



MODULE 7

RISK MANAGEMENT





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MODULE 7 OUTCOME:

Leaders apply fundamental risk management strategies.

MODULE 7 – RISK MANAGEMENT

7.1 Introduction

7.2 The Risk Management Process

7.3 Negligence and Liability

7.4 Risk Management Tools

LEARNING OBJECTIVES:

- Recognize that managing risk is part of our daily lives.
- Define basic risk management terms.
- Understand basic risk management concepts.
- Identify steps to manage risks related to five key areas: Supervision and Instruction, Training, Documentation, Facilities and Equipment, and Emergency Response Plans.

7.1 INTRODUCTION

Everyday life comes with a certain amount of risk; whether it is crossing the street, driving a snowmobile, going hiking or taking a flight overseas. Generally, people accept and successfully manage risk subconsciously on a daily basis. In life, we learn to assess the risks of getting injured and frequently conclude that, although there may be a chance that something awful could happen, the probability of it is low.

Risk is the chance that something will go wrong. Along with the thrill of tobogganing down a snowy hill, comes the risk of falling off the sled or running into a tree or park bench. Whether or not tobogganing should be banned to avoid possible injury has become a hot topic in cities across North America. Rather than banning activities, recreation leaders focus on minimizing the risk of injury wherever possible, particularly in public programs, facilities and parks.

Many recreation activities include some level of risk. For most people, the appeal of an activity is related to its risk factor. High-risk activities attract some people while others have a lower tolerance for risk. In recreation, risk is something to manage but not eliminate. In recreation settings, managing risk is about facilitating the thrill and challenge of participation while providing an environment where the chances of injury are acknowledged and reduced.

As a leader, group or government who supports opportunities for people to participate in recreation, consider risk management to be an ongoing process. It is a strategy to protect you and your organization by minimizing the consequences of accidents, injury and damage. Take the time to understand the concepts and process of risk management and then plan to apply these to your programs, services, facilities and operations. Effective risk management creates safer environments and makes recreation experiences more enjoyable for participants, users and the public.

What do you do to keep participants safe?

Scenario: *You are offering a drop-in outdoor scavenger hunt and 14 children show up. Your co-worker is away so you are alone.*

7.2 THE RISK MANAGEMENT PROCESS

Risk management is a process of systematically identifying and understanding risks, then creating and implementing an effective plan to minimize them. Risk affects everyone, from program leaders, participants, spectators and community members, to suppliers and contractors, community medical practitioners, insurance agencies, and building owners. Everyone plays a role in minimizing risk.

The process of risk management involves anticipating what might go wrong and then acting purposely to reduce the chance of this happening. Whether you work as a recreation programmer, a fitness leader, a lifeguard or volunteer board member; every situation will be different, and the risks and types of injury may be unique to that situation. However, the process for managing those risks is the same.

Approach risk management in a disciplined manner. In reality, it is impossible to safely or effectively manage all the potential risks. Focus first on high risk programs and facilities. After addressing these higher-risk issues, tackle lower-risk issues or areas. For example, if you manage an Ice Arena, you may decide your highest risk areas are the ice surface and the compressor room. At a later date, you may choose to look for issues around the bleachers and dressing rooms.

Risk management is a three-step process.

1. Identify high risk and low risk issues and concerns in five key areas.
2. Identify controls that could be put in place to reduce the risks.
3. Plan to put the controls in place.

Risk management is more than minimizing liability. By managing risk, recreation leaders ensure program participants and facility users have a safe and enjoyable experience. Risk may be encountered in one or more of five key areas.

- 1. Supervision and Instruction:** Generally, higher risk programs and facilities require supervision by people with specific qualifications (e.g. swimming facilities and programs require certified lifeguards) and highly skilled activities with greater risks need more supervisors and/or higher supervision ratios. Poor sightlines in a playground setting may require more supervision and activities involving minors should have documented activity plans.
- 2. Training:** Common training programs include First Aid/CPR, WHMIS, Food Safe, High 5 (a standard of care in the recreation field for children's programs), etc.

- 3. Documentation:** Using forms (e.g. PAR-Q, PAR-MedX), screening tools (e.g. vulnerable sector checks), written agreements (e.g. access to a community weight room), and other documentation proves that you are doing what you should be doing.
- 4. Facilities and Equipment:** Recreation leaders can ensure facilities and equipment are safe for all users by inspecting facilities and equipment on a pre-determined basis, maintaining facilities and equipment, and documenting these activities by using checklists.
- 5. Emergency Response Plan:** Recreation leaders need to be prepared for the potential of an accident or incident every day. Develop, write and practice an Emergency Response Plan.

