learn more about the CASW/BMS insurance and where can I apply for coverage?</p>	<p>You can visit www.casw.bmsgroup.com to learn more about what is included in the policy and also to apply for coverage</p>