## 2023 OAAS Convention: Risk Management

Lawsuits on the rise in Ontario





### Background: Why now?

Lawsuits have become commonplace in today's world, and more and more we're seeing larger awarded sums than ever before...

The rise of the personal injury legal firm in Ontario and the:

"No money down, and we only get paid when you get paid..."

30-35% is the normal lawyer comp.....and it is big business

HELP: Bill 118 in Ontario has amended to 60/10 days for ice/snow slip and falls.



#### "Everyone Must Pay...."

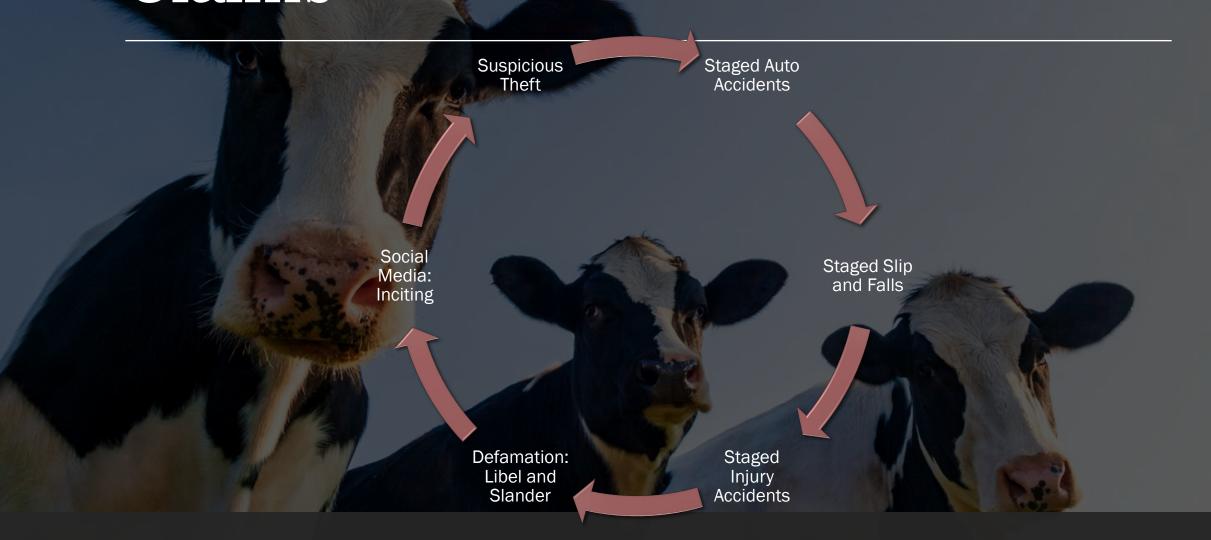
Current legislation places liability on all defendants, regardless of the degree to which they were responsible for a particular incident.

If one defendant is unable to pay, the other can be held wholly responsible for the settlement.

You can be 1 percent responsible yet paying 100 percent of the bill if the other party doesn't have the ability to pay

Insurance companies have lots of money....what does it matter? Remember your Brand.....

# The Rise of Fraud/Suspicious Claims



#### The Increasing Stats and Concern

#### COMMON SETTLEMENTS AND COMPENSATION AWARDED

Settlements are more common than jury-awarded compensation. In fact, 97% of cases do not go to trial and settle before their hearing date.

#### Ontario

| 2019: | Total Initiated New Cases | 207.656 |
|-------|---------------------------|---------|
|-------|---------------------------|---------|

Total Active Cases 419,750

2022 Coming out of the Pandemic ??????



## 2022 Ontario Fair Claims in Review

Number of Served Claims
32



#### What were they?

Slip and Falls

Vendors and 3<sup>rd</sup> Party Companies: Multiple (Midway, Contractors etc)

Rentals: Off Season accidents, by non-insured groups

Walking into tent poles

Jumping off bleachers...multiple

Suspicious disappearance of tools and contents and money

Defamation

Directors

Social Media: Copyright

Animals



#### Interesting

There were no:

**Alcohol Related Claims** 



#### E-Transfer Fraud

5 cases in 2022 non-Fair related.

Fake email sent to vendors and exhibitors requesting money.

Used previous online list and contacts

Best Practice: look at own domain name.

Manager@CanadaFair.ca President@CanadaFair.com

## What can we do to protect our Fair?

Strong Policy and Procedures, and a documented Risk Management Plan

Follow your Constitution and Bylaws.

1 Board Member is Media and Public spokesperson

Proper Financial Reporting and strong board meeting documentation

Daily Grounds Inspection reports and documented



What can we do to protect our Fair?

## Vendor and Rental Contracts: COI's, hold-harmless clause

**Hired Security** 

Volunteer and Director training: Accountability

Education sessions on our changing agricultural environment and legal environment

Camera's





## Risk management is a key and important thing...but

With increased risk management brings what we call the "liability chill."

Signage and Headlines around:

No Trespassing

Dogs must be on a leash.....or No Dogs

No Skating

these are a direct correlation to claims being received

# Remember: It Never goes Away









Everything you say

Everything you write

Every Action is on video

#### Seek Professional advice

Contracts, Waivers, registration forms:

The Internet is a great place but be careful...... Same as seeking medical advice

Work with your Board: it is full of professionals

Work with local professionals, City resources, OAAS, etc

Insurance Company

ASK for Help.....Don't make it up

#### QUESTIONS

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