

Swimming Queensland COVID-19 Club Activity/Meet Guidelines

PURPOSE

The purpose of the SQ Club Activity/Meet Guidelines is to provide recommendations to assist SQ Clubs in the planning and organisation of activities such as Club Nights, Development, Transition and Preparation Meets in a COVID-19 environment.

IMPORTANT NOTES & RESPONSIBILITIES

Events are permissible when complying with the approved Swimming Pool & Aquatic Centre Industry
COVID Safe Plan Stage 3 and do not require additional approval. However, organisations should review and consider Key Public Health Principles and Event Specific Public Health Strategies set out in Return to Play Guide for Queensland Sport, Recreation and Fitness Industries and Industry Framework for Events.

This guide has been developed to capture the key details from the three above-mentioned documents and ensure our Clubs and Regions have all the required information to plan and run their activities and events in a COVID Safe environment.

It is the responsibility of the event organiser to be primarily responsible for staging a COVID-safe event with the key principles and public health strategies implemented and monitored. This is done by completing the Swimming Pool & Aquatic Centre Industry COVID Safe Plan Stage 3 and Statement of Compliance.

Venue owners/operators are responsible for ensuring that specific public health measures applicable to their venue are understood and implemented by event organisers operating in their venues. Certain venues may have other requirements to consider. For this reason, all planning and checklists should be done collaboratively with the venue.

Attendees have a level of responsibility for their own welfare, as well as that of others around them by following the instructions and restrictions in place when attending events. This includes providing contact details, assuring they are well and practicing good hygiene.

COVID Safe Plans and Checklists should be retained and made available if requested by relevant authorities including Local Council, Queensland Police Service and Queensland Health. Routine inspections of events may be conducted with both Queensland Health and Queensland Police Service able to issue on-the-spot infringements for individuals and organisations for non-compliance with Public Health Directions. Current fines are \$1,334.50 (individuals) and \$6,672.50 (organisations).

Appendix 1 outlines a checklist for resuming club activities when complying with the Swimming Pool & Aquatic Centre Industry COVID Safe Plan. This **is not** the checklist within the Industry Plan and should be completed in collaboration with the venue owner/operator where appropriate.

Appendix 2 shows two examples of an event site map.

Appendix 3 details how to calculate capacity for outdoor areas in keeping with physical distancing requirements of 1.5m.

Appendix 4 is an example of a Club/Team Manager role.

Appendix 5 is important information from our Insurance regarding COVID-19.



BACKGROUND

The sport, recreation and fitness industries have developed Industry COVID Safe Plans on behalf of their various industry segments. Industry plans developed by peak bodies allow for a cohesive and collaborative approach, so activity is able to return in a safe and controlled manner.

The approved Industry COVID Safe Plans are publicly available for all businesses and organisations within that industry to access (regardless of membership to an industry body). For our sport, the Swimming Pool & Aquatic Centre Industry COVID Safe Plan played an integral role in some venues/facilities resuming training under Stage 2 easing of restrictions (1 June, 2020).

Under Stage 3, our member organisations **must comply** with this plan in order for standard activity to be conducted. The industry has collaborated to eliminate any confusion and provide a seamless and consistent participation experience for all Queenslanders. This includes the following:

- Health and safety are at the forefront, and the industry will be vigilant with its hygiene and sanitisation measures.
- All people involved in the delivery of (i.e. coaches, officials and volunteers) and participation in
 the sport (i.e. participants, parents, carers and visitors) will be educated on the details and
 requirements of the plan specific to the activity/event. This may include email communication,
 social media, announcements, newsletters, signage, posters, use of physical barriers and
 markings to guide distance and movement.
- Scheduling and segmentation where appropriate, to ensure there is limited co-mingling between participation groups.
- Booking, registration or sign-in systems put in place to track and trace all attendees.
- Arriving and exiting venues/facilities may also be different to allow for safe and separate
 passages for entry and exit and general flow in and around the venue during the activity.

