

CANADIAN ASSOCIATION FOR DISABLED SKIING (CADS)



RISK MANAGEMENT AND INSURANCE PROGRAM MANUAL
(Fall 2015)

Adapted from the
CANADIAN SNOWSPORTS ASSOCIATION
SNOWSPORTS CLUB RISK MANAGEMENT MANUAL



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1. INTRODUCTION

This guide is intended to assist CADS, Divisions and Programs in creating and monitoring a CADS Risk Management Program (CRMP).

This CADS Risk Management Program forms an essential element of the Canadian Snow Sports Association (CSA) liability insurance program, which is managed and controlled by CSA on behalf of all the CSA Discipline members, including CADS.

In order to be effective it is essential that all CADS, Divisional, Program board members and staff receives and reviews the CADS Risk Management Manual in detail. The manual should be readily available in the program facility, handbook and information, including Web sites.

For ease of reference, CADS, Divisions and Programs will be referred to from this point forward as “Programs”.

The details for the on snow safety and risk management details for teaching adaptive skiing and snowboarding to students are contained in the CADS Technical Manual and must be taken into consideration during all lessons and programs.

In addition members can also refer to the CSA Insurance handbook found under the tab “insurance” on the CSA website:

www.canadiansnowsports.com

a) Purpose of Risk Management.

As a member of CADS, the Divisions and local Programs, each member has a responsibility to follow a risk management program in the delivery of the local Program activities.

A Sport Risk Management Program has a number of positive advantages:

- Will provide a safer sport environment for all participants through the development of safety guidelines, rules, regulations and systems for each level of program delivery.
- Will demonstrate to the public, participants and Ski Areas/Resorts an intense commitment to program safety and security.
- Will assist in the establishment of minimum educational and skill standards for instructors, coaches, administrators and volunteers, thereby enhancing credibility.

- Will provide a framework for program and facility evaluation and provide for proper record keeping which will assist in the defense of any claims or litigation.
- Will assist in lowering the costs of risk transfer methods such as Insurance.

b) CADS Program Structure

- It is recommended that all CADS Programs should be either federally or provincially incorporated as not-for-profit organizations, with a Board of Directors, By-Laws and Regulations.
- CADS Programs, no matter the size, are advised to establish working committees or a person with responsibility for the various activities, events, programs and competitions undertaken by the Program. Historically, the more active the Board or committees in a Program, the more successful it will be.

c) Registration with CADS

- **In order for a CADS Program and its members to qualify for liability insurance under the CSA Liability Insurance program, ALL of its members and participants in activities must be registered and in good standing with CADS National. This in turn will ensure that the CSA sports insurance liability program covers them.**
- In addition the Program may also be required to be a member of a Division to be able to access the program offered by these organizations.
- CADS National must have a current listing of all of its Program's members and the Program contact information as prescribed by CADS.
- In order for the Program activities to be sanctioned, CADS also needs the details and schedule for the activities offered by the Program within the set CADS submission date deadlines (refer to 6b Requests for Sanctioning on page 9).

2. MEMBERSHIP PRACTICES

a) Membership Structure

Generally speaking CADS Program membership should be divided into basic categories such as:

- Certified Instructors
- Volunteers (Board Members, program volunteers, administrators)
- General or Social Membership
- Students and family members

- ***Note: each category should also have the capability to denote each member as to either being 18 years or older or less than 18 years of age.***

