

***Alpine Club of Canada's Policy Regarding
Waiver Administration, Incident Management & Reporting***

**TO: All Alpine Club of Canada Trip Leaders and Section Executives
FROM: National Office**

Policy as it applies to Trip Leaders

These instructions are to be given to all trip leaders along with blank waivers for all activities. This policy and all related documents are on the Alpine Club of Canada's website

A. Waiver Administration

As trip leaders, you are required to have participants in all activities sponsored by The Alpine Club of Canada (ACC) sign the official Release, Waiver and Assumption of Risk (hereinafter referred to as the Release) before the activity begins. The importance of this document to The Alpine Club of Canada cannot be over-emphasized. The way you conduct yourself in dealing with participants signing the Release is of great importance to whether the document "will stand up in court" later on. As a result, the following steps should be followed when having participants execute the Release:

How to get waivers signed properly

Instructions you may need to give to Participants:

- Read and understand the Release before signing and dating it. This Release is easy to read and is in plain English. If you do not sign and submit the Release, you will not be able to participate in your chosen activity.
- The Release is available in English & French.
- If you have any questions about the meaning of the Release, ask for assistance from the national office of The Alpine Club of Canada and they will be able to explain the document in detail.
- You cannot change any terms of the Release prior to signing it.
- The witness to your signature must be a non-family member. It is preferred that the witness is an Alpine Club of Canada member, volunteer or employee. Each witness should confirm that you have read and understood the Release.
- Do not rush through reading the Release - leave yourself ample opportunity to read and understand its terms in advance of your chosen activity.
- If you refuse to sign the Release, you will not be able to participate in the chosen activity.

Instructions for Trip Leaders:

1. You must ensure that the participant has had time to read the Release before signing and dating it. Make sure they are not rushed during this important part. If you are able, it is often advisable to have participants read and sign the waiver well in advance of the activity e.g. days or weeks before the activity. The waiver is available for viewing on the Alpine Club of Canada's website and trip leaders should encourage participants to read this and understand its contents prior to any trip. Be sure that participants are aware that if they do not sign the Release they will not be able to participate in the Activity.
2. You must ask each participant whether they have any questions about the meaning of the Release and, if they do have any questions, you should do your best to answer them. If you can't, questions should be referred to the Executive Director of The Alpine Club of Canada who will be able to explain the document in detail.

3. Nothing in this Release can be changed in any way and it must be signed “as is” as a condition of participating in the proposed activity.
4. You must understand the Release yourself. Read it very carefully and make sure that you understand its terms. If you do not understand any of its terms, or don't feel that you are capable of explaining it to someone else, please contact the Executive Director of The Alpine Club of Canada, who will provide you with an explanation to address your concerns.
5. Should participants ask you to tell them what the document says, be sure to emphasize that they are required to read it and understand it before signing, and before they will be able to participate in the activity. You can tell them that it is a document which protects The Alpine Club of Canada from lawsuits in the event that a participant is injured or killed or has any of his property or personal belongings damaged or lost. The Release also protects The Alpine Club of Canada from liability for not only natural hazards but for the negligence of any of the other ACC member participants. You should also tell them that the document includes a clause where each participant agrees that, should evacuation or rescue become necessary, each participant agrees to pay the cost of that evacuation or rescue.
6. The witness to the participants' signature must be a non-family member. You can witness the person's signature or one of the other participants can witness the signature. The preferred approach, if possible, is to have the participant's signature witnessed by an Alpine Club of Canada member, volunteer or employee. Each witness should ask the participant if he/she has read and understood the release, which is critical to its legal validity. Minors must have their parent/guardian sign the Release and trip leaders must be satisfied that the minor is able to and does participate in the activity safely.
7. If an individual refuses to sign the Release, you must advise them that he or she will not be able to participate in the activity.
8. The Release is available in the following languages: English and French. The person should be provided with a Release that is written in the language that he or she is most comfortable with.
9. For "repeat" and virtually “ identical” activities (e.g. weekly or monthly sessions at the same climbing wall), participants need only sign the Release once per year. For all other activities, including all outdoor activities, a separate Release must be signed prior to each activity.