All of the above measures are to be explained clearly through visual cues and signage where possible.

KEY PRINCIPLES & STAGE 3 AMENDMENTS

Under Stage 3, all Industry Plans, including the Swimming Pool & Aquatic Centre Industry COVID Safe Plan, have been amended to reflect the following key principles:

- **Contact:** full contact is permitted on the field of play (the pool) in line with pre-COVID contact activities. At all other times, participants, coaches, officials, volunteers and spectators are to observe physical distancing requirements and undertake sound hygiene practices as detailed in the relevant approved Industry COVID Safe Plan.
- Facility capacity: the total number of people to attend an activity, training and competition at indoor venues is to be based on occupant density of one person per two square metres for venues of 200 square metres or less (up to a total of 50 people) and one person per four square metres for venues of 200 square metres or more. For outdoor venues, physical distancing off the field of play is required (see Appendix 3 for more guidance on calculating defined outdoor areas/spaces). Risks will be managed through mandatory record keeping, through group segmentation and buffer zones as appropriate. Individual organisations and facility managers will be responsible for implementing these requirements in line with the relevant approved Industry COVID Safe Plan.
- Facility usage: all elements of community sport, recreation and fitness facilities are accessible in line with relevant health guidelines and directives. This means facilities such as canteens, change rooms, bathrooms, storage rooms, bars will reopen and operating hours can also be amended. Industry Plans will detail how organisations will manage the use of ancillary facilities in relation to cleaning/sanitisation and flow of people within venues. All facility components will be operated in accordance with the relevant approved Industry COVID Safe Plan.

- Events: such as club nights, meets, championships, carnivals and other usual club
 activities can recommence. Organisations complying with an approved Industry COVID Safe
 Plan do not require additional approval outlined in the Industry Framework for Events or the
 Roadmap. However, organisations and providers should review and consider the Key Public
 Health Principles and Event Specific Public Health Strategies set out in the Industry Framework
 for Events.
- Industry COVID Safe Plans: all activity is to be conducted in accordance with relevant Industry COVID Safe Plans and Public Health Directives. This includes organisations detailing how all persons at the activity/facility will be tracked and traced, including spectators.

These principles are applied within the <u>Swimming Pool & Aquatic Centre Industry COVID Safe Stage 3</u> <u>Plan</u>, including the key points below.

Capacity and Numbers

- Indoor pools and areas 200 square metres or less: capacity limited to a maximum of 1 person per 2 square metres (up to 50 persons at a time).
- Indoor pools and areas more than 200 square metres: capacity limited to a maximum of 1 person per 4 square metres.
- Outdoor pools and areas: capacity to be based on physical distancing requirements (1.5m). As a guide, 1 person per 3 square metres of defined space will allow for this distance (see Appendix 3 for further explanation).
- Physical distancing while in the water is not required. However, group management is, i.e. lane allocation and group segmentation through record keeping.
- These capacity requirements include children accompanying parents as spectators, as well as any person attending the activity (i.e. officials, volunteers, coaches, participants etc.).

Venue with Multiple Pools/Spaces

- Increased emphasis on ensuring record keeping of who is where and when in a venue to allow for targeted contract tracing and to lessen numbers impacted in the event of a positive COVID case.
- Group separation to be considered as a risk management strategy to limit co-mingling.

Facility Communal Areas

 Use of communal showers and change rooms is permitted, however cleaning measures are to be consistent with Work Health and Safety's <u>COVID-19</u>: <u>Guide to Keeping your workplace safe,</u> <u>clean and healthy</u>.

In Venue Competitions/Events

- In venue competitions/events of aquatic sports e.g. swimming and water polo, can resume with the following restrictions:
 - o Capacity and numbers as outlined above.
 - Physical contact is permitted among participants on the field of play (the pool) and where it is part of the activity. The definition of the field of play extends to incorporate the use of change rooms by active participants, allowing their use without the occupant density requirements.
 - At all other times, physical distancing is required by all those involved with or attending the activity.
 - All attendees, staff and any contractors contact details must be recorded at the outset of every competition and be retained for at least 56 days.



