



January 21, 2021

COVID-19 Update for Equestrians – Getting Through This – Together!

The COVID-19 pandemic continues to evolve. The following is based on information we have available at this time.

As we enter 2021, the industry is facing new challenges as Government and Health officials publish (ever) changing guidance surrounding COVID-19.

Because we are hearing questions again from our clients, we felt it was appropriate to send out an updated set of Q&As.

By now, you will know that neither CapriCMW Insurance Services Ltd. nor your Provincial/Territorial equine association have the authority to open, close or modify the operations of your business. The best we can do is offer insurance / risk management related information and refer you to local Government authority to get the most current details of what is “allowed” and what is “not allowed” in your area.

What we can also say is that insurers around the world have adjusted their wordings to exclude claims related to the spread of the COVID virus. As you move forward in your 2021 business planning, you should assume that you will not be insured if someone alleges they contracted the virus at your place of business or from you directly. From a risk management standpoint, this means establishing specific COVID protocols, determining whether or not engaging with clients at this time is a good idea and using robust risk forms that address the full scope of risk of receiving service from you (including the spread of communicable disease). As a courtesy, we have included a number of risk forms here that have been reviewed by lawyers (including forms suitable for a person under the age of majority).

Please read through the following Q & A. If you have any questions not addressed here, please let us know and we will be happy to respond.

For Commercial Equine Enterprise Operations, Clubs, Coaches, Trainers

1. If I establish acceptable protocols with the guidance of my local health authority, is my insurance coverage with CapriCMW in force?

Your insurance policy as administered by CapriCMW has not changed and has been in full force and effect throughout the COVID-19 pandemic. What continues to change is Government oversight restricting the movement of people and the operation of many business enterprises. In some areas of the country, Government officials are allowing activity but have made it very clear that return to activity comes with specific guidance and protocols to ensure everyone stays safe and healthy.

2. As an equine industry professional, I am aware of the evolving risks associated with COVID-19. Should I get my clients to sign new acknowledgement of risk forms that address this?

The short answer is “yes”. The best forms are those that address the general risks associated with equine activity and note that there is a possibility of disease being present at the farm, horse show, lesson etc. Just remember



that the use of such forms is not a guarantee that a claim will not be brought against you. These forms are only one of many components in an effective risk management strategy. Our example forms are as follows:

a. *Acknowledgement of Risk form*

A form that should be familiar to most readers that speaks to general bodily injury/property damage risks associated with equine related activity. This form is updated to include reference to “disease” and “communicable disease”. There is a form for [persons over the age of majority](#) and a separate form for those [under the age of majority](#).

b. *Daily Attestation Form*

The general guidance on the use of this form is that it be signed EACH TIME a client is receiving service from you or attends at your place of business. Having a daily form helps to show the courts that you are undertaking a regular pattern of risk management for the benefit of your client if a claim were to emerge later.

c. *Facility Form*

This form is useful for boarding places and facilities where clients may attend on a regular basis. This is not a daily form.

d. *Specific Event Form*

As the name implies, this form would take the place of the Facility form if you were to run a “one of” event (show, clinic etc.)

3. Can these forms be signed electronically?

From an insurance perspective, “e-signatures” are increasingly acceptable but suggest that you refer to your legal counsel in this regard to discuss the implication if you were sued.

4. How long do I need to keep these forms?

The forms need to be stored for several years. We suggest again that you refer to your legal counsel for their advice.

5. Are insurers going to cover claims arising from COVID-19 allegations brought against my business or me?

Insurers are now issuing specific exclusions surrounding bodily injury claims arising from COVID 19. This is an understandable position given the magnitude of this global pandemic. In the mid-term (a few years from now perhaps when a vaccine is truly in wide use), insurers may come back to the table as they have in the past when other world-wide calamities strike. As you engage in activity with your customers, you should assume there would be no coverage for COVID claims so that your risk management and mitigation plans are robust.



6. I understand I am not covered for COVID claims, but is the rest of my policy still valid?

The policy is in full force and effect for all insured risks as detailed on documentation issued... as long as you are not breaking the law.

Your Provincial and National Equine Sport Organizations continue to offer assistance to the community by offering general best practice guidance that considers the overall health and welfare of everyone involved – including the horse. Please visit your Provincial Equine Association website for COVID resources.

If you are in doubt of whether you are operating your business in compliance with Government regulations, you should consult local authorities. Many regions have set up toll free hot lines for businesses to answer questions specific to COVID. If you can find such a resource in for your region - use it.

If you have any further questions, we are here to help. Contact us by email for any COVID related questions at equine@capricmw.ca

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael King'.

Michael King, Partner

CapriCMW Insurance