All of those who participate in CADS Program activities (except guests at functions) must be recorded and registered as members of the program. The membership lists must be filed with CADS National in a timely manner with no more than 30 days elapsing from registration with the Program and paid registration in the National database. *Program Members that are not registered with CADS National within 30 days do not qualify for the CSA Liability Insurance Program and will not be protected in the event of an incident.*

b) Registration and Waivers

- **ALL** members who participate in Program activities, events, programs or competitions must complete the required CSA/Discipline/NSO membership form which contains the waiver, hold harmless and indemnity agreement and which is a condition of membership.
- This waiver is included in the online Risk Management Package and the one being used by the Programs must be the most current version which is available on line at: <http://disabledskiing.ca/wp-content/uploads/CADS-Release-of-Liability-and-Waiver-of-Claims-fillable.pdf>
- Electronic signature or registration is acceptable provided that the method used clearly indicates that the document was read and signed and that a copy (electronic or paper) is kept on file.
- Participation includes: non-paid volunteer or paid instructors, all other volunteers, general members, and students or participants and their families (if participating in any manner)
- Verifiable membership information must be filed with CADS National and must be readily available to the CSA and its insurer.

c) Minors (Less than 18 or 19 years of age, province depending)

Must have parents' or legal guardians' signature on the CSA/Discipline membership form in order to be members and to participate in CSA/Discipline insured programs.

d) Volunteers

Volunteers who are not certified instructors, and who are involved in supporting the on snow program must clearly understand and carry out their specific duties and assignments under supervision of qualified instructors.

e) Background Checks

It is highly recommended that all programs act with due diligence and conduct thorough background checks on all volunteers involved with the program. These background checks may include a police record check (strongly recommended) or other established methods of checking references.

f) Program Duties and Responsibilities

Responsibilities should include:

- Knowledge of the sanctioning and requests for certificates of insurance process
- Understanding of the Incident Reporting processes
- Ski Area liaison and communication
- Activity and program development
- Consideration of environmental issues such as cold weather, high winds, fog, rain when the program is running
- Verification of individual participant accident/health/travel insurance when traveling outside of the province or country (CADS Provincial Teams and Development Teams)
- Obtain permission letters for all minors to travel and for emergency medical treatment (CADS Provincial Teams and Development Teams)
- Awareness of responsibility to public
- The highest standards of ethics and responsibilities

g) Code of Conduct

A number of suitable templates are available including very good recommendations from the Canadian Ski Coaches Federation. The CSA can also provide a suggested template. It is highly recommended as a matter of best practice that all Programs have in place a Program Code of Conduct Policy.

h) Duty of Care

- When you agree to undertake the instruction of a person, adult or child, you enter into a special relationship with that individual, out of which the court imposes upon you a duty of care for the safety of that participant.
- An instructor must teach in strict accordance with the Alpine Responsibility Code and exercise good judgment in the choice of terrain and the student's abilities.

Available at - <http://www.cwsaa.org/policy/alpine-responsibility-code.html>

- Safety and liability concerns must be a part of the operations of all CADS Programs.
- Programs must clearly spell out their expectations of its instructors and volunteers.

3. PROGRAM FACILITIES

a) Management of Facility

Where the program has “use of”, “owns” or operates any facility – i.e. cabin, clubhouse, ski area facilities (including dedicated runs) they must develop a written plan for management of the facility – rules, regulations etc.’

The program should carry property and contents insurance for their equipment and facility, the CADS liability insurance does not apply to those areas.

b) Emergency Action Plans (EAP) and Protocols

- An Emergency Action Plan (EAP) is a procedure paper that will help to guide your program in the event of an emergency situation. This plan will facilitate efficient decision making when faced with stressful situations.
- An EAP must become standard operating procedure and that the plan needs to be in place at any of the facilities that you are utilizing for training or competition.
- Particularly when you are at a resort, it is important to work together with the resort risk management team. In cooperation with the ski patrol and risk management leaders at the resort, develop and rehearse an Emergency Action Plan that will anticipate the worst case scenarios that might include serious injury evacuation procedures, ambulance and medical treatment facilities and personnel, lift evacuation procedures, and high wind and blizzard scenarios.

c) Facility Maintenance

- Where programs lease, own, use or operate a physical facility they must take responsibility to ensure that it is safe for use by its members as well as those who can access the facility.
- If rented, leased or borrowed there must be a written and defined agreement as to maintenance responsibility.