Industry Plan Checklist Stage 3

• All elements of the Swimming Pool & Aquatic Centre Industry COVID Safe Plan Stage 2 Checklist are still in place, with changes to capacity and numbers as outlined already.

KEY DATES

Windows of opportunity during the amended short course season are:

- Clubs can resume competitive/social activities from 3 July, 2020, including Club Nights and Development Meets.
- Clubs within each Region may apply to host Transition and Preparation Meets during the period 15-30 August, 2020.
- Regional Short Course Championships (optional) between 29 August and 13 September, 2020.
- 2020 Speedo Short Course Preparation Meet 29-30 August, 2020, Sleeman Sports Complex.
- 2020 McDonald's Queensland Short Course Championships 25-27 September, 2020, Sleeman Sports Complex.

In relation to the long course season:

- 2020 Long Course Preparation Meet #1, 10-11 October, 2020, Sleeman Sports Complex
- 2020 McDonald's Queensland, Brisbane, Gold Coast, Wide Bay Open Water Swimming Championships, 17 October, 2020, Oz Ski Resort, Coolum.
- 2020 Medal Shots Long Course Preparation Meet #2, 14-15 November, 2020, Sleeman Sports Complex.
- 2020 McDonald's Queensland Championships, 12-18 December, 2020, Sleeman Sports Complex.

MEET APPROVAL PROCESS

The approval process for Development, Transition or Preparation meets is managed by Swimming Queensland's Regional Associations. If your Club wishes to host one of these meets and is able to do so, complying with the requirements set out in the Swimming Pool & Aquatic Centre Industry Plan, make sure you've read through the requirements for each meet in our Competition Policy for Regional and Club Meets and contact your Regional Association to enquire about hosting a meet.

After Regions have allocated their meets for the season, they will notify Swimming Queensland of all approved meets scheduled for their Region. These are then published in our <u>Events Calendar</u>.

While SQ is happy to assist and answer questions during the process, there is no requirement for Event Plans/Checklists, Statement of Compliance or contact details recorded during events, to be provided to SQ. The venue/facility may request to see these, or for you to demonstrate how you are complying with the Industry Plan; you will need to confirm this with your venue.

PLANNING YOUR ACTIVITY/EVENT

Before resuming activities, organisations must consider how to meet capacity, physical distancing and hygiene obligations and comply with the Swimming Pool & Aquatic Centre Industry COVID Safe Plan. This includes completion of the Checklist and Statement of Compliance within it. All activities will be reliant on the venue owner/operator being consulted, approving the use for your activity and will be a collaborative approach. Working with them when completing the Checklists will be important.

Physical Distancing and Calculating Capacity

Anyone intending on opening facilities or delivering activities must look to minimise the risk of spreading infection by implementing measures to protect any participants, spectators, and officials.

Under Stage 3, physical contact is permitted among participants on the field of play and where it is part of the activity. The definition of the field of play extends to incorporate the use of change rooms by active participants, allowing their use without the occupant density requirements. At all other times, physical distancing is required by all those involved with or attending the activity.

Event organisers should determine the total number of people allowed on site at any given time, and the number of people allowed within each discrete area of the site at any given time, as per the physical distancing requirements. A discrete area is a demarcated room or space within which the number of people can be managed. The number of people includes event staff, event attendees and all other persons on site. The venue owner/operator may have this information, so check with them first.

For example, to determine the event capacity:

- 1) Determining the total capacity of the event:
 - a) Determine the entire site size in metres squared.
 - b) Determine the size of the non-useable spaces in metres squared (such as space taken up by plant equipment, storage containers and other impenetrable structures).
 - c) Minus the non-usable area size from the entire site size.
 - d) Divide the useable area of the site by 4 when indoors (if outdoor area/space, divide by 3).
- 2) Determining the capacity of discrete areas:
 - a) Determine the size of the discrete area in metres squared.
 - b) Determine the size of non-useable spaces in metres squared (such as space taken up by plant equipment, storage containers and other impenetrable structures).
 - c) Minus the non-usable area size from the entire site size.
 - d) Divide the useable area of the site by 3 if outdoor, 4 if indoor and more than 200 square metres, and 2 if indoor and less than 200 sqm (up to 50 max).

