

## Professional Liability Insurance

### *Policy:*

#### **Introduction**

Social workers, similar to many other professionals who work with the public, can make mistakes. When those mistakes happen, complaints and lawsuits may follow.

First and foremost, it is in the public interest for social workers to carry professional liability insurance. Professional liability insurance offers a source of financial protection for members of the public who may suffer injury or loss due to the conduct of a social worker in the performance of professional services.

It is also in a social worker's interest to carry professional liability insurance. Legal costs in the context of a civil lawsuit, as well as the cost of settlement and/or damages, can be devastating to a social worker without professional liability insurance.

The College is responsible for ensuring that there is a financial resource, independent of the social worker, to satisfy the costs of any damages that may be awarded against the social worker in court.

#### **Social workers employed by an agency or employer**

All social workers practicing in Nova Scotia, including those employed by an agency or employer, must have some form of professional liability coverage.

Many agencies and employers carry professional liability insurance or have policies regarding liability on behalf of their employees. It is important for social workers to understand any limitations of their employer's or agency's policies. Social workers should question the limitations of their employer's or agency's coverage to ensure it is adequate.

Professional liability policies obtained by some agencies and employers may only protect the agency's or employer's interests. Further, when a claim or complaint arises, the agency or employer may be in a position to decide whether its coverage will extend to the individual social worker involved.

Accordingly, the College recommends that social workers covered by their agency's or employer's professional liability insurance consider carrying independent professional liability insurance in addition to any employer or agency policy.

If the agency or employer does not provide coverage, the social worker **must** obtain a minimum of \$2,000,000 in professional liability insurance.

## Social workers in private practice

Registered Social Workers who engage in private practice of social work **must** maintain a minimum of \$2,000,000 in professional liability insurance.

Private practice is jointly defined by section 5A of the [Social Workers Act](#) and the NSCSW Board of Examiners , and refers to provision of social work services by a person who is self-employed, i.e.:

- is solely responsible for the liability of their practice; and
- bills a client or client-affiliated organization for the provision of those services.

### Procedure

1. Social Worker Candidates and Registered Social Workers are required to read the above Professional Liability Insurance policy.
2. Social Worker Candidates and Registered Social Workers engaged in the private practice of social work shall maintain a minimum of \$2,000,000 of professional liability insurance.
3. Social Worker Candidates and Registered Social Workers employed by an agency or employer shall confirm that their agency or employer maintains adequate professional liability insurance.
4. Social Worker Candidates and Registered Social Workers employed by an agency or employer that does not provide professional liability insurance must maintain a minimum of \$2,000,000 of independent professional liability insurance.
5. Upon application for and renewal of registration with NSCSW, Social Worker Candidates and Registered Social Workers shall:
  - a. declare one of the following:
    - i. I have read the College's policy regarding professional liability insurance and maintain independent professional liability insurance;
    - ii. I have read the College's policy regarding professional liability insurance and I am satisfied that my employer's or agency's policy provides adequate coverage; or
    - iii. I have read the College's policy regarding professional liability insurance and I maintain independent professional liability insurance in addition to my agency's or employer's policy; and

- b. provide proof of their professional liability insurance coverage if they are solely responsible for the liability of their practice.

