

Megan:

It is 7:45 am as businesses reopen some are requiring employees and even customers to sign waivers potentially releasing the business from any liability related to Covid-19 but are they valid, these waivers? Attorney Charles Gilman, the managing partner with Gilman and Bedigian, joins us live via Skype. Good morning. Thanks for joining us.

Charles:

Thank you, Megan, and good morning.

Megan:

Well, when you are signing these waivers, are you signing away your right to sue.

Charles:

Yes and no. The answer is tricky. If you are signing a waiver to go to a nail salon, or gym, or even some of the political rallies, and the people organizing or running the gym or salon are doing everything they can that's reasonable, and they are taking all the right precautions, then you are probably not going to be able to sue them in Maryland if you have signed a waiver.

However, if you have signed a waiver and the nail salon technician or gym and somebody who is an employee fails to wear the protective equipment or fails to clean something and fails to warn you, then that's different. If you have signed the waiver and they do everything up to a reasonable person's standard you may be barred from suing them. Whoever just because you sign a waiver does not mean they can throw caution to the wind and behave any way they want. They will still be liable if they are negligent.

Megan:

What if you don't sign that waiver? Can businesses fire you or get rid of you? Is there any way to protect employees on that end?

Charles:

If any employee is asked to sign a waiver, most likely those types of waivers are going to be "contracts of adhesion," meaning that if an employer says to an employee, "you can't come back unless you sign this" and there are some unreasonable provisions in that waiver, it probably won't be upheld because the job market is tough right now and it's not like the employee has 100 different choices and say "I don't want to sign your waiver. I will quit and go find another job." They are going to be forced to decide between their job and an unreasonable waiver - and if the waiver is unreasonable, it probably is not going to be upheld.

Megan:

Alright Charles, looking at the other side of this, from the business perspective, what can they be doing to protect themselves from these lawsuits. You know there are always people looking to take advantage of situations, so is there anything that they can do to make sure they are not taken advantage of?

Charles:

They can have a waiver written out by a lawyer instead of one they have found on the Internet so that it's Maryland specific, it will help the Maryland business owner. But the business owner has to remember that just because all their employees and clients are

signing waivers, that doesn't mean they don't have to clean or disinfect or enforce the fact that people have to wear PPE and be careful.

Megan

And that's a huge part of it. Alright Charles Gilman, thanks for weighing in. We appreciate it.

Charles:

Thank you, Megan. Have a great day.