Event Site Map

To ensure all attendees are aware of access points, designated areas and flow arrangements, you are required to develop a site map for your event/activity (contact the venue for assistance). This must be distributed to all attendees in the information sent prior, as a way of communicating the arrangements in place, particularly if it is different to previous events. Details on the map to consider including:

- Event boundaries if applicable.
- The total size of the site, the total useable area of the site, and the maximum number of people permitted on the site based on physical distancing requirements.
- Discrete areas of the site and the maximum number of people permitted in each discrete area (a demarcated room or space within which the number of people can be managed) based on physical distancing requirements.
- The location of hand washing stations, alcohol-based hand rub stations and cleaning stations.
- Expected queueing locations (e.g., at entrances, bathrooms, food outlets).
- Location of staff/volunteers monitoring behavior to ensure physical distancing is maintained.
- Arrows showing access and flow management.
- First aid posts and discrete isolation areas.

Contact details for tracing in sport

All participants, coaches/instructors, officials, sports medicine personnel, visitors, spectators, volunteers and event staff must provide their contact information for the purpose of contact tracing to organisations delivering the activities or providing a service. Details captured must include full name, email, phone number, date, time of entry, exit and which group/section/area they accessed.

The organisation must not use this information for any other purpose and must retain the information securely for a period of 56 days before deleting after this time. The information collected must be provided to public health officers if requested.



SQ will be utilising EVA Check-in, a paid service, for secure, contact-less contact tracing of our event attendees. We will also allow clubs and regions to utilise EVA Check-in through our subscription and will provide more information when available.

Alternatively, consider employing a ticketing system for registration (such systems are free for free events, e.g. www.trybooking.com, www.eventbrite.com.au).

Note, during an event, attendees may access facilities such as bathrooms and canteens at times. Because these are transient spaces and if utilised with physical distancing while queueing and adhering to relevant capacity limits, it is only the designated 'seating' area that is required to be captured. Clear communication to attendees around their movement in and around the event will help mitigate and manage risk of co-mingling.

Spectators

In order to minimise the total number of people at the venue, where possible and practicable, limit the parent/guardian attending to one per family group. For older athletes, drop, go, and collect at the end. At all times, consider the health and safety of your members and the public at large. Activities can resume, however, limit wherever possible the total number of people required to gather. The total number allowed will be determined by your venue capacity limits.

In order to comply and manage the COVID requirements, we strongly advise running a closed event, with a pre-allocation to clubs based on athlete numbers, for adult attendance. These adults (parents, carers) would fill the role of Club/Team Manager, to help supervise and support the athletes from their Club during the event, or may attend in a volunteer capacity to help with the general running (i.e. timekeeper, etc.). You may allow this role to be split across sessions/days of your meet between parents, so long as contact details are captured for tracing purposes (see Appendix 4). To best meet the COVID restrictions and capacity limits, BSA Preparation Meets on 15-16 August will be run as closed events with self-marshalling. Any questions on self-marshalling contact Peter Crane.

