

Waiver, Acknowledgment and Release Form to support CDHA members

CDHA strongly recommends that all dental hygienists stop providing dental hygiene services during the COVID-19 Pandemic. However, we understand that some dental hygienists are being pressured to continue to work and are concerned about losing their employment if they refuse to provide such services.

The Waiver, Acknowledgment and Release below has been created to support conversations with employers. Dental hygienists must continue to follow all provincial regulatory requirements and practice standards for the profession. The waiver does not, in any way, release a dental hygienist from obligatory professional responsibilities.

This waiver is provided as a template document. The CDHA does not guarantee that the Court will uphold its validity. If a dental hygienist chooses to rely upon it, they are doing so at their own risk. The CDHA cannot and will not be held responsible for any claims, loss or expense resulting from reliance on this waiver. Should the dental hygienist wish to use this waiver, the dental hygienist acknowledges that they can review it with their own independent legal counsel prior to doing using it.

Waiver, Acknowledgement and Release

Dentist (employer's) Name (*print name*) _____, Registration Number _____

Dental Hygienist Name (*print name*) _____, Registration Number _____

Clinic Name _____ Date _____

Whereas on March 11, 2020, the World Health Organization (**WHO**) declared the novel coronavirus (**COVID-19**) outbreak a "Pandemic" (**the COVID-19 Pandemic**). This Waiver, Acknowledgement and Release is prepared for use during the COVID-19 Pandemic and is effective until Public Health Agency of Canada (PHAC), in consultation with all relevant government and public health authorities, has declared the end of the pandemic and the provincial dental hygiene regulatory bodies have declared that it is safe to provide dental hygiene services.

It is the current strong recommendation that all non-essential and elective dental services should be suspended immediately.

Whereas provincial legislation across Canada requires employers to make the workplace safe for patients/clients and employees, this includes compliance with infection prevention and control guidelines released by PHAC, and the Government of Canada. Additional precautions must be taken to ensure workplace safety in alignment with COVID-19 requirements for health care workers working during the COVID-19 pandemic.

Whereas it is the employer's obligation to implement strict pre-screening protocols to mitigate the risk of inadvertently treating a client with COVID-19 and these pre-screening protocols should include the cancellation of all non-essential appointments. Pre-appointment telephone consultations are recommended to ensure that patients have not travelled outside of Canada, or been in contact with anyone who has travelled outside of Canada, within the last 14 days, have not been in contact with an individual who has tested positive for COVID-19 in the last 14 days, and are not exhibiting any signs of fever, coughing, runny nose, sore throat or other flu like symptoms.

Whereas community transmission is presently a significant risk, employers must monitor the PHAC and Government of Canada information to ensure that continuing to offer in-person treatment for its patients/clients is safe. It should be noted that where COVID-19 is present in the community, the employers should reduce the risk of community transmission by eliminating aerosols.

Whereas employees have the right to refuse to work on a reasonable standard in accordance with provincial public health and dental hygiene directives and applicable occupational health and safety legislation.

Whereas the current information pertaining to COVID-19 indicates that immunocompromised and elderly (over the age of 60) individuals are most at risk for serious consequences resulting from contracting COVID-19, including hospitalization and death. It is the employer's obligation to ensure that policies are in place to ensure that employees and clients/patients are not placed in a situation that unnecessarily compromises their health or wellbeing.

The Dentist states:

1. That I have read and understood this Waiver, Acknowledgement and Release and that I understand my obligations as an employer.

2. That I am monitoring the PHAC and Government of Canada information and ensuring that I am complying with all recommendations and guidelines during this pandemic.
3. That I confirm that I am following all of the applicable legislation, regulations and guidelines to ensure that I am creating a safe workplace for my employees, including dental hygienists, and for our clients/patients.
4. That I acknowledge that it is my responsibility to ensure the safety and wellbeing of my employees, clients and patients.
5. That I understand and accept that the Dental Hygienist assumes no responsibility or liability for my safety or security while her/she is expected to work at the Clinic during the COVID-19 Pandemic.
6. That I understand and accept that I assume full responsibility for the Dental Hygienist's safety and security while he or she is expected to work at the Clinic during the COVID-19 Pandemic, including liability for any claims, loss, injury, damages, economic loss and loss of income that may be sustained by the Dental Hygienists as a result of their working at the Clinic during the COVID-19 Pandemic including through the contraction of COVID-19.
7. That I understand that by executing this Waiver, Acknowledgment and Release, I am binding myself, the Clinic and its parent, subsidiaries, affiliates, insurers, and subcontractors, and each of their respective officers, directors and their successors and assigns.
8. That I agree and understand that I am hereby stopped from commencing or carrying on a litigation or legal claim against the Dental Hygienist for any injury, loss or damage that may be sustained as a result of the Dental Hygienists work during the COVID-19 Pandemic.
9. That I, for myself, my heirs, successors, executors and subrogates, hereby knowingly and intentionally agree to waive and release the Dental Hygienist for any and all claims, demands or actions for damages, loss or injuries that I might sustain or that any of the Clinic clients/patients might sustain during or as a result of the COVID-19 Pandemic.
10. That I agree to indemnify and hold harmless the Dental Hygienist and his/her insurer(s) for any and all claims, demands or actions for damages or injuries that might be sustained by a third party as a result of my conduct and as a result of my demand that the Dental Hygienist work during the COVID-19 Pandemic.
11. That I agree the Dental Hygienist will not suffer any present or future consequences in respect of his or her employment for refusing to provide dental hygiene services on reasonable grounds and or if the Dentist is in breach of this Waiver.
12. That I have had an opportunity to obtain Independent Legal Advice. I have either obtained Independent Legal Advice or have waived my right to do so.

Nothing in this Waiver, Acknowledgement and Release absolves the Dental Hygienist from complying with his/her regulatory obligations and relates solely to loss or injury associated with the COVID-19 Pandemic.

HAVE CAREFULLY READ, CLEARLY UNDERSTAND, AND VOLUNTARILY SIGN THIS WAIVER AND RELEASE AGREEMENT.

<hr/> (Print Dentist's Name & Registration #)	<hr/> (Dentist's Signature)	<hr/> Date
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<hr/> <i>(Dental Hygienist's Name & Registration #)</i>	<hr/> <i>(Dental Hygienist's Signature)</i>	<hr/> <i>Date</i>
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