

SECTION TITLE	Activities and Events
POLICY TITLE	COVID-19 LIABILITY POLICY

POLICY STATEMENT:

The GWSA recognizes the importance of balancing civil liberties with public health and safety. Because we serve a population of vulnerable seniors, this policy has been developed to facilitate the operation of programs and activities while addressing the health and safety concerns of members.

PURPOSE:

To consider measures needed to address GWSA liability concerning COVID-19 as it relates to the provision of in-person GWSA activities and events.

OVERVIEW:

1. The reasons for this policy include: the age group of GWSA participants and this group’s inherent vulnerability to COVID-19; the limitations in coverage of the Board’s liability insurance; and, the Board’s due diligence regarding the known or unknown outcomes to members and the organization from exposure to COVID-19.
2. The Board may change these requirements from time to time as the situation evolves.
3. To provide for the safe operation of programs and services, the GWSA has considered whether a *COVID-19 Liability Waiver* should be required by participants of in-person activities.
4. The Board has decided not to require a COVID-19 Liability Waiver after considering legal interpretation of the *Supporting Ontario's Recovery Act, 2020*, which establishes a liability shield for those who act in good faith to follow COVID-19 guidelines.

The relevant section states:

2 (1): No cause of action arises against any person (note: "person" includes an individual, corporation or other entity) as a direct or indirect result of an individual being or potentially being infected with or exposed to coronavirus (COVID-19) on or after March 17, 2020 as a direct or indirect result of an act or omission of the person if,

(a) at the relevant time, the person acted or made a good faith effort (Note: “good faith effort” means an honest effort, whether or not that effort is reasonable) to act in accordance with,

- (i) public health guidance relating to coronavirus (COVID-19) that applied to the person
- (ii) any federal, provincial or municipal law relating to coronavirus (COVID-19) that applied to the person; and

(b) the act or omission of the person does not constitute gross negligence.

These protections do not apply with respect to acts or omissions of any person that,

- a) occurred while a law required the person’s operations to close, in whole or in part; and
- b) relate to an aspect of the person’s operations that was required to close under the law.

5. The Board decisions are based on the following legal interpretation:

The legislation essentially says that the Association can't be sued by a person who contracted COVID-19 while engaging in a group activity through the Association, provided the Association made a good faith attempt to follow relevant health and safety guidelines regarding COVID-19, the Association was not grossly negligent, and the Association was not operating when it was not supposed to operate.

The legislation is purposely broad and designed to provide significant protection from lawsuits against entities that attempted in good faith to follow applicable health and safety guidelines. Because guidance between different public health bodies is not always consistent, the liability protection applies regardless of any conflict or inconsistency in the public health guidance or laws applicable to the person. So, if there is a conflict between guidelines put forward by Wellington-Dufferin-Guelph Public Health and the City of Guelph for instance, as long as you can show you made an effort to follow guidelines from one of those entities, the Association will still be protected by this legislation in the event that someone contracts COVID-19 while engaging in Association activities.

6. The GWSA's General Commercial Liability Insurance policy remains in effect to cover situations that are not associated with COVID-19.
7. Changes to our requirements will be communicated through the GWSA website, *The Sentinel* newsletter, and the GWSA Email Updates.

PROCEDURES:

Responsibility	Action
M&M Committee: through GWSA Email Updates, webmaster, The Sentinel team	<ol style="list-style-type: none"> 1. Communicate this policy to members 2. Make recommendations for revisions to this policy as required.
Program Committee: through Activity Group Leaders; Special Events Committee	<ol style="list-style-type: none"> 1. Communicate understanding of this policy to members of their group. 2. Make reasonable efforts to accommodate individuals by continuing to provide access to virtual programming, or alternate forms. 3. Address any issues which may arise in accordance with GWSA policies.
Governance Committee	<ol style="list-style-type: none"> 1. Review this document in accordance with the Policy Development and Review Policy as required and recommend any changes. 2. Make other changes to this policy as required by the Board.
Board of Directors	<ol style="list-style-type: none"> 1. Request any changes to this policy as required. 2. Manage any concerns about this policy on a case-by-case basis.

Original Board Approval:
Governance Committee Approval:
Board Approval:

June 19, 2021
June 17, 2021
October 6, 2021