Depending on the capacity of the venue and ability to cater for required numbers, a ratio may be used to ensure equal passes are available to each club attending the event. You may offer these for no fee, or at a cost similar to what a spectator would otherwise pay. For example, noting you may need to adjust in order to adhere to your specific capacity limits:

1 to 5 swimmers in individual events	1 x Coach Pass	3 x Team Manager Passes
6 to 10 swimmers in individual events	1 x Coach Pass	4 x Team Manager Passes
11 to 20 swimmers in individual events	2 x Coach Passes	5 x Team Manager Passes
21 to 30 swimmers in individual events	2 x Coach Passes	6 x Team Manager Passes
31 to 40 swimmers in individual events	3 x Coach Passes	7 x Team Manager Passes
41 to 50 swimmers in individual events	3 x Coach Passes	8 x Team Manager Passes
51 to 60 swimmers in individual events	3 x Coach Passes	9 x Team Manager Passes
61 or more swimmers in individual events	3 x Coach Passes	10 x Team Manager Passes

Group Management

The emphasis in Stage 3 is on group management to limit co-mingling and to allow for targeted contact tracing with the least amount of impact to the event and community. Your ability to do this will come down to the facility you have access to and how much space there is. Following the capacity calculation and having an event site map will help to adhere to these measures. Communicating clearly to your attendees to ensure they know where they are seated during your event is important.

Failure to implement this will result in ALL attendees at your event requiring to undergo isolation for 14 days where a positive COVID case presents.



Appendix 1: COVID-Safe Plan Checklist (Activities)

This checklist can be used in collaboration with the venue owner/operator to help determine which items are in place already and who will be responsible for each. Please note, not all items will be relevant to all Clubs/Regions planning an event, however it is comprehensive to ensure all measures have been considered and implemented to run a COVID Safe Event. Use this in conjunction with the Swimming Pool & Aquatic Centre Industry COVID Safe Plan Checklist.

Checklist for organisations to follow in operating under the Industry Plan
□ Check the Queensland Government's COVID-19 website to view the Swimming Pool & Aquatic Centre COVID Safe Plan. Otherwise, abide by the specific restrictions outlined in the roadmap regarding the number of people, the type of activity, travel allowed and approvals required.
Check with your State Level Organisation if there is further information or guidance material applicable to your activity for both training and competition (i.e. the SQ Club Activity Guide).
Check with your venue/facility on any procedures and requirements applicable for the return of activity. This may include approval of proposed dates and determining which aspects of the Industry Plan they will assist with and which you will be responsible for.
□ Update any Risk Management processes in line with the approved Industry Plan and ensure records are kept up to date.
Review and consider all points within Checklist Item 1 of the Swimming Pool & Aquatic Centre Industry COVID Safe Plan (p.9)
Workforce and training
Consult with workers/volunteers on COVID-19 measures and provide adequate information and education, including changes to tasks and practices and appropriate cleaning and disinfection practices.
Ensure key workers/volunteers involved in running the activity (i.e. key event organisers or committee members) have completed any required training – https://www.aqia.org.au/covidsafety/ is a good option for sport.
☐Modify processes to limit workers/volunteers having to be in close contact, as much as possible. For example: assign workers/volunteers to specific areas to minimise the need to go into other spaces.
Established sports medicine/first aid protocols that limit exposure (use defined space/room)
Review and consider all points within Checklist Item 2 and 3 of the Swimming Pool & Aquatic Centre Industry COVID Safe Plan (p.9 & 10)



Communication
□Update or develop communications plan with existing channels such as email, text message, and social media to share timely and accurate information with internal and external stakeholder groups.
Ensure staff and volunteers (coaches, officials, volunteers) have been informed and trained about the conditions/restrictions of re-starting the activity. Through email, provision of maps, instructions etc.
☐ Ensure participants, spectators, parents and carers have been informed about the conditions restrictions of re-starting the activity, for example: • change of activities (group sizes, etc.) • changes of venue/facility practices (handwashing, equipment access, allocated areas, access).
Ensure everyone within your organisation (including paid staff and volunteers) understands their role.
Nominate a key person (e.g. event organiser/committee member) to act as a COVID Safety Coordinator to oversee delivery of your return to activity plan.
Legal and compliance
■Ensure your organisation is across all relevant legislation and requirements applicable to return to activity.
■Ensure any necessary consents and approvals to resume sport have been received (i.e. venue approval, meet approval process)
Ensure completion of a COVID-19 Safety Plan (Swimming Pool & Aquatic Centre Industry COVID Safe Plan), including appropriate Checklists and Statement of Compliance. Your venue may require you to provide this prior to your event.
Physical distancing
Review and consider all points within Checklist Item 4 of the Swimming Pool & Aquatic Centre Industry COVID Safe Plan (p.11)



