



## Swim Ontario Insurance Webinar Questions – May 11, 2021

Below is a list of questions that are addressed within the [webinar recording](#):

1. Moving forward, what is the projected implication of vaccination to potential claims in the event members choose not to be vaccinated)?
2. Would it be appropriate to recommend that vaccines are encouraged, but are not mandatory?
3. Is it reasonable (as most employers currently do) to ask staff to disclose vaccination status, emphasizing the goal of having information for safety protocols if required, and with the underlying assumption that these details are not disclosed unnecessarily?
4. If a swimmer does not follow our protocols, can we not allow them to train for the day?
5. As the vaccination program continues to roll out, is there any guidance for clubs on what to do if a coach, volunteer or member declines the vaccine and then becomes infected in any swim related event?
6. Will clubs be able to 'require' coaches to be vaccinated against COVID-19?
7. Information about travel for training camps for 2022/23?
8. Do you anticipate that the cost of insurance will increase substantially enough that clubs should plan accordingly when setting their 2021-2022 budgets?
9. What are the club liabilities to the swimmer and their family? Does the liability change if the swimmer choose not to get vaccinated?

**The following questions were not answered during the webinar:**

***Is it possible to share (confidentially and withholding identifying features) examples of insurance and or regulatory decisions which have impacted Clubs from a legal perspective for Club knowledge and "know better do better preparation"?***

A recurring issue that Swim Ontario encounters is when clubs, make decisions on participant participation that are not grounded in existing club policy, procedure. In the case of a discipline/code of conduct issues, a clear, fair and impartial process is required.

Swim Ontario has incidents where these types of club decisions end up coming to SO on appeal, or to the Human Rights Tribunal of Ontario. When this happens, it creates a messy situation for both club and SO.



From a regulatory view point, some clubs can find themselves in a situation with the CRA, when it has been determined that their coaches have been improperly identified as contractors, because they don't meet that test. If the CRA determines in fact these coaches are and have been employees, it can lead to audits, penalties, and back-payments of required remissions, etc., possibly creating a very large bill.

*Can you clarify the different responsibilities (or overlap) around COVID rules between our facilities and the club? Many of our club COVID protocols are actually dictated by our host facilities and we are understandably required to follow them as guests in the facility. So, for example, if a swimmer is asked to leave a facility for mask non-compliance by facility staff, what is the club's responsibility or liability? Or if a swimmer is denied entry to a facility after a COVID screening?*

There are a few important concepts here:

1. All clubs have a responsibility to follow facility rules. And it is within the facilities' jurisdiction to enforce those rules as they see fit, like asking a club or individual to leave for certain violations, etc.
2. All clubs also have a responsibility to follow their Return to Swimming Procedures as approved by Swim Ontario.
  - a. There is a section in the RTS plan that indicates a swimmer may face disciplinary action from the club for not following the RTS safety procedures.
3. As previously stated, a club has an important responsibility to have a fair and independent Complaint, Discipline and Appel procedure/process to enforce their Code of Conduct.