

This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

All Together Now: Practical Tips to Reduce Your Legal Risk For In-Person Events

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It's been a very tough year for holding live meetings and events. While many employers and businesses continue to offer virtual options, in-person events have already begun to return, and we expect that trend will continue over the next several months. As your organization contemplates how and when to recommence in-person gatherings, we offer a few practical tips to mitigate your legal risks associated with holding live events. The tips provided here are limited to events held in Georgia – for events held elsewhere, you should seek legal advice from a licensed attorney in that state.

1. **Seek the Protection of Georgia's Limitation of Liability Statute:** In 2020, Georgia passed the Georgia COVID-19 Pandemic Business Safety Act (GCPBSA), which helps protect businesses from liability associated with COVID-19 infections. That law has been extended to apply for actions through July 14, 2022 and requires a notice to participants that they are assuming the risk of COVID-19 by participating on site. While GCPBSA cannot eliminate all potential liability, it is the first and most practical step that should be taken for any in-person event.

If your event does not require a paid ticket, you should post the following signage at any entrances in at least 1" Arial font:

Warning: Under Georgia law, there is no liability for an injury or death of an individual entering these premises if such injury or death results from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises.

If your event requires a paid ticket, you should include the following on the event receipt in at least size 10 Arial font:

Any person entering the premises waives all civil liability against this premises owner and operator for any injuries caused by the inherent risk associated with contracting COVID-19 at public gatherings, except for gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm, by the individual or entity of the premises.

2. **Clearly Communicate Safety Protocols:** When planning any event, you should be sure to check state and local public health guidance to ensure your event complies with any safety regulations in place such as event gathering size caps, social distancing and capacity limits, or mask requirements. Any public health requirements applicable to your event should be clearly specified in writing in any advertising or invitations, and you should include a notice that you reserve the right to update protocols to comply with health guidelines prior to the event.

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Continue to monitor public health guidelines prior to the event date and communicate any changes to attendees in advance. Signage clearly stating any health protocols should also be posted at the entrance and throughout the event to encourage compliance. As you design your event, you should also consider current public health guidance designed to limit infections, such as holding your event outside where practical, limiting crowding and increasing ventilation for indoor events.

If you are considering requiring proof of vaccination or a negative COVID test for admission, health privacy laws may apply, and you should seek legal advice to ensure your organization has protection in place to handle sensitive health information.

3. **Consider a Liability Waiver for Non-Employee Attendees:** For any event (during COVID or otherwise), we would recommend that you include a liability waiver and release prominently during registration or ticket purchase and require attendees to complete it. Specific language of the waiver will vary based on the type of event planned, but it should generally waive liability of your organization from any personal injury or property damage liability associated with event participation and note that the attendee assumes the risk of COVID infection. If your event will include photography of participants, you may also consider including a publicity release for attendees. An attorney can assist in reviewing your waiver.
4. **Build In Flexibility in Vendor Contracts:** When reviewing vendor agreements such as caterer or facility agreements, consider requesting and negotiating flexibility to cancel or reschedule the event for a future date if health protocols would prevent holding the event as originally planned (for example, if capacity limits or gathering sizes are capped). While it may not always be possible to cancel an event without a charge close to the date since your vendors may also have up-front costs in managing your event, we recommend addressing this possibility when reviewing your contracts for the foreseeable future.

Be aware that there are additional liability considerations applicable to employees and independent contractors who will be attending and staffing your events.

5. **Continue to Comply with Workplace Safety Guidance:** You should remember (and remind your employees) that your existing COVID-19 workplace safety protocols apply to off-site work events. Employers have a general duty imposed by the Occupational Safety and Health Administration (OSHA) to maintain a safe workplace, which may include, among other things, following OSHA's [non-binding employer guidance](#), in addition to recommended applicable CDC and state and local department of public health guidance. You may consider requiring employees to acknowledge that they must comply with such COVID-19 policies at the event.
6. **Distinguish Independent Contractors:** Note that if you plan to use waivers, releases, assumption of the risk or acknowledgement forms with any independent contractors, those need to be

drafted carefully to avoid any implication of any employment relationship. Counsel can help you review and prepare forms specific to your staffing arrangements.

- 7. Seek Counsel Before Requiring Vaccinations and Testing of Employees:** As noted, issues surrounding vaccination and testing requirements are complex, and they become even more so in the employee context. This is particularly true given the Biden Administration's [announcement September 9, 2021](#) of forthcoming vaccination mandates that will be applicable to certain employers. While these considerations are outside the scope of this article, if you are interested in imposing such requirements, you should reach out to employment counsel for assistance.

In sum, when preparing to host an in-person event, there are multiple steps that nonprofits can take to help minimize liability risk, help participants and employees alike feel safe, and make sure the focus of the event is on the organization – and not on the COVID pandemic. If you have questions about the tips and suggestions raised above, please contact your PBPA attorney.