

# *RISK MANAGEMENT*

FOR  
RECREATIONS &  
AQUATIC FACILITIES

# Objectives

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1. The changing environment around the Risk associated with Recreation
2. Introduction to Risk Management
3. Review Risk Management best practices
4. Identify Common pitfalls in Risk Management
5. Staff engagement strategies in risk management

# Survey

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## Show of Hands

- How many people know of their recreations department being sued:
  - Within the Last Year?
  - Within the Last 3 Years?
  - Within the Last 10 Years?
- It is not a question of if, it will happen as opposed to when.

# Municipalities are seen as Easy Target

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Availability of Money

Joint and Several Liability

# Tolerance of Risk

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- In the past it was not socially acceptable for people to sue a community or public services
- Now it is considered fair game to sue City Hall.



# Introduction to Risk Management

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The term risk management generally describes management's responsibility for and efforts to –

PREVENT INJURIES TO PATRONS  
AND EMPLOYEES

PROTECT FACILITY ASSETS  
(FINANCIAL AND PHYSICAL)

MINIMIZE LEGAL LIABILITY

# The Legal Side of Risk Management

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- Duty or Care:
- Standard of Care

## Duty of Care

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By choosing to build recreation facilities and admitting people to use them we are assuming a Duty of Care

# Expected Standard of Care

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How is a Standard of Care for Recreation Facilities Determined?

- Legislated Standards
- Previous Incidents
- Industry Standards
- Policies and Procedures



## Determining Negligence

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A Person can be found negligent if:

1. The person has a duty of care
2. The person's actions or inactions were a breach of duty
3. The breach was the cause of harm
4. Damage or Harm to another resulted

# Liability

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Means legal responsibility for one's acts or omissions. Failure of a person to meet their responsibility leaves them open to a lawsuit for any resulting damages.



# Vicarious Liability:

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Means the employer of an employee who injures someone through negligence while in the scope of employment is vicariously liable for damages to the injured person.



## Occupiers Liability

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Occupiers are people or organizations that own, have possession of or are responsible for control of a premises.

Occupiers have a responsibility to ensure the facility is reasonably safe to prevent injuries.

## Identify Common pitfalls in Risk Management

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- No Culture of safety in your organization
- Lack of audits and inspection
- No involvement of staff in the process
- Minimal or no documentation of incident and audits
- Reliance on Waivers

# The Risk Management Process

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A typical risk management process can have four components:

- Identify the risks
- Evaluate the risks
- Select methods to address the risk  
(accept, eliminate, control, or transfer)
- Evaluation of effectiveness

## Identification of Risk

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- Prepare a detailed survey for your facility
- Conduct a survey of your facility
- Talk to you staff about potential risk they believe are present
- Think about the emergency situations that could occur and the risk associated with these emergencies.

# Evaluating Risk

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- How serious is the risk.
  - Likelihood to occur
  - Severity of risk (high, moderate, low)
- Review of Historic records
  - What incidents are higher potential
  - What incidents are cause greatest harm

# Address the Risk

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- Accept:
- Eliminate
- Control
- Transfer



# Moving Forward with The Risk Management Process

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What are we doing to ensure our facilities remain safe for the staff and public who use them?

# Risk Management Best Practices with your Staff

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- Staff Training
- Public Education
- Safety Audits
- Staff Engagement in Risk Identification
- Staff Engagement in Risk Assessment
- Documentation
- Evaluation Effectiveness

# Staff Training

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Challenges with staff training

What does our staff need to know?



# Public Education

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How much education does the public require? And how do we educate them?

Use of signs

Use of staff



# Safety Audits

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How often are these needed and what should they include?

- Internal  
vs
- External



# Engage your Staff in Risk Identification

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- Ongoing identification
  - Lifeguards
  - Parks Staff
  - Arena Staff
  - Sports Teams

## Engaging your Staff in Risk Assessment

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Do your staff have enough understand to assess the level of Risk?

Do your staff have the authority to make operational decisions based on their assessment of Risk?

# Documentation

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What needs to be documented?

**EVERYTHING!!!**

## Evaluate Effectiveness

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How often do you review your Policies and Procedures

What indicates a change is needed

Engage staff in the discussion

# Resources

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## Alberta Municipal Health and Safety Association:

- Audit tools and forms
- Auditor courses

## Alberta Human Resources and Employment

- Sample forms and management systems

## Canadian Red Cross

- Operational Best Practices for Aquatic Facilities

# Culture of Risk Management

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- There are several reasons which make Parks and Recreation facilities are attractive targets for litigation.
  - Attitudes (of the public and staff)
    - People are much more likely to sue for injuries
    - The way that staff respond to the initial complaint can lead to a lawsuit being filed against the municipality.

# References

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Managing Risks – A Handbook for the Recreation and Sport Professional: Corbett & Findlay (1993) Centre for Sport and Law

Risk and Recreation: Wyseman (1998) Canadian Parks and Recreation Assoc.

Risk Management in Sport and Recreations: Spengler, Connaughton, & Pittman (2006) Human Kinetics

Insurance in Sport & Recreation – A Risk Management Approach: Corbett (1995) Centre for Sport and Law

Canadian Red Cross – Operational Best Practices for Aquatic Facilities: (2009) Canadian Red Cross

# QUESTIONS ?

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