4. SKI AREA/RESORT RELATIONSHIP

- The CSA CGL Policy adds ski resorts/ski areas as additional insureds on a primary basis, for any claims arising directly out of CADS sanctioned activities.

- The CSA policy does not insure ski areas/resorts for claims arising out of the operations of the resort/ski area.
- The CSA policy is designed to cover liability arising out of actions under the control of our membership.

a) Definition of the Program's Activities

- Programs must ensure that their host ski area or facility owner clearly understand the activities which the Program will offer.
- Include days/hours of operation, expected specific facilities to be used and activities for such facilities.
- Involve ski area or facility owner in very early discussion as to coming season plans, expectations and wishes.
- Understand ski area needs, concerns, rules and regulations for their facilities.
- Ensure all Program members understand ski area rules and regulations.

5. CADS PROGRAMS ACTIVITIES

a) Dryland and Off Snow Activities

(Applicable to high performance and racing programs)

- CADS programs should define the nature of off-snow activities it intends to offer.
- Develop a timetable or schedule of the activities.
- Determine who will supervise, control or monitor the activities and ensure their competency to supervise.
- Only activities normal and incidental to the discipline and approved by both the discipline NSO Sport Science Committee and CSA will be approved or sanctioned.

b) Travel

(Applicable to high performance and racing programs)

- It is recognized that training and competition requires travel outside of local areas and may require travel outside of province or country.
- Coach or officials will require Parent/Guardian letters of permission for minors that will cover out of country travel, medical treatment.
- All out of province/out of country travel must have appropriate extended health care, accident and travel insurance including evacuation, and repatriation costs.

- Coaches/officials must recognize their responsibilities to supervise.
- Must be a careful assessment of coaching staff ratio to athletes.
- The completion of CSA Out of Country Sanction Request is required.

c) Charter Buses

- Programs who use charter buses for tours and travel must use due diligence when selecting the charter company and they have an obligation to follow the charter company rules.
- Programs should also request a copy of the charter company's liability insurance coverage and ensure that not only are its program members covered but that the program is also covered.

6. ACTIVITY AND EVENT SANCTIONING

a. Sanctioning of Activities

- Sanctioning is a formal process whereby an authorizing body provides its official approval for an activity to be held in that body's name and under its jurisdiction.
- The sanctioning of an activity carries with it the obligation that the activity is carried out in accordance with the rules, policies, and procedures of the sanctioning body.
- CADS is the national sport governing body for its discipline of non-competitive para alpine skiing and snowboarding in Canada. As such CADS, on behalf of CSA, sanctions activities within its discipline that are carried out in accordance with its rules, policies, and procedures, and in accordance with CSA policy.
- Only activities normal and incidental to the discipline and controlled directly by the discipline will normally be sanctioned.
- Unusual activities, events and competitions as well as activities, events and competitions controlled, managed or supervised by third-parties (non-members) must be referred directly to the CSA.

b. Requests for Sanctioning

NOTE: French and English sanction certificates can be provided for a program's yearly activities.

The sanction request should identify for the year a schedule of activities, intended program/event schedule and identification of who supervises or is responsible for the activity, event or competition program.

Sanction or Certificates of Insurance Requests are on line at:

http://disabledskiing.ca/?page_id=1939

- A request for the sanctioning of a program or divisional activity should be forwarded to the national office at least 15 days before the proposed activity.
- Activities which should be sanctioned are all program and divisional activities related to the program as well as other activities – such as social events – that the programs or division may be engaged in.
- If a proposed activity is not of a routine nature, the request for sanctioning should be submitted at least 30 days in advance.

c. Liability Insurance

- The CSA provides commercial general liability insurance for its activities and those of all of its member organizations.
- The purpose of this insurance is to protect the member organizations of the CSA (and their programs and divisions) against the risk of sums they may become legally obligated to pay as the result of bodily injury and/or property damage caused through their sanctioned activities. Please note that it is the policy of the CSA that if an activity has not been formally sanctioned by a CSA member organization, then that activity might not be covered by the CSA's liability insurance.
- It is to be noted that the CSA's CGL insurance does not provide coverage for persons or organizations that are not CADS member organizations.
- However, for specific activities, other relevant parties (such as ski/snowboard areas, organizers, and sponsors) can be added as additional insured parties – but only with respect to their direct involvement in the staging of the sanctioned activity.
- Requests for the naming of other insured parties and for insurance certificates should be included in the request for sanctioning.