The process of risk management begins by identifying issues and concerns associated with these five key areas.



Next, assess the level of risk for each issue as high or low by assigning a numerical value for probability and severity on a scale of one to five. 'Probability' is the likelihood that an event or accident will occur. 'Severity' is the expected consequence of an event in terms of serious injury and other forms of damage.

Using the template on the next page, multiply the score for probability by the score for severity to establish a risk rating for each potential issue ($P \times S = R$). A higher number indicates a significant risk.

PROBABILITY	SEVERITY	RATING
1 = unlikely to occur	1 = insignificant, minor injury, property damage	• Extreme Risk: 20–25
2 = unlikely but some chance	2 = first aid or minor property damage	• High Risk: 14–19
3 = could occur occasionally	3 = injury requires medical help, significant property damage	• Moderate Risk: 7–13
4 = good chance it will happen	4 = injury may result in serious medical problems or property damage	• Low Risk: 0–6
5 = high possibility it will happen	5 = fatal injury, major property damage	

Department	Completed by	Date
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DESCRIPTION OF RISKS	PROBABILITY (P)	SEVERITY (S)	LEVEL OF RISK (PXS)	RISK RATING

Next, identify strategies that will reduce the level of risk. These may be as simple as preparing a notice to post when the floor is wet, or more complicated as deciding when and how to replace worn equipment. Review your description of risks and the risk rating of each. Ask questions to identify strategies and controls to reduce risk. What training is needed? By whom? What checklists are needed? How frequently do we need to practice our Emergency Response Plan? Do we have appropriate child-to-supervisor ratios?

Once you have identified the strategies and controls that will help reduce risk, prioritize those that will have the biggest impact. Create an action plan to identify what needs to be done, when and by whom. Put your plan into action. Remember, risk management is ongoing. After addressing higher-risk issues, begin to tackle lower-risk ones. Review your progress regularly looking for changes in previous concerns or emerging issues.

7.3 NEGLIGENCE AND LIABILITY

Thinking about risk management can be overwhelming. The dramatic increase in negligence litigation (lawsuits due to some form of injury) means that staff and volunteers working in the recreation field need to be informed and prepared. However, it is difficult to know where to start and how to tackle areas of concern.

Being prepared starts with an awareness and understanding of terms commonly used, terms like negligence, liability and insurance.

Negligence, a legal concept, is based on four elements.

1. Recreation leaders and facility managers owe a 'duty of care' to anyone who participates in their programs, accesses their services or uses their facilities, parks or trails. For example, a recreation leader running an after school program has a duty to provide a safe and positive experience for children registered in the program.
2. The way in which recreation staff and volunteers provide services must be to an approved and accepted 'standard of care'. This standard may be established through regulations (e.g. number of people allowed in a building), through laws or through recognized training (e.g. lifeguard). For example, the standard of care for a trained recreation leader is to supervise children during an after school program and not leave them unattended.
3. 'Damage' may occur when care is below the acceptable standard. For example, an unsupervised child shimmies up a climbing wall and falls, breaking an arm. Damage may be physical and is usually obvious. However, damage can also include severe psychological damage, reputational damage, etc.
4. Proving negligence requires evidence that the damage caused (e.g. a broken arm) was a 'direct or proximate cause' of improper care (e.g. leaving children unsupervised with access to a climbing wall).

Under the law, being liable means being responsible. Recreation leaders should be aware of two types of liability.

- ***Occupiers' Liability*** concerns those who own, have possession of, or have responsibility and control over, a facility or outdoor space. Occupiers must keep premises reasonably safe to prevent injury. If a person is injured while using broken or outdated equipment or run-down premises, the occupier may be held responsible.
- ***Vicarious Liability*** means an organization can be held liable for the negligent actions of its employees and volunteers. If an organization hires a recreation leader to supervise children in an after school program, and the leader's negligence results in a child getting hurt, the organization may be legally responsible.

Recreation leaders and organizations should act in a way that prevents negligence. However, preventing injury is not always possible. Therefore, three concepts can help minimize liability for negligence.

