

Memorandum

To: Employment Ontario (EO) Transfer Payment Recipients

From: David Cronin, Director
Program Delivery Support Branch

Date: April 29, 2021

Subject: Submitting a Certificate of Insurance or Other Similar Proof to the
Ministry

Background

Employment Ontario Transfer Payment Agreements (TPAs) outline certain requirements in section A4.2 that must be met prior to flowing funds to Transfer Payment Recipients (TPRs). In any Employment Ontario TPA, i.e., signed between an organization and the Province of Ontario as represented by the Minister of Labour, Training and Skills Development, the first of these requirements is the submission of a Certificate of Insurance (COI) or other similar proof, as indicated in section A10.2.

In order to be accepted by the Ministry of Labour, Training and Skills Development (the “ministry”), a COI (or other similar proof) must contain the information outlined in section A10.1, as amended in Schedule “B”, of the TPA:

A10.1 Recipient’s Insurance. The Recipient represents, warrants and covenants that it has, and will maintain for the term of the Agreement, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, or if the Recipient is a school board, with the Ontario School Boards’ Insurance Exchange, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than two million dollars (\$2,000,000) per occurrence. The policy is to include the following:

- a. the Indemnified Parties as additional insureds with respect to liability arising

- in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- b. a cross-liability clause;
- c. contractual liability coverage; and
- d. a 30-day written notice of cancellation, termination or material change.

Action Required

As organizations enter into new TPAs with the ministry, and are currently seeking up-to-date COIs (or other similar proof) from their insurance providers, it is important to keep in mind a few key points regarding the document prior to submitting it to the ministry:

1. The “Ministry of Labour, Training and Skills Development” is the “Certificate Holder”
2. Confirm the correct “Certificate Holder” mailing address with your ministry representative, as this will vary by region.
3. The description of operations should include “Employment Ontario programs”. It is also acceptable to individually name the specific program(s) that you are delivering through the TPA.
4. The Commercial General Liability insurance policy effective and expiry dates should align with the period of the TPA, e.g., if the TPA is for a project that operates from April 1, 2021 through March 31, 2022, the policy should, at minimum, cover that exact same period.
5. As outlined in section A10.1, ensure that:
 - a. Commercial General liability insurance coverage, extensions and amounts of insurance outlined above are covered by your insurance policy and therefore reflected in the COI (or other similar proof), e.g., commercial general liability/occurrence, cross-liability, contractual liability, etc.;
 - b. Indemnified Parties are to be added to the certificate as Additional Insureds; specific language to read as: “Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, employees and authorized subcontractors”;
 - c. the document contains a 30-day written notice of cancellation provision.
6. The document should be signed or otherwise validated by an authorized insurance representative.

I trust that this additional information will help to expedite your efforts to obtain accurate proof of insurance for your Employment Ontario TPAs. If you have any outstanding questions on the matter, please contact your ministry representative.

Thank you,

David Cronin
Director

cc: Heather Cross, Western Region – Regional Director
Andrew Irvine, Northern Region – Regional Director
Tariq Ismati, Eastern Region – Regional Director
Laura Loveridge, Central Region – Regional Director