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# THIS AD HAS A TYPO IN IT. SHOULD WE MAKE THE WRITER PAY TO REPRINT THE ENTIRE MAGAZINE?

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Sounds a little extreme, doesn't it? Yet some of our own laws are just as unfair, and it's hurting business.

The problem is with our legal liability laws. The current system of "joint and several" liability means that a party found partially responsible for damages in a lawsuit can be forced to pay all the damages if no other party can pay their share. That's right, you can be found only one per cent responsible yet end up paying 100 per cent of the damages.

Joint and several liability is an issue because it drives litigants to name as many parties as possible to lawsuits, which increases costs and complexity. It makes the providers of business advice and services, financial professionals such as accountants, auditors and others, liable for unquantifiable risks if their client suffers a business reversal and is sued. It puts pressure on governments, which often are named as minor parties in lawsuits because plaintiffs are seeking out "deep pockets."

With all this liability risk, insurance costs are pressured upward and the increase is being passed on to the public. In some cases, risk avoidance drives companies to turn down business or, in the case of financial professionals, focus their efforts on the safest types of business.

Ontario is paying the price for having a liability regime that is completely inappropriate for business, resulting in both higher costs and a more risk-averse environment. Ultimately, that means lost opportunities, slower growth, constricted investment and fewer jobs.

By contrast, most neighbouring U.S. states (and many of our international trading partners) are moving to a system called "proportionate liability" where parties are responsible for their share of the loss – but nothing more. This puts Ontario businesses at a competitive disadvantage.

So let's fix our liability laws and give Ontario companies a chance to grow, and prosper, in Canada,

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