

Church Mutual Webinar
Legal Liability and Practical Tips for Reopening the Church

Legal Liability

1. **What are the laws relevant to the church re-opening?**
 - A. State and local public health laws must be followed. The CDC can recommend requirements, but the state and local laws govern the church gathering. (For example, CDC may recommend face masks, but this is not a requirement unless the state government has mandated this-in Virginia, our current operating phase is #2 which requires the wearing of face masks in public).
 - B. OSHA and Workers Comp Law also must be followed. With OSHA, if there is a breakout of the virus among employees of the church, then reporting to OSHA is required. Workers Comp may be applicable if an employee becomes ill with the virus and the church was not taking the safety precautions outlined by the state and local laws.
 - C. Personal Injury (Tort law) will probably be the most used for liability claims against a church. The standard of practicing reasonable care will be applied to these claims. In recent cases, the CDC guidelines, while not law, have been used as the prudent, reasonable care practices.
2. **What are the consequences for failure to adhere to laws?**
 - A. There is **the potential of loss of insurance coverage**, if the state and local health laws are not followed (if the gathering did not follow the current Phase guidelines).
 - B. There can be immediate shutdown of the church, along with penalties and fines. Also, the potential for medical bills, compensatory damages, etc.
3. **How can risk and liability be minimized?**
 - A. Establish a formal safety plan and protocols to protect your employees.
 - B. Take reasonable precautions to protect the health and safety of attendees
 - C. Consider additional safety measures as outlined by the CDC including:
 1. Use of face masks-and procedure to be followed if attendee refuses to wear a mask. The best advice from the webinar was the phrase “face masks protect the vulnerable and least among us”.
 2. Minimize the community sharing of worship materials.
 3. Promote social distancing.
 - D. Outside groups using the church facility **must** follow the same level of care that is used with worship services (i.e. cleaning of surfaces after use, wearing of face masks).

Practical Tips for Opening your Church

1. **Remember the two “D’s”-Distance and Disinfection**
 - A. **Distance**-Six feet (or 113 square feet) per person/family unit.
 - B. **Disinfection**- Disinfection is the killing of the virus on surfaces.
 1. The Coronavirus can live on a surface for 7 days.
 2. Disinfectants need 2-10 minutes of contact on the surface to adequately disinfect. This contact time is extremely important, and time between services for cleaning may need to be adjusted to allow the disinfectant to work.
 3. Spaces with no human activity for 7 days do not require disinfection (but the area may need to be cleaned).
 4. Remove all soft surfaces possible (such as cushions, cloth) as these surfaces are harder to clean. For cloth seats, steam is the recommended cleaning method (with a temperature of 212 degrees fahrenheit).
 5. Restroom usage limited to one person/family unit at a time.
2. **Communicate the requirements to attend service.**
 - A. Need to make a reservation.
 - B. Required to sit where the ushers indicate (it may not be your “normal” seat!).
 - C. Need for a face mask (and will there be a supply if an attendee needs one).
 - D. Signage at all doors regarding the policies in effect.
 - E. Need for leaving the worship area back to front (and use as many exit doors as possible)-Exit doors should be propped open to avoid touching door handles!
 - F. Communication and flexibility as services continue (there may need to be adjustments to procedure as the church finds out what works and what needs improvement).

Watch the webinar at <https://coronavirus.churchmutual.com/resource/webinar-safely-returning-to-worship/>.