1. ***'Contributory negligence'*** means that participants and users are also expected to exercise reasonable care.
2. ***'Voluntary assumption of risk'*** implies a certain level to which participants accept risks inherent in activities. While it is reasonable for participants to expect appropriate supervision, functioning equipment and facilities, and staff with adequate training, participants must accept that there are risks that are a normal 'part of' the activity
3. ***Signing a valid 'waiver'*** means that a person gives up their right to sue provided they understand what they are signing. As it is not legally possible to give away a child's right to sue, waivers are not valid for children.

Insurance is a key component of, not an alternative to, risk management. Insurance allows an organization to transfer certain types of risk from one party to another. In exchange for a fee, insurance companies consent to pay for specific, agreed-upon liabilities for a person or an organization. Recreation leaders need to be familiar with the limitations of their organization's insurance policy and understand what is covered and what is not.

7.4 RISK MANAGEMENT TOOLS

Risk management isn't just for recreation leaders or directors. It is for board members, for the person running the Zamboni, and for the pool maintenance staff. Keeping people safe while they are recreating is everyone's responsibility. This section provides some resources and tools to expand your understanding of the recreation environment in which risk is managed.

ORGANIZATIONS

SportRisk (www.sportrisk.com) offers user-friendly resources including a risk management manual, online courses, a variety of webinars and a newsletter.

The Centre for Sport and Law's Handbook Series (pdf27) (1993) offers practical and legal risk management information related to sport and recreation. Each handbook is written in plain language and illustrated with true scenarios.

If you have any legal questions related to sport and recreation, including insurance, *The Sport Law and Strategy Group (url33)*, formerly known as the Centre for Sport and Law, is a starting point.

STANDARDS

Standards contribute to safer places and public spaces. They encourage the adoption of best practices used to ensure safe operations. Speak to your supervisor, board or other recreation leaders with experience in this area to find out what rules, standards, regulations or legislation you need to be aware of.

Examples of standards are:

- *High Five Training (url32)*, an optional standard for working with children and youth offered outside of Yukon.
- Worker's Compensation Board or Occupational Health and Safety may have required standards for first aid certification.
- Canadian Safety Association (CSA) has standards for playground equipment.
- Environmental health standards may provide standards for swimming pools or public drinking water.

CERTIFICATION AND TRAINING

Certification and Training is a way to ensure that leaders have the skills and training to offer programs or supervise activities. Trained leaders minimize risk by providing participants with safe and current instruction and supervision.

INFORMED CONSENT FORMS

Informed Consent Forms are documents intended to protect your organization from liabilities by clearly informing participants of the hazards and having them indicate their understanding and willingness to accept the risk of those hazards when participating.

WAIVERS

Waivers are described by the Centre for Sport and Law (1999) as a legal contract between a person participating in an activity and the organization providing the recreation opportunity. Understanding waivers can be complex [Waivers, A How-To Guide \(pdf25\)](#) provides seven practical tips and two important pieces of advice.

1. Never copy a waiver from another organization and use it for your own purposes. Tailor it to suit your specific programs or events.
2. Understand that parents cannot waive the rights of their children.

MEDICAL FORMS

Medical Forms are used to alert program leaders of any special needs or medical concerns (such as an allergy or disability) that may impact a participant's ability to participate. This knowledge can assist program leaders in planning for emergencies.

PAR-Q

PAR-Q, the Physical Activity Readiness Questionnaire, is available online. Designed by the [Canadian Society for Exercise Physiology \(CSEP\) \(pdf26\)](#), the form can help to identify the small number of adults for whom physical activity may be inappropriate or those who should have medical advice concerning the type of activity most suitable for them.

USER AGREEMENTS

User agreements outline the responsibilities and intended use of a recreation facility. It is important that all parties involved clearly understand the user agreement. Consider that some of your user groups may not have liability coverage or insurance.

PROTECTIVE EQUIPMENT

Protective equipment can reduce the risk of injury for participants. Helmets, mouth guards, goggles and facemasks are examples of personal protective equipment. If there are no established rules, you may have to decide whether or not to require the use of protective equipment in your activities.

PROTECTIVE BARRIERS

Protective barriers minimize the potential of injuries from unknown dangers for those using outdoor spaces.

SIGNS

Signs are a way of warning about a danger, or giving direction e.g. showing evacuation routes in the event of an emergency.

