

COMMUNICABLE DISEASE WAIVER

IT IS UNDERSTOOD AND AGREED BY THE PARTICIPANT THAT 2761584 Ontario Inc, OPERATING AS "The Factory", IS IN NO WAY RESPONSIBLE IN ANY MANNER OR FORM FOR ANY COMMUNICABLE DISEASE CONTRACTED WHILE PARTICIPATING IN ANY PROGRAM REGISTERED FOR AND ATTENDING AT OUR FACILITY.

FOR THE PURPOSE OF FURTHER CLARITY, THIS APPLIES TO ANY "Bodily or mental injury", "property damage" or any other loss, cost or expense arising directly or indirectly, in whole or in part, out of the actual or alleged transmission of any "communicable disease" or which is any way related to the transmission of any "communicable disease" or any fear or threat of the spread of any "communicable disease".

This waiver applies even if the claims against **2761584 Ontario Inc, operating as "The Factory"**, allege negligence or other wrongdoing in any:

- (a) Employing, hiring, supervising, training or monitoring of any person (including, but not limited to, any "employee", "volunteer worker", contractor or others who are working under contract for or on behalf of any insured) that may be infected with and transmit any "communicable disease";
- (b) Testing for any "communicable disease";
- (c) Failure to perform services which were either recommended to, intended to or assumed to prevent any "communicable disease" or the transmission to others;
- (d) Procedures, or lack thereof, to manage any "communicable disease";
- (e) Failure to prevent, contain, eradicate or avert any "communicable disease"; or
- (f) Failure to report any "communicable disease" to authorities.

This waiver applies regardless of any other contributing or aggravating cause or event that contributes concurrently or in any sequence to the "bodily injury or mental injury", "property damage" or any other loss, cost or expense.

"Communicable disease" means any disease, virus or contagion, any derivative, mutation or variation of the disease, virus or contagion, including, but not limited to, that designated as such by any of the following:

- (1) a Federal, Provincial, Territorial or Municipal authority or agency;
- (2) a Minister of the Federal, Provincial or Territorial Crown;
- (3) a person occupying the position of Chief Medical Officer of Health (or similar position) of a Province, Territory or Municipality;
- (4) the World Health Organisation;

(5) the Center for Disease Control/Centre for Disease Control of a. Canada or any Canadian Province or Territory; b. the United Kingdom of Great Britain and Northern Ireland; or c. of the United States of America and any American State or Territory.

For purposes of greater clarity, “communicable disease” includes, but is not limited to, the following diseases, virus or contagion:

- i) Coronavirus disease (COVID-19);
- ii) Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- iii) Ebola;
- iv) Avian Influenza (Avian Bird Flu); and,
- v) Legionella (Legionnaire’s Disease).

Date: _____

Participant’s Name (please print): _____

Participant’s Signature: _____

If Participant is under 18 years of age:

Parent’s Name (please print): _____

Parent’s Signature: _____