

FAQ from COVID-19 webinar with Steve Indig - March 2021

On March 9th, 2021, Bowls Canada sat down with Steve Indig LL.B. of the Sport Law and Strategy Group to discuss what logistics bowls clubs could anticipate with another pandemic impacted season on the horizon. We solicited questions from clubs across Canada and with the promise of a Canadian vaccination strategy and a season of successful protocol implementation already under our belts, it was not surprising that the majority of the questions centred around proactive risk management. A summary of the key learnings is shared below. If you are interested in viewing the full webinar, please click [here](#). You can learn more about Sport Law and Strategy Group at www.sportlaw.ca. For more lawn bowls Covid-19 resources, visit <https://bowlscanada.com/en/programs-resources/covid-19-resources/>.

Insurance

Q: Are we covered for COVID-19?

A: Not likely. Most insurance policies have an exclusion for contagious diseases (such as COVID-19). This is why waivers and forms are so crucial. Some provinces have passed legislation to minimize COVID-related claims to sport organizations; be sure to check with your local legislation. Your best defense is implementing approved protocols and policies that outline safety measures such as capacity limits, sanitation practices, screening and contact tracing to name just a few.

Q: Can we have non-members (i.e. Open Houses) this year?

A: Check with your provincial association, as well as your insurance provider. Each area of Canada is different and at different stages of re-opening. Regardless of which stage you are in, ensure that your insurance policy would cover drop-in participants, rentals, or whatever non-member group you are looking to cater to, and ensure the event is a sanctioned activity as per your policy. Bowls Canada is not recommending a return to group events such as Open Houses until Stage 4 of the Return to Play Protocol.

Vaccines & Masks

Vaccines: You can NOT mandate that participants be vaccinated, as this is a human rights concern and there is a need to allow for exceptions/exemptions. Further, you can NOT require that someone shares their vaccination history with you, as this is personal information that only needs to be shared with a medical health practitioner. You can encourage and promote vaccination and ask for participants to share the information voluntarily, but you cannot require it.

Masks: You can require that participants wear masks, however, you must allow for situations where individuals have conditions that require exceptions and exemptions. Look to your local regulations for guidance. For example, if your local region has a mask mandate for all

businesses, you should align with that legislation. In other words, it is reasonable to ask that everyone wear a mask while at your club, but if someone claims they need an exemption, you must allow for it.

Q: Can we ask if someone has been vaccinated?

A: No. That is personal medical information you can only ask if you are a health care/medical practitioner. You can ask if someone would like to share their vaccination status with you as an optional field, but you cannot require/mandate that participants share that information with you.

Q: Could a club hold events on different days for vaccinated and unvaccinated people?

A: This is not recommended as you can't mandate that someone be vaccinated, nor can you require that someone share their vaccination history with you.

Q: Can we require masks from rental users?

A: Yes, unless someone has an exemption. Remember: You're not supposed to ask why someone needs an exemption.

Waivers & Forms

Q: Where can we get waivers and forms?

A: BCB has template forms you can access from your Provincial Bowls Association. Please ensure that BCB and your Provincial Bowls Association are named in the waiver/form where appropriate.

Q: Can we deviate from BCB's RTP protocols?

A: Yes, if you are making them more stringent. If you are making them less stringent, then you are likely increasing your risk. BCB's RTP protocols are setting the standard; making your club's protocols less stringent than that is not recommended.

Q: How long do we need to keep records?

A: Forever if you can. With everything moving digital, keep the files as long as you possibly can. Consider scanning paper-forms to make them digital files, or have participants sign the waivers/forms online to begin with.

Q: Can participants sign documents digitally/online?

A: Yes. The ideal signing method is a distinctive signature (Adobe, SmartWaivers, etc.).

Q: Can we post the forms on our website?

A: Yes! Ideally you should give your participants plenty of time to read and understand the forms before they sign them. Whether you email them, post them on your website, or some other method, please ensure that participants are given adequate time to read and understand what they are expected to sign.

Q: How often should waivers be signed?

A: As often as you can, recognizing the administrative burden of doing so. At minimum, these should be done **annually**.

Q: Daily covid-free form - can we have multiple participants sign one generic form (as opposed to individual forms)?

A: Yes, provided it is clear that participants can read and understand what they are signing.

Q: Can minors sign waivers?

A: Minors can only sign contracts that benefit them; waiving away their rights is not a benefit. Therefore, minors cannot sign waivers, but their parents or guardians can sign an assumption of risk which outlines they are aware of the risks involved by participating in bowls.

Q: Visually impaired bowlers - how can we have them execute waivers/forms?

A: Making a form available online makes the form accessible through an online screen reader application. Similarly, having a sighted individual read the forms also provides accessibility for an individual with a visual impairment.

Q: If a person refuses to sign a waiver or form, can we refuse them playing time?

A: Yes. As a club, you should ensure you're clear on what steps/actions you will take should this arise, before it actually happens.

Q: Does each individual need to sign a waiver, or can one person sign on behalf of the rental group?

A: Each individual **MUST** complete the waivers. One person cannot waive the rights of a group of people; only YOU can sign away your right, not someone else on your behalf.

Have other questions? Contact office@bowlscanada.com