

Post-Pandemic Risk Management Checklist for Churches and Charities

- ✓ ***Vaccination Policies and Passports*** are being considered by governments, businesses and not-for-profits for particular workplaces, services, programs and venues. Governments in Quebec, Manitoba, and BC have implemented various forms of vaccine passports for the public to access certain events and activities. On August 17, 2021, the Ontario government announced a directive mandating vaccination policies for certain high-risk health care and senior care settings, including hospitals, nursing homes and community care providers. The policies must require, at a minimum, proof of one of the following: vaccination, or medical exemption, or completion of a vaccine education session. It is also expected to announce the details of a vaccine certificate program requirement for designated high-risk indoor spaces in September.

Charities that offer similar programs, serve these communities or other identified high-risk individuals would be advised to take note of such policies as part of the contextual considerations each organization must evaluate to determine the appropriateness of implementing a vaccine policy.

With Respect to Employees

Vaccines were rapidly developed and approved by Health Canada on an emergency-use basis in March 2021. On August 23, 2021, the U.S. Food and Drug Administration granted full approval for the safety and efficacy of the first COVID-19 vaccine. This was based on robust and extensive clinical evidence. We can expect to see similar approval for other vaccines on both sides of the border in the weeks and months ahead.

This may prompt employers, particularly those operating in high-risk settings and programs, to consider implementing vaccination policies in their workplaces.

For some employers, government directives and orders require vaccination policies. In those cases, the employer must carefully review the requirements along with other applicable employment laws, human rights codes and privacy requirements in the drafting and implementation of the policy.

Employers who are not mandated to implement policies or require vaccinations may still consider whether such policies are appropriate for their workplace. Similar considerations will apply.

In either case, it is recommended that employers consult with a qualified lawyer to ensure that the appropriate balance between legal obligations (e.g. health and safety, duties of care, accommodations, privacy, etc.) is struck.

For employers who do mandate vaccination for employees but want to offer an alternative, some businesses and organizations are allowing non-vaccinated paid or volunteer workers the option of rapid test kits on days when they will be working on-premises or with others off-premises, whether at the employer's expense or the employee's.

With Respect to Members and Attendees

It is undeniably a challenge for houses of worship to strike the right balance between keeping members and guests safe, and respecting their rights, especially with such a wide variety of individual circumstances and opinions in any given congregation. It is also understandable that many church leaders may want to mandate the vaccine for all members even if their provincial government authority does not. While it might be within the authority of leaders or a congregational membership body to do so, it may not be feasible or enforceable.

Firstly, because vaccines for children under a certain age may not be recommended as of yet. Secondly, because a church or other faith charity wants the communities it serves to view the organization as open, inclusive, and welcoming, versus requiring them to show their vaccine card before being allowed entry, and having ushers and staff try to police the document's authenticity. And thirdly, because it may drive away long-time members with sincerely-held convictions related to their personal faith and freedoms.

In the event that proof of vaccination is not required from members and guests attending worship services, it will be even more important than ever for church leaders to responsibly and effectively communicate information regarding COVID-19 in a balanced way. From a legal and liability insurance coverage standpoint, it will be essential to follow government and public health agency orders with respect to maximum gathering sizes, social distancing, mask-wearing and sanitizing, including if there are additional waves of infections in the fall and winter months ahead. Likewise in the scriptural tradition of caring for the most vulnerable among us, there are many compassionate and practical options.

These include continuing to provide online worship services, bible study and fellowship activities even after the pandemic is over, conducting alternate vaccinated-only church services to allow confident re-engagement by reluctant congregants, and holding offsite in-person services officiated by vaccinated leaders to vulnerable populations in care facilities, retirement homes and other locations.

- ✓ **Cyber Risk** incidents affecting non-profit organizations are a trend that continued and accelerated during the pandemic, when organizations relied even more heavily on their IT infrastructure and remote lines of communication among management and employees.

While “denial of service” and “ransomware” attacks disrupting online operations have occurred in the charitable and non-profit sector, our experience as an insurance provider to over 7,500 churches and Christian charitable organizations across Canada indicates that the two largest cyber risks for charities, large and small, are currently privacy breach incidents, and social engineering claims.

A privacy breach is an incident involving the unauthorized or unlawful disclosure of identifiable personal information (most often sensitive financial, health, employment and screening data for clients, members, donors, volunteers, employees, etc.) that can result in economic or reputational harm to those individuals. It can also incur significant expenses on the part of the organization or corporation which held the information to comply with mandatory privacy law notification requirements to affected individuals, along with the potential for civil legal liability damages.

Social engineering is when bad actors either hack a legitimate email address or create one to pose as a legitimate email sender, with the goal of inducing employees or volunteers into disclosing sensitive information or directing them to transfer funds to a bogus third party, sometimes posing as a qualified donee or including an agent authorized outside the country purportedly carrying out the Canadian charity’s operations.

Neither type of incident, nor any cyber risk, is coverable under a standard property, business interruption, or crime insurance policy. Most standard policies contain an absolute exclusions for cyber claims. A few policies include a nominal “frill” coverage amount for cyber incidents, subject to exclusions and limitations.