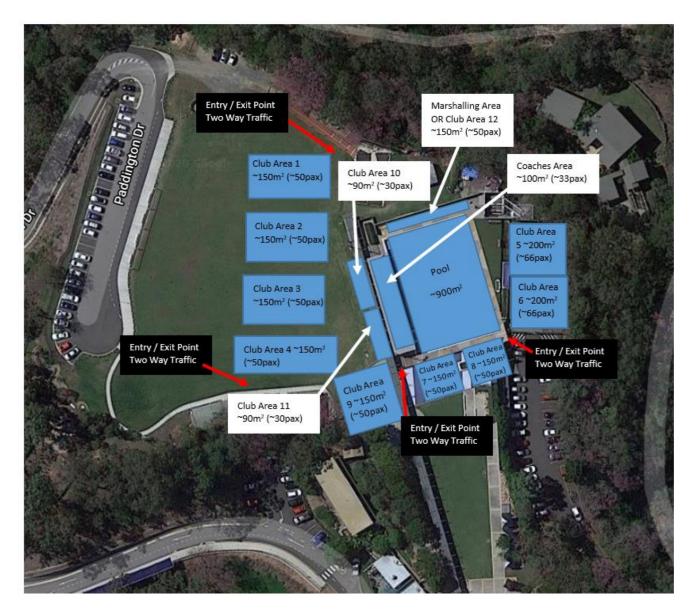
Keeping people healthy □Promote and encourage all participants, volunteers, spectators, workers and visitors to sign up to the COVID Safe App. ☐Maintain a record of people in attendance for the activity – including all spectators, for a period of at least 56 days so you have accurate records in the event of an outbreak. The venue may require this information for their contact tracing responsibilities to be met (Checklist Item 5 of Swimming Pool & Aquatic Centre Industry COVID Safe Plan, p.11). A system is in place to record, store and if required share data (subject to privacy law). □ Avoid changing participants between groups to limit co-mingling. □ Promote BYO water bottle to limit water bubbler/tap use. Set up hand washing/sanitising stations and practices for participants to easily wash hands before and after (and during if required) their activity. Direct participants, volunteers, workers and visitors to stay at home if they are sick, and to go home if they become unwell. Know the protocols for notifying health authorities of issues or suspected COVID-19 cases (Checklist Item 8 of Swimming Pool & Aquatic Centre Industry COVID Safe Plan, p. 13) Hygiene and cleaning Review and consider all points within Checklist Item 6 of the Swimming Pool & Aquatic Centre Industry Plan (p.12) Instruct participants to practice good hygiene including no touching of eyes, nose or mouth and no spitting or clearing nasal/respiratory secretions on field of play or in other activity settings. Implement cleaning protocols for communal facilities and high touch points in conjunction with the venue owner/operator. Food and Beverage Services (Cafes, Canteens) Please complete and display the COVID-Safe Checklist for dining at Restaurants, Cafes, Pubs, Clubs, RSL clubs and Hotels. **Review and monitor** Review and consider all remaining Checklist Items within the Swimming Pool & Aquatic Centre Industry Plan, noting the importance of collaboration with the venue owner/operator to help determine responsibilities to ensure compliance is met.

