

OUT ON A LIMB – Assessing club risks

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MY STARTING PREMISE

- ✓ A defining characteristic of sport is that it has risks
- ✓ We don't make sport a better experience by removing risks ...
- ✓ But we can make sport a healthier and safer experience by identifying and appropriately managing risks

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The 'Big Picture'

- ✓ **Responsibility** ('duty of care') → quality sport experience in a safe environment
- ✓ **Theory** ('standard of care') → meeting the law (negligence, human rights, criminal, administrative)
- ✓ **Practice** → managing risks

NEGLIGENCE BASICS

Duty of Care	Standard of Care
<ul style="list-style-type: none">✓ You owe a duty to anyone who you ought to know could be affected by your actions (duty exists because of a relationship)	<ul style="list-style-type: none">✓ What a reasonable person similar to yourself in skills and experience would do, or not do, in similar circumstances



STANDARD OF CARE

- ✓ **Written/published standards**
- ✓ **Unwritten/unpublished standards**
- ✓ **Case law**
- ✓ **Common sense**



WRITTEN STANDARDS

- ✓ Government statutes and regulations
- ✓ Equipment standards
- ✓ Club policies and rules
- ✓ Code of Conduct
- ✓ Facility rules
- ✓ Technical rules for the sport
- ✓ Safety and emergency response procedures
- ✓ Coaching manuals
- ✓ Tournament/event guidelines
- ✓ Job descriptions

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UNWRITTEN STANDARDS

COMMON PRACTICES OF OTHER CLUBS

- ✓ Remain current with new developments in your sport
- ✓ Attend workshop such as this one!
- ✓ Continually upgrade your training and certifications
- ✓ Pursue other opportunities for professional development
- ✓ Network with your peers
- ✓ Devote some time to reading!

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CASE LAW

- ✓ Previous court decisions about similar fact situations
- ✓ Principles of common law which evolve over time
- ✓ Acts as a guide and provides important information to club administrators



- ✓ Dyck v. Manitoba Snowmobile Association
- ✓ Myers v. Peel County Board of Education
- ✓ Hamstra v. B.C. Rugby Union

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COMMON SENSE

- ✓ Intuition
- ✓ Knowledge
- ✓ Experience
- ✓ Judgment
- ✓ "Gut" feeling

THERE IS MORE!

- ✓ The 'flip side' of the risk management coin is how you make policies and decisions that affect members, and how you communicate that information
- ✓ **'Procedural fairness'** → jurisdiction/ authority, right to hearing, rule against bias

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DEFINITIONS

RISK →

- ✓ The chance of something happening that can have an impact on achieving desired outcomes



RISK MANAGEMENT →

- ✓ The process used to identify, assess and treat risks so as to better achieve desired outcomes

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ANALYZE RISKS – obvious, foreseeable



**ANALYZE RISKS –
not obvious, but maybe foreseeable ...**



**ANALYZE RISKS –
foreseeable – but to this severity?**



Almost certain	M	M	VH	VH
Probable	M	M	H	VH
Possible	L	L	H	VH
Unlikely	L	L	M	H

L i k e l i h o o d

Consequence

Minor Moderate Serious Catastrophic

TREAT THE RISKS

- ✓ **Retain** the risks → you don't do anything because the risk is inherent in the sport
- ✓ **Reduce** the risks → you take steps to reduce the likelihood of occurrence, and/or the consequences, largely by changing human behaviour
- ✓ **Transfer** the risks → you accept the level of risk but you transfer this risk to others through contracts
- ✓ **Avoid** the risks → you decide simply to NOT do something



DEFINITIONS

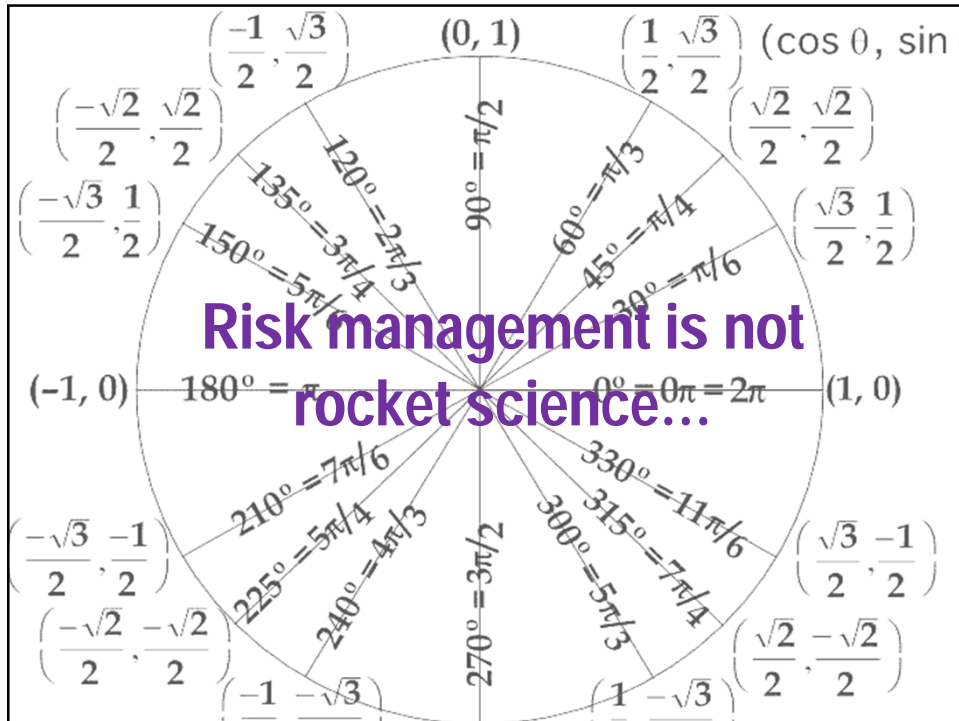
RISK MANAGEMENT PLAN →

- ✓ Formal commitments by an organization to implement, monitor and evaluate risk treatment strategies



Sometimes the solutions are easy ...





Risk Management =

Organized common sense

- ✓ Values
- ✓ Knowledge
- ✓ Experience
- ✓ Judgment
- ✓ Intuition
- ✓ Communication

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MORE INFORMATION

www.sportlaw.ca

