Hosting a Convention During a Pandemic: How to Keep Participants and Your Organization Safe

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Where Are We Now?

. COVID-19, Variants, and Fauci....

. Opinions...wait for it...differ!

. Battling COVID "fatigue"



. Future is Unknown

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Applicable Standards for your Organization:

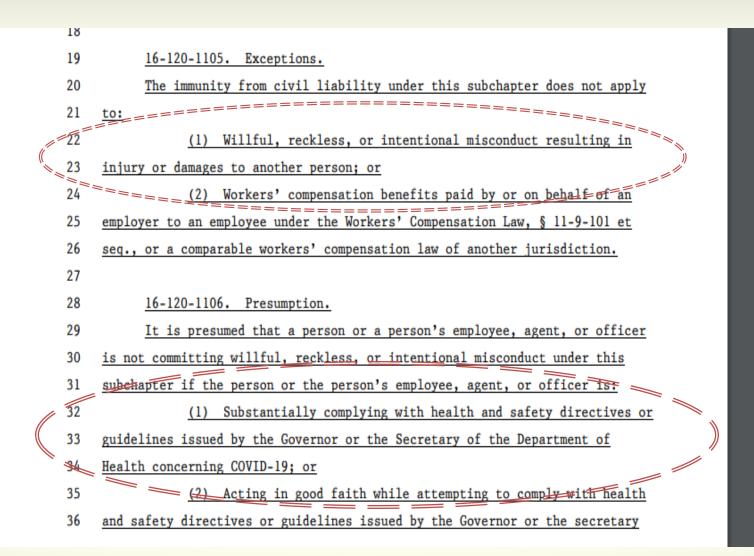
- 1) Negligence and Civil Immunity
- 2) Americans with Disabilities Act
- 3) OSHA
- 4) Contracts

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Arkansas Immunity Shield

5	16-120-1103. Liability immunity.
6	A person or a person's employee, agent, or officer is immune from civil
7	liability for damages or injuries caused by or resulting from exposure of an
8	individual to COVID-19 on business premises owned or operated by the person
9	or during a business activity managed by the person.
10	
11	<u>16-120-1104. Scope.</u>
12	The immunity from civil liability under this subchapter:
13	(1) Is in addition to any other immunity provided by state or
14	federal law; and
15	(2) Applies to a claim brought:
16	(A) In state or federal court; or
17	(B) Before the Arkansas State Claims Commission.
18	





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ADA – Title III Protections

Does the ADA apply to your Organization:

- Are you a "Private Club," or a place of "Public Accommodation?"
 - *If covered*, do you have any policy or obstacle that prohibits a person with a disability to have "full use and enjoyment" of the event and facilities? Masks, barriers, vaccine requirement, et.
 - *If so*, can you accommodate a person with a disability?
 - Would doing so result in an *Undue Burden* or *Direct Threat*?
 - If so, then no accommodation required.

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OSHAaaaaaaaaahhhhh!

- Your Organization is likely covered by OSHA!
- OSHA is part of the Department of Labor and oversees and enforces the Occupational Safety and Health Act of 1970 (the Act).
 - The Act defines "employer" and "persons" broadly to cover any entity or organization that has at least one employee, including non-profit organizations.
 - The Act applies to any "person engaged in a business affecting commerce who has employees."

CAUTION IF YOU THINK OSHA IS A SMALL TOWN IN WISCONSIN YOU'RE IN TROUBLE

VISIT: <u>https://www.osha.gov/coronavirus/safework</u> (Updated Aug. 13, 2021)

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Contracts & Waivers

- Contracts are binding legal documents.
 - READ THEM!
 - Force Majeure Clauses
- Use of Waivers/Assumption of Risk?
- Understand Insurance Coverage/Exclusions
- Communication Plan for Events/Signage

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Considerations for Your Next Event(s)

- Follow ADH Guidelines (Indoor Events) & CDC
- Virtual Option? ADA accessible...
- Insurance coverage?
- COVID-19 Prevention Policy?
- Guest *and* Employee protections?

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Questions?



Thank You!

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