

# **THIRD PARTY LIABILITY INSURANCE**

## **What is Third Party Liability Insurance?**

Third Party Liability Insurance is provided as a benefit of membership in the Canadian Square & Round Dance Society. The insurance is to protect members from claims by a third party for: Bodily injury, death, or damage to property. The first party is comprised of the members of dance organizations that make up the Society. We are called the "insured".

The second party is the insuring company, which most likely is referred to as the "insurer". The Third party" means someone else outside our dancing organization or the insurance company with whom we deal. Typically, it is the corporate or individual owner of a hall or a building or other facility which we use for dancing or dance related activities. It could also mean some person or organization we deal with to buy something, or obtain some service from, or provide some service to.

One important point when considering the third party liability insurance is that it is business insurance, and the Society's insurance policy is a standard Non Profit business policy. At first glance, it may appear that we do not fit easily into this type of insurance, but we do. What is our business? Our business is dancing. We tend to treat it as a hobby or recreation, but take the viewpoint that we dance for money and that we spend a lot of time practicing (weekly dances) in order to perform publicly (demos) to sell our product (dancing for fun, health, recreation, etc.).

### **Cross Liability:**

We have, as well, "cross liability" included in our insurance policies so that someone within the square and round dance movement can take legal action against someone else within the movement.

## **THE INSURANCE POLICY**

### **WHAT TO DO IN THE EVENT OF AN INCIDENT**

In the event of an incident, members should render first aid and assistance as considered practical in the situation. If warranted, emergency services should be contacted. At the first available opportunity, notification should be given by phone to the person handling the membership duties of the Federation/Association. It should be followed up in writing providing the details of the incident as follows:

- a. How, when, and where the occurrence took place;
- b. The names and addresses of any injured persons, and of witnesses; This written report must be sent to both the CSRDS Membership Chair and the insurance company's account manager.

In the event a claim is made or action brought against a member, the member must:

- a. Provide prompt notification to the Society's membership person of demands, notices, summonses, or legal papers received in connection with the claim or action;
- b. Authorize for the insurance company to obtain necessary records and information; and, c. Co-operate with the investigation and assist with the settlement.

Generally, members should render all reasonable assistance possible for the protection of life and property. Then, at the first available opportunity, make notes of what happened. Notes greatly assist in any resulting legal inquiry.

The best guide for the notes are: "who", "where", "what", "when", "why", and "how".

### **What to Expect in a Legal Process**

The legal process is called "litigation" and although it sounds complicated, it is usually straight forward. We are lucky that square and round dancing is a safe activity. We have had national and provincial insurance in place since 1978, and have had very few cases that involved insurance.

However, there have been, such as: Walking into a glass window; Falling off a ladder while decorating a hall; Falling off a float in a parade; and, Slipping and falling while dancing.

Even though we are a "safe" activity, accidents do happen. That is why we are insured. And we get our insurance at such a low rate because we are a low risk activity.

The legal process is sure, but slow. Someone claims that someone else is responsible for something and demands damages. Both sides hire lawyers. Most of the time out of court settlement is made as this is the quickest method for all concerned. There have been cases in square dancing when the insurer paid for some minor breakage, rather than go through the legal proceedings.

For a large claim, there will be a "discovery" prior to any trial when evidence is given and each side weighs its chances. Settlements often occur here. If no settlement is reached, the case goes to trial. It takes at least one year for even minor cases to go to court. If there are appeals, then it drags on and on. If you follow Supreme Court decisions, they are usually giving a judgment on something that occurred five or more years ago.

Legal fees are also a consideration here. Lawyers bill by the hour. However, if you have liability insurance, then the insuring company covers all the costs. It still takes time, but at least we are not personally liable to pay the bills.

## **FREQUENTLY ASKED QUESTIONS ABOUT INSURANCE**

### **WHAT IS LIABILITY INSURANCE?**

For CSRDS we need insurance to prove to a hall that we are solvent and in case we damage the hall. The hall wants to know that it can get \$\$\$ from our insurance policy.

### **DOES CSRDS INSURANCE PROTECT ME IN THE USA?**

Yes, BUT actions brought against our members must be brought in a Canadian court.

### **ARE NEW DANCERS INSURED BY THE POLICY?**

Not if they are not registered and have not paid the requisite fees. In order to be insured you have to have paid for insurance and obtained a membership number.

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### **Information on protecting the hall you use**

What can and should be done by dancers and those organizing a dance?

- Dancers: Carry your soft-soled dancing shoes into the dance and put them on inside;
- Do not wear your dancing shoes outside - they can get sand & stones imbedded in them;
- Dance Organizers: Be sure your club or group has a copy of the Society Certificate of Insurance. Publicize all dance events indicating that soft-soled shoes are required and that footwear worn outside is not allowed on dance floors.
- Arrange for floor mats outside halls to help gather sand from hallways before dancers enter halls. These also help prevent the floor wax from the hall being tracked around the rest of the facility (perhaps reducing cleaning costs).
- Arrange to have brooms/mops and dust pans available for your use from the hall owner; Sweep the floors before dancing to remove any sand and debris left by those using the facility before your event. Sweep the floor during the dance, if the sound of grit and dirt is noticed while dancing.
- Check that all dancers are wearing the proper footwear on the dance floor and ask those not complying to make changes or leave the facility. Some clubs have large size woollen work socks to cover shoes that are in doubt and help clean up the facilities after dancing, especially sweeping the floors. This provides a chance to check that the floors are the same as when you came in.
- Cloggers should make sure the building owner/manager knows that their shoes have taps on them as certain floors are more susceptible to damage from taps. If the owner/manager does O.K. your usage of the facility, get it in writing. Check taps daily for loose nails & sharp edges.

If requested, make the school or other facility aware of your insurance coverage; and if necessary show them a copy of the Certificate; show and tell the facility owners about the dance shoe requirements in the ads; show facility owners the kinds of footwear that are worn.

**No Street Shoes Please:**

Carry Your Dancing Shoes in to the Dance Schools and owners of various facilities are becoming increasingly concerned about scratches and damage to wood and other floors of their gyms and other rooms from such activities as square and round dancing. This is now more than preventing black scuffmarks on the floor. Repairs and refinishing of floors are expensive. Footwear worn outside will have sand and stones, and in the winter, salt, imbedded in the soles that will mark and scratch a floor in no time. Yes, even running shoes worn outside can have stones and sand imbedded in them that will mark floors! Failure to take proper action and prevent damage to floors can result in claims for damage repairs and lawsuits. These repairs, lawsuits and legal costs can be very expensive and can result in increased insurance costs.

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Happy dancing on shiny scratch-free floors with satisfied hall owners!

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**Disclaimer:**

This information is intended only as a guide for dancers and club executives to help provide information regarding third party liability insurance. The information was considered correct at the time of publication. This information is made available by the CSRDS to members and other interested parties on the clear understanding that neither the Society, its Board of Directors, or its staff can be held responsible for the consequences arising from the use of this information.

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