

WAIVERS (ARTICLE)

There are many questions regarding waivers. “Are they worth the paper they are written on?” is probably the most common. If correctly worded, and assuming the new legislation on negligence will actually work when tested, then “yes” they are worth having. The purpose of the waiver is to help protect the legal liability of the Association, NOT to remove their obligations and responsibilities to its members.

Waivers need to be worded so that they make clear to people that they are undertaking a dangerous activity, and it is useful if they include what measures the Association has taken to reduce the risks involved. Affinity Risk Partners have provided waivers for the NCHA. They have also provided a brief instruction sheet for the NCHA to assist with their implementation.

You will notice that in the NCHA waiver, it is clear that it is specifically applicable to membership of the Association. Secondly the Association has indicated the activities that it is responsible for providing and managing. Thirdly, and most significantly, the Association outlines the steps they have undertaken to manage or mitigate the risks involved in those activities. For example

Steps taken by the Association

- 1. PROVIDING ASSISTANCE TO AFFILIATES TO SUPPORT THOSE AFFILIATES IN THE SAFE CONDUCT OF THEIR ACTIVITIES.**
- 2. IMPLEMENTATION OF A RISK MANAGEMENT APPROACH TO EVENTS CONDUCTED BY THE ASSOCIATION**
- 3. PUBLICATION OF RESOURCES TO SUPPORT THE RISK MANAGEMENT APPROACH OF THE ASSOCIATION AND ITS AFFILIATES**
- 4. IMPLEMENTATION OF THE RULES AND REGULATIONS AS AGREED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION**

It should be noted that the waiver document is only one part of the Association’s overall strategy to manage risk. However, ensuring that members are aware of the dangers of the activities that are undertaken, and also what measures the Association has in place to manage these risks, is a good beginning. The key to success of all this Risk Management “stuff” is everyone being accountable for their actions, and being responsible enough to consider all of the stakeholders in any particular activity. Signing the waiver is your first step as a member, being responsible in your attitude to your chosen activities and in return, the Association’s is demonstrating their responsibility through their actions (on your behalf).