Regularly review your systems of operation to ensure they are consistent with current directions and advice provided by health authorities (Checklist Item 9 of Swimming Pool & Aquatic Centre

Industry COVID Safe Plan, p. 13)



Appendix 2: Event Site Map (Example 1)



This example shows:

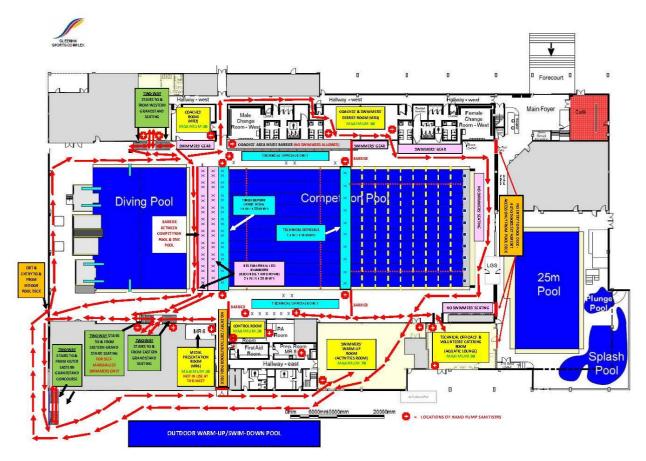
- Event boundaries if applicable
- The total size of the site, the total useable area of the site, and the maximum number of people permitted on the site based on physical distancing requirements.
- Discrete areas of the site and the maximum number of people permitted in each discrete area (a
 demarcated room or space within which the number of people can be managed) based on physical
 distancing requirements.
- Arrows showing access

Possible inclusions to be added by event organiser and/or venue:

- The location of hand washing stations, alcohol-based hand rub stations and cleaning stations.
- Expected queueing locations (e.g., at entrances, bathrooms, food outlets).
- Location of staff/volunteers monitoring behavior to ensure physical distancing is maintained.
- Arrows showing flow management.
- First aid posts and discrete isolation areas.



Appendix 2: Event Site Map (Example 2)



This example shows:

- Event boundaries if applicable
- The total size of the site, the total useable area of the site, and the maximum number of people permitted on the site based on physical distancing requirements. (N/A, transient space with discrete areas noted including capacities).
- Discrete areas of the site and the maximum number of people permitted in each discrete area (a
 demarcated room or space within which the number of people can be managed) based on physical
 distancing requirements.
- Arrows showing access and flow management.
- The location of hand washing stations, alcohol-based hand rub stations and cleaning stations.
- First aid posts and discrete isolation areas.
- Expected queueing locations (e.g., at entrances, bathrooms, food outlets). (N/A for this level)

To be added by event organiser/venue:

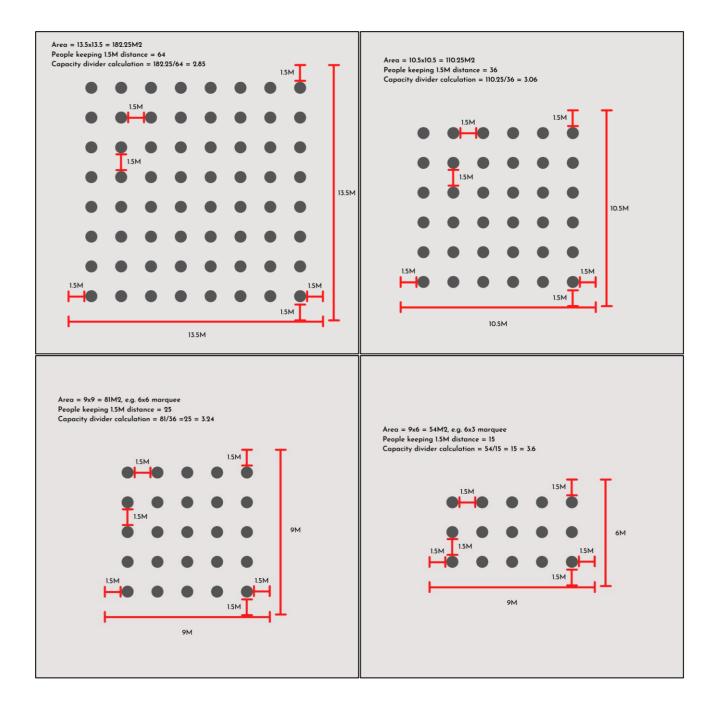
• Location of staff/volunteers monitoring behavior to ensure physical distancing is maintained.