What to do with the Release(s) after signing

11. Assuming that an incident does not occur during a given activity, signed Releases must be retained by the Section for a period of six years, after which time they can be destroyed. Please return all signed Releases as soon as possible following an activity to the person in your Section who has been given the duty of looking after these documents.

B. Incident Management

If an incident results in injury, property damage or loss (or if the trip leader feels that an injury or property damage/loss situation could possibly be claimed at some later time), the following process should be followed:

Administer appropriate incident management procedures

Trip leaders will have the responsibility of carrying out or delegating whatever actions are necessary to manage the situation until the victim has been turned over to the appropriate rescue, health care or other authorities. Your incident report will deal with the events up to that point.

Complete an incident report

The trip leader or other designated individual must contact the Executive Director at the Alpine Club of Canada's National Office as soon as possible regarding the incident. One scenario would be for the trip leader to contact the Section Chair and that person would contact the Executive Director. This must be done **as soon as possible after the incident occurs**.

In addition, a complete, written incident report must be prepared **as soon as possible after the incident occurs**, sent to the Section Executive who will send it on via the Section Chair to the Executive Director. The original, signed Releases(s) of all persons who suffered (or might later claimed to have suffered) personal injury or property damage/loss as a result of the incident must accompany this report. In this report, it is important to record all relevant information about the incident: times, location, activity being undertaken at the time of the incident, etc. Opinions or speculations as to how the incident could have been avoided should not be included. It is the Section Executive's duty to ensure that the report is complete before submitting it to the Executive Director.

Under normal circumstances, it is expected that an incident report will be in the Executive Director's hands no later than a maximum of 3 weeks after the incident.

Do NOT talk to the media about the incident. Any questions from the media are to be referred to the Executive Director of the Alpine Club of Canada. No copies of any Releases or incident reports are to be provided to the victim or any other person.

Policy as it applies to Section Executives

Waivers & Trip Leaders

For a number of years, the Alpine Club of Canada (ACC) has required participants in ACC activities to read and sign waivers prior to taking part in official activities. Because of issues relating to the ACC's insurance, this requirement was extended to ACC Section activities some years ago. Although never passed by the Board, the practices outlined in this document have actually been in place for several years now. These informal practices now have the importance of ACC Policy and all ACC Sections are obligated to ensure their activities meet the requirements outlined.

Sections must be aware of and make certain that its trip leaders are aware of the necessity of having signed waivers for ALL Section activities before the activity takes place. The ACC's liability insurance depends on this policy being carried out properly without exception.

Each Section should make sure it has a process that will acquaint its trip leaders with the contents of the waivers, the reasons for having them completed properly, how to complete the waivers properly, the procedure to be followed should there be an incident on a Section activity, where waivers are to go after an activity, how soon completed waivers are to be returned following an activity and how to complete an incident report, should that ever be necessary.

The first part of this policy is to be given to all trip leaders along with blank waiver forms to be used for every Section activity. This policy and all related documents are on the ACC's website. Sections are encouraged to find ways to acquaint their members new and old with the waiver requirement for all Section activities in advance of those activities. This could involve having new members sign a waiver when they join, having members sign a waiver once a year at an annual meeting or other function, including a copy of the waiver in the Section newsletter once a year, etc. Whatever method is used, the objective is to emphasize and demonstrate the concept of "informed consent" and the understanding that participants release the ACC from any liability in the event of injury or loss.

There is no legal requirement for trip participants to be ACC members, but non-members are not covered by the ACC's insurance should they be found negligent in causing someone personal injury or property damage/loss. It is strongly recommended that all trip participants become members of the ACC, as this protection is one of the benefits of membership.