Note: It is essential the correct legal name and address of the third party requesting to be added is provided.

d. Reporting Incidents

If, during the course of a sanctioned activity, there is a significant or unusual injury to any person, or if there is any other form of incident that may have liability consequences, a notice of incident must be filed immediately. The notice of incident should be filed with the CSA's insurance broker, Jardine Lloyd Thompson (JLT), with copies to the national office and to the CSA.

General

- 1) An incident report should be submitted immediately for:
 - a) Any injury to members of the public which occur either through contact with CSA/NSO members in training or competition or while on a closed course used for training or competition or where they encounter program or ROC equipment.
 - b) **Any injury requiring hospitalization** to any student of a CADS Program, volunteer, or instructor involved in any program or activity.
 - c) Any damage to property owned by others arising out of program activity

- 2) Use CSA Incident Report Form found on line at http://disabledskiing.ca/?page_id=1939

Reporting Process

- 1) Email or Fax copy of the incident report to:

<p><u>JLT Insurance Brokers</u></p> <p>MARGRET MCWILLIAMS ASSISTANT VICE PRESIDENT 16th Floor, 1111 West Georgia St Vancouver, BC, V6E 4G2</p> <p>mmcwilliams@jltcanada.com Direct: (604) 640-4251 Toll Free: 800-708-1144 Fax (604) 682-3220</p> <p>Mail originals documents with all attachments to the same address Attn. Margret McWilliams</p>	<p><u>Canadian Association for Disabled Skiing</u></p> <p>Christian Hrab Managing Director 32 Ancolies, SADL, Qc, J0R 1Bo</p> <p>christian@disabledskiing.ca Office (514) 224-8934</p>
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CSA, in consultation with JLT and Insurers will determine if investigation by CSA Insurance Adjusters is warranted and CSA will advise the adjusters of the NSO Discipline and Incident Report contact information. CSA will also advise the Discipline and involved program or entity.

e. Certificates of Insurance (C.O.I.)

Certificates of Insurance (C.O.I.) can be provided to show:

1. That the CSA member requesting the C.O.I. has current liability insurance (proof of insurance), which can be provided to third parties.
2. That a requesting entity such as ski resort, shopping mall, school being used or contemplated to use has been added to the policy for the activity requested. (Proof of addition to policy under End.#1)

Please note that:

1. All requests for C.O.I. must come through the discipline NSO and are directed to Jardine Lloyd Thompson
2. JLT will obtain approval from the CSA for all C.O.I..
3. The request must provide the correct legal name for any entity requesting to be added to the CSA policy.
4. The activity(s) must be sanctioned by the NSO and approved by the CSA. A general sanction/C.O.I. template is attached to this procedure.
5. Specific activities or events must identify the precise date and who with the CSA, discipline membership is in charge. C.O.I. adding non-members as additional Insureds will only be issued when the CSA/Discipline member is totally in charge of, responsible for all, and in control of the activity.
6. As a rule the amount on the C.O.I. will be \$5,000,000 unless specifically requested in another amount.
7. You must allow 72 hours for C.O.I. to be issued.
8. Wherever possible, if a ski resort, gym or school regularly used by a member program requests a C.O.I., then a single C.O.I. covering the activities from October 1 to September 30 should be requested.

f. More Information

If you have questions, or require more information on any topic covered in this memo, please contact the CADS National Office, Maureen O'Hara-Leman, executive.director@disabledskiing.ca or (587) 315- 5870

7. INSURANCE PROGRAM

See CSA Insurance Manual at www.canadiansnowsports.com