Church and Charity Protection Plus, including the CCCG Group General Insurance Plan, offers a more generous standard coverage amount specifically for Privacy Breach Liability claims. However, it is generally necessary to obtain a separate stand-alone Cyber Insurance policy through a specialty insurance company or Lloyd’s syndicate to cover most insurable cyber risks, or to provide higher amounts of protection.

- ✓ ***Abuse Prevention*** will again become a focal point for children- and youth-serving organizations as in-person programs and events begin to resume or expand in the fall. Church and charity boards will need to ensure that their staff and volunteers are provided with adequate training or re-training for their Plan to Protect TM or other approved abuse prevention plan and that any necessary criminal record checks and re-checks are completed prior to resumption of Sunday schools, nurseries, boy's and girl's clubs, and youth groups.
- ✓ ***Proof of Liability Insurance from Outside Users or Rental Groups*** should be required as these groups become eligible again to commence their activities and events on your premises, a requirement even more important now when the potential negligence of a group in causing the transmission of a communicable disease can have serious legal and future insurance eligibility implications for your church as host and owner. Related to outside usage of your facilities is the importance of sanitary cleaning measures being provided between each outside group, including passing along the cost of extra janitorial work and cleaning supplies in the rental charge.
- ✓ ***Vacant Buildings*** are much more susceptible to claims, including vandalism, arson and water damage, as has been the case during pandemic lockdowns and may continue to be if building usage does not immediately return to pre-COVID levels. The lack of activity on-site can both invite claims and allow them to become much worse, including plumbing line ruptures that result in water leaking and accumulating for days, instead of minutes or hours.

Standard property insurance policies contain exclusions for buildings that are vacant for 30 days or more, meaning that a fire, vandalism, or water damage claim in such premises may be denied. Contact your insurance agent or broker to advise them of any vacant buildings to avoid an uninsured claim. If available, ask for a Vacancy Permit to qualify for full coverage if certain conditions are met, including checking the premises regularly and keeping the furnace fully operational during winter heating season, or closing and draining your plumbing system.

- ✓ ***Worldwide Travel and Operations*** and the organization's legal duty of care for personnel, sponsored missionaries and short-term mission trip participants involved in these activities in the post-pandemic world will become an even more critical and complex responsibility with the heightened threat of communicable, infectious, and tropical diseases, including new and emerging strains. It will further necessitate board members to be able to demonstrate due diligence in requiring informed consent and waivers, proof of comprehensive emergency travel medical insurance, checking with the Government of Canada for travel advisories and warnings, and ensuring the capabilities and resources are in place to evacuate personnel from unsafe locations and changing conditions.

✓ *Other Risks and Recommendations*

A recent ecumenical document published in the United States entitled “*Resuming Care-Filled Worship and Sacramental Life During a Pandemic*” included the following recommendations for church leaders and congregants, at least for the remainder of 2021,

- Each congregation should create a COVID-19 Task Force to oversee preparations, to develop and implement policies for adoption by church leaders, and to keep apprised of changing public health concerns, requirements and recommendations
- Refraining from hugs and handshakes, instead using a reverential bow, nod, or a smile even when indoor masking wearing is no longer required
- Avoid judging others for their beliefs and opinions on COVID-19, vaccination, etc., as long as they are not endangering the common good
- Due to the continuing risk of spreading aerosols (droplets of water suspended in air), have non-masked pastors and worship leaders stay at least 16 feet (5 meters) away from congregants, versus the standard minimum social distancing of 6 feet (two meters)
- Celebrate sacraments including Communion and Baptism by providing multiple hand sanitizer stations in the sanctuary for use by officiants and congregants
- Of note, CDC guidelines in the U.S.A. no longer recommend refraining from singing during worship, but many experts still urge caution and the need for minimum social distancing between unrelated individuals / family groups
- Church leaders should set examples in full sight of congregants, openly, encouragingly, and without apology, in modelling safe procedures agreed to by church leaders, including with respect to when masks are required, appropriate social distancing, and hand sanitizing

Insurers and risk managers specializing in providing protection and advice for churches and charities in both the USA and Canada have also provided additional tips and guidance in navigating reopening, including:

- Emphasizing outdoor gatherings and events, to the extent weather will permit
- Promoting smaller meeting sizes, whether by offering multiple services on a Sunday, or through home church groups within the congregation
- Establishing a group of screened and fully vaccinated volunteers to work safely with shut-ins, the elderly, and other vulnerable populations within their congregations and communities
- Continuing to expand online options for worship services and activities for congregants who are unable to participate in, or are concerned about, in-person activities

- Staying in contact with government and public health authorities, lawyers and liability insurance providers for updates regarding COVID-19 and safety best practices

We hope this checklist is helpful to you and your leaders as you look forward to gradually reopening or expanding services and programs in accordance with government and public health agency orders in the weeks and months ahead, and as you seek to continue to serve your congregations and communities demonstrating a testimony of light, hope, and care during these challenging times!

Disclaimer: The content in this checklist is for general information purposes only, for Canadian churches and charities. Check with your insurance provider for specific information regarding your insurance policy and the optional coverages available. Check with your corporate lawyer or the province(s) in which you operate for full the provisions of any applicable legislative legislation relief for COVID-19 transmission.



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