Each Section must develop a process for gathering and keeping all waiver forms from all Section trips and activities. Such documents are obviously needed should there be an incident resulting in any injury or loss, but it may be necessary to provide signed waivers from earlier activities that a participant has been on should a later incident occur that involves that participant. Such documentation can help to show that there was informed consent on some number of previous occasions. For this reason, completed waivers should be kept on file for at least 6 years.

Incident Reporting

Once an incident resulting in injury or loss has taken place and the trip leader has filed an incident report and handed over the signed waiver forms, the Section Executive will handle the rest of the tasks as follows:

The incident report, together with a copy of the signed Releases of all persons involved in the event (victims and anyone who might be alleged to have caused the incident), must be forwarded to the Executive Director at National Office, as soon as reasonably possible. No one else, including the victim(s), should be given a copy of the incident report or Release(s).

The trip guide (national trips) or section chair (section trips) is required to file the incident report with National Office as soon as possible after it occurs. Note that for Section trips this policy requires the report to come to National Office from the Section chair, and not directly from the trip leader – the purpose is to make sure the "most senior" volunteer in the section is aware of and approves the report before he/she

sends it to National Office. While there are no guidelines as to what should/should not be in the report, the rule of thumb is that it should be a complete and accurate description (with times, locations, etc.) of the incident from the time it occurred to the time the victim is removed from the site and is in the care of “the authorities”. Also, for legal/liability reasons, the report must be factual only – no value judgements or speculations are to be included as to why it happened, how it could have been avoided, etc. The report should also contain a copy of the ACC Incident Report form, if appropriate (available on the ACC website), and must be accompanied by the original the waiver form signed by the victim prior to the activity.

Subsequently, a search should be conducted through all retained Releases to identify and extract any previous Releases signed by those involved in the reported incident. Copies of the previous Releases are to be forwarded to the Executive Director of the ACC as soon as possible.

For legal reasons, all originals and copies of Releases and previous Releases related to any incident, together with the incident report, must not be destroyed without the permission of the ACC’s Legal Committee.

How National Office will handle the report

If there is a reported incident on an “official” ACC activity (National or Section), the Executive Director of the ACC will notify the insurance company of this and tell them a report will be filed with them as soon as possible. Under normal circumstances, it is expected that incident reports will be submitted to the insurance company no later than a maximum of 4 weeks after the incident.

When the report is received by the Executive Director, it is sent to the chairs of the Safety Committee and the Legal Committee so they can check it for accuracy and completeness, and ensure there are no statements that are value judgements, speculations, etc. If one or both of those people are not satisfied with the report, they inform National Office and their comment(s) will be passed on to the author of the report asking for the necessary revisions. As soon as both committee chairs are satisfied with the report, it is sent to our insurance company, to the Executive Committee and to the person responsible for Accidents in North American Mountaineering (ANAM).

The insurance company’s normal practice is to conduct an immediate investigation, in order to have a report on their file if and when a liability action is ever brought forward on the matter. Those investigations have become more detailed over the past few years. For example, they usually involve the insurance company interviewing the trip leader, the person(s) who administered and witnessed the waiver and one or more trip participants (particularly those who may have witnessed the incident).

The “maximum 4 weeks” timing for the incident report to be sent by the Executive Director to the insurance company is critical. For 2 main reasons:

- 1. the insurance company is interested in conducting its investigation and preparing its report while memories about the incident are still fresh in people’s minds. This is also in the Club’s best interests; and**
- 2. the Club’s on-going access to affordable liability insurance is dependant on many factors, including the Club demonstrating to the insurance company that it manages its affairs in a professional manner. The timely submission of complete and accurate incident reports contributes to that image of professionalism. Inaccurate, incomplete or untimely reports do not.**

If there is some possibility a complete and accurate incident report cannot be in the Executive Director’s hands within 4 weeks of the incident, the Section Chair should notify the Executive Director immediately.