Appendix 3: Calculating Capacity for Outdoor Areas

For outdoor pools and areas, the capacity is to be based on physical distancing requirements (1.5m). To ensure you have enough space to cater for all attendees, allowing them to follow these distancing requirements, you can estimate the capacity based on a calculation.

As seen below, the total area available will determine the calculation, with the larger areas resulting in a smaller divisible number. As a guide based on averages, 1 person per 3 square metres will allow for physical distancing, noting members from the same family/household are not required to be physically distant.





Appendix 4: Club/Team Manager Role (example)

Where venue capacity is restrictive, an option for managing spectator numbers, is to run a closed event, with a pre-allocation to clubs based on athlete numbers, for adult attendance. These adults (parents, carers) would fill the role of Club/Team Manager, to help supervise and support the athletes from their Club during the event. You may allow this role to be split across sessions/days of your meet between parents, so long as contact details are captured for tracing purposes.

A Club/Team Manager is responsible for:

- Assist in monitoring physical distancing and ensuring COVID measures are adhered to.
- Supporting the coach and liaising with matters relating to the athletes/team.
- Ensuring athletes know what, when and where they are sitting during the event, warming up, self-marshalling, racing, and warming down.
- Being a point of contact for drop-off and collection, if applicable.
- Having emergency contact details of all club members in attendance in case of emergency.
- Ensuring all welfare and safety requirements for the team are met.
- Supervising athletes under 18 years at all times. It is extremely important that all team managers are aware of relevant policies and practices including the event site map, venue access and flow.
- Committing to the time required to fill the role for the event, or ability to share this.

Key skills and attributes include:

- Strong interpersonal and oral communication skills including the ability to effectively liaise with athletes, coaches, officials, event staff and parents.
- Strong organisational skills.
- Sound knowledge of the COVID rules/regulations of the event.



Appendix 5: Information Regarding Insurance and COVID

For clarity around COVID-19 and insurance coverage in being an Affiliated Club and Financial Member of Swimming Queensland, the below response was received to the following question:

Does the insurance that Regions (and Financial Members) are covered by, include any COVID related claims and does it also provide for any personal liability for the executive committee of the Region/Club for any potential COVID related claims?

The **Public Liability/Professional Indemnity** policy may respond to pandemic events if the insured has been negligent in, or found legally liable for, failing to protect other persons/third parties from infection.

The term "legally liable" is very broad although it envisages civil liability rather than criminal liability. Legal liability can arise at common law or under statute or a contract with a third party. Most common law liabilities involve a negligent act or omission, that would need to be proved.

We consider the possibility of such liability to be fairly difficult to prove if insured act reasonably to safeguard persons for which they have a duty to protect. However, such coverage could be triggered if liability is legally present or established.

Our response to this would be as follows: there is no exclusion on the policy for COVID 19 related claims, therefore an insured would be covered if a claim were made against them for someone alleged contracting of COVID 19.

It's important to note the relevant conditions on the policy notably:

Condition 8.7

The Insured must:

8.7.1 Exercise reasonable care that only competent Workers and/or employees are employed and take reasonable measures to maintain all premises, fittings and plant in sound condition 8.7.2 Take reasonable precautions to:

<u>8.7.2.1</u> Prevent Injury and Damage

How this would look in reality would be that an insured firstly must be following the local Public Health Authority guidelines and if the can or cannot operate and the restrictions around the operation if allowed.

Secondly, the insured must be following guidelines and policies set out by the governing body/association etc.

To clarify, there is no exclusion around COVID 19 claims and therefore cover would be in place as per the normal terms and conditions of the policy.

The **Management Liability** policies does not contain an exclusions around Pandemics, but is unlikely to be a triggered with the current events.

The **Personal Accident insurance** policy provides cover for injury only, there is no sickness cover provided with this policy.

Should you need further clarification on this or if you would like us to discuss any further insurance related issues, please <u>reach out directly to Marsh</u>.