

#	OUC Online Communicable Disease Release FAQ&A
Q#01	Why do we all have to complete this Online Communicable Disease Liability Release and Assumption of Risk Agreement ("Release")?
A#01	Because a) our Insurer no longer covers us for any communicable disease lawsuits, b) the pandemic is not over yet, c) we still want to participate in activities, and d) none of us want to be sued
Q#02	How will my completing this Release prevent me from suing others, or others from suing me?
A#02	When you complete your Release, you are, among other things, waiving your right to sue others, and when others complete their Release, they are waiving their right to sue you.
Q#03	How much protection can a correctly executed Release provide?
A#03	A correctly executed Release <i>may</i> discourage someone from suing you and it <i>can</i> be your first line of defense if you are sued, however a Release cannot outright stop anyone from suing you.
Q#04	Where will all our completed online Releases be stored?
A#04	All completed Releases will be stored securely in the cloud.
Q#05	Who will administer / retrieve our Releases in the event they are needed?
A#05	Our OUC Administrator will administer the website, the Release form & the completed Releases, authenticate members' responses using their unique membership numbers, and retrieve archived copies of Releases in the event they are required for lawsuits. Member Organizations / Clubs will periodically view their own Releases and ensure that everyone has correctly completed their Releases before participating.
Q#06	How will the OUC Administrator know it was really ME that completed MY Release?
A#06	All OUC members have a unique OUC Membership Number that they and OUC's Administrator know. Members will be required to include that number in their Release and ONLY OUC's Administrator will use that number to authenticate the identity of the Release originator.
Q#07	Will I be provided a copy of my Release for my own records?
A#07	Yes, immediately after submitting your release, you will be emailed a confirmation copy to the address you provided (assuming you provided a valid email address)
Q#08	Is this Online Release legally valid and binding?
A#08	We believe we have met all the requirements for a legally valid and binding Online Release. If you are aware of a requirement that we have missed, please identify it to us and we will look into it immediately.
Q#09	When are we going to be insured for communicable disease lawsuits again?
A#09	No-one knows if or when Insurers are going to offer communicable disease coverage again and if they do, what premiums they would charge.

Q#10	What is the likelihood that someone participating in our activities might contract a communicable disease due to gross negligence on our part, suffer harm or death as a result, and then sue us?
A#10	None of us know what the collective likelihood is. Insurers however (whose entire business it is to know the actual collective likelihood), have decided to STOP insuring for communicable disease lawsuits, presumably because the likelihood is too high for them. The question then becomes “If the likelihood is too high for Insurers to accept, then is it also too high for me to accept?” P.S. As of June 30 th , 2021: - 1 out of every 27 Ontarians has been confirmed with COVID-19 - 1 out of every 1,581 Ontarians has died of COVID-19, and - the Ontario 7-day Average Daily New COVID-19 Case Rate is 268 Source: https://covid-19.ontario.ca/data
Q#11	How long will my Release be valid (good) for?
A#11	Your Release will be good until such time as you renew your membership and sign a new Release.
Q#12	What if I make a mistake on my Release?
A#12	Just fill it out again correctly and submit it again.
Q#13	Can I sign the Release on paper with ink instead?
A#13	Yes, however you will be responsible for printing a hard copy of the Release, filling it in and signing it, taking pictures of all pages, and emailing those to a) Your Club’s Membership Director AND b) admin@underwatercouncil.com 48 hours before participating in activities.
Q#14	What if I choose not to sign the Release?
A#14	If you choose not to sign the Release, then you will unfortunately not be able to participate in any in-person OUC (or OUC-Member Club) sanctioned activities.
Q#15	Can I complete my Release on my Mobile Device? My PC? My laptop? My Notebook? My Tablet?
A#15	You can complete your Release from ANY internet-connected device that allows you to input text.
Q#16	Who is responsible for knowing all the evolving and applicable Federal, Provincial, Regional, Municipal, and Other Public Health regulations, protocols, and guidances?
A#16	You (OUC, OUC Member Clubs, and OUC Members) are both individually and collectively responsible for knowing these.
Q#17	What if someone participates that has not completed their Release?
A#17	Two things will happen:

	<ul style="list-style-type: none"> - The entire event / activity and everyone participating in it will be automatically and retroactively UNSANCTIONED. - The party that did not sign the Release will be completely free to sue anyone and everybody else in the Club with a duty of care.
Q#18	If somebody successfully sued me for gross negligence in a communicable disease lawsuit, what might my exposure be in money and time?
A#18	Your exposure could be in the \$M range for damages plus in the \$KK or \$KKK range for legal costs (yours and possibly also the Plaintiff's), plus months or even years before the lawsuit is settled.
Q#19	I completed my Release with my valid email address but did not get my confirmation email.
A#19	<p>There are numerous reasons you might not have received your Release confirmation email, including but not limited to:</p> <ul style="list-style-type: none"> - your email account's incoming mail server may have tagged emails coming from Google Forms' outgoing mail server as "Spam" (in that case, check your spam folder for your Release confirmation email and mark it as "not spam") - you may have made an error in your email address (in that case, simply fill out the Release correctly and submit it again) - you may have exited the Release form before submitting it (in that case, simply fill out the Release correctly and submit it again) <p>The most important thing is that OUC received your Release and that your Club's designated Executive can confirm that it is correct and complete.</p>
Q#20	Are non-member, non-diving Registered Volunteers required to complete the Release, and if so, what should they enter into the "OUC Membership Number" field?
A#20	YES, Registered Volunteers are required to complete the Release prior to participating in any activities, and they should enter "88888888" into the "OUC Membership Number" field.
Q#21	Are non-member Guest Divers required to complete the Release, and if so, what should they enter in the "OUC Membership Number" field?
A#21	YES, non-member Guest Divers are required to complete the Release prior to participating in any activities, just as they are required to complete the Guest Diver Application Form and pay the Guest Diver fee. Guest Divers should initially enter "99999999" into the "OUC Membership Number" field, and then resubmit AFTER they receive their real Membership Number.
Q#22	Do attendees at Club Meetings need to complete this release? And do Club Meeting organizers need to submit the list of Club Meeting attendees to OUC 48 hours in advance for sanctioning?
A#22	If the Club Meeting is in-person (where the risk of transmitting communicable diseases exists) then the answer to both questions is "Yes". If the Club Meeting is virtual (Zoom, Meet, Teams, Webex, etc.) then the answer to both questions is "No".
Q#23	Won't Bill 218 protect us from being sued for COVID-19 related lawsuits?

A#23	Bill 218, (specifically “Supporting Ontario’s Recovery Act, 2020”) which the Ontario Legislature passed into law on November 20 th , 2020, only blocks negligence-based COVID-19 claims. It does not block gross-negligence-based claims.
Q#24	What’s the difference between negligence and gross negligence?
A#24	Supporting Ontario’s Recovery Act, 2020 does not define “gross negligence” or describe the differences between negligence and gross negligence. Future legal proceedings may well do so.
Q#25	How long will we have to complete these Releases for?
A#25	Until such time as: <ul style="list-style-type: none"> - Insurers decide to insure us again for communicable disease lawsuits, AND - we decide we can afford the premiums they will charge us
Q#26	How long after the occurrence (someone contracting a communicable disease due to gross negligence on the part of person/s with a duty of care) can someone (or their Estate) sue me?
A#26	<i>Generally speaking</i> , in Ontario, the statute of limitations for bringing a lawsuit to court is two years from the date of occurrence.
Q#27	Who can, and cannot be sued?
A#27	<i>Generally speaking</i> , any persons or entities with a legal duty of care can be named in a lawsuit. Persons or entities without a duty of care are not usually named.
Q#28	How do I know if I have a “duty of care”?
A#28	If you participate in activities only by yourself, then you only owe a duty of care to yourself. However, if you are: <ul style="list-style-type: none"> - a dive buddy, then you also owe a duty of care to your buddy - a rescue diver, then you also owe a duty of care to all those you are rescuing - a dive master, then you also owe a duty of care to all those you are dive mastering for - an instructor, then you also owe a duty of care to all your students and all your staff - a director of your club, then you also owe a duty of care to all your members - a director of an “umbrella” organization, then you also owe a duty of care to all your member clubs and their members
Q#29	Do non-member Discover Scuba Diving / Scuba Experience (“DSD”) participants have to complete the Release?
A#29	Absolutely yes, everyone participating in OUC Member Club activities must complete the Release before participating. Non-Member DSD participants must enter “77777777” into the OUC Membership Number field and must select the Club they are doing their DSD with from the “OUC Organizations you are a member of” field.
Q#30	How do I complete my Release if I am a Member of only one OUC Club, but plan on participating in other OUC Member Clubs?
A#30	In the “Select all OUC Organizations you are a member of, or are participating in activities with” field, place a check mark beside your Club, and then place a check mark beside every other member club you plan on participating in activities with.

Q#31	I completed my Release with my unique 8-digit OUC Membership Number from last year, and as a result, our request for OUC to sanction our activities was declined. Why?
A#31	All OUC Membership numbers expire at the end of every Membership year, so your OUC Membership numbers from previous years are no longer valid. To correctly complete your Release, you will need to input your OUC Membership Number for the CURRENT Membership year. If you do not know what your CURRENT year OUC Membership Number is, ask your Club's Membership Director and they will ask OUC to email it to you again.