

BCMC Waivers and Liability Insurance

Waiver

Waiver is a contract between the person signing the waiver form as participant and the BCMC club. By signing it, the participant agrees to release the BCMC from any liability for damages, loss, expense or injury, regardless what the cause, including negligence.

The language in the waiver is fairly straightforward. The first part of the release identifies the kind of risks, dangers or hazards associated with the kind of activities that the BCMC organizes and engages in. This is not an exhaustive list and is not meant to be an exhaustive list. Just because a risk, danger or hazard is not included does not mean it is not covered. Organizers or co-ordinators should not minimize possible risks or dangers. Things do happen. If someone is uncomfortable with the possible hazards, they should go with a professional mountaineer or guide or take a course or program organized by professional guides.

The waiver also makes clear that the organizers or co-ordinators of trips or Club activities are not professional guides, mountaineers or first aid attendant. It describes the role of the organizer or co-ordinator and the responsibilities of a participant.

The waiver also sets out in detail what the participant is waiving. No organizer or co-ordinator should try to interpret this for someone (it says what it says) or minimize its legal effect. You are giving up your right to sue the Club.

The last paragraph confirms that the participant signing the release has read and understood the agreement and that by signing it, the participant is waiving certain legal rights which the participant or the participant's family may have against the BCMC. In other words, the participant can't come back later and say, I did not actually read the waiver or understand it.

No changes or revisions are permitted to the waiver. If a participant is not willing to sign the waiver in the form presented, then the participant cannot participate on the Club trip.

Waivers are legal and they do work. Trip organizers and co-ordinators should not minimize their legal effect because it simply jeopardizes the protection that the waiver provides them as trip organizers or co-ordinators. Spare blank copies of the waiver should be brought to the meeting area so that non-member participants can sign the waiver. There should be a signed waiver for every participant on the trip.

Liability insurance

The BCMC has liability insurance through Jardin Lloyd Thompson Canada Inc (JLT). Liability insurance is NOT accident insurance. Liability insurance will cover the legal costs to defend a claim and will pay out any settlement or judgment made against the Club, subject to the accident or claim coming within the scope of the insurance policy and coverage. Accident insurance

provides an insured with disability benefits; medical care benefits and sometimes rescue and/or transportation expenses, depending on the nature and scope of the coverage.

If there is an accident or incident in which a participant sustains injuries or loss or damage to equipment as a result of alleged negligence by a BCMC member and the participant sues the Club and/or the member who caused the accident or incident, the insurer will defend the claim, pay the legal costs for the defense, and pay out the settlement or damages awarded.

There are conditions and limits on the coverage, which will not be particularized here. However, the liability insurance policy does require that a signed waiver is obtained from each participant on a Club trip or Club sanctioned activity. Only activities sanctioned or approved by the BCMC are covered under the insurance policy. If members are on their own personal trip, the members and the trip are not covered by the liability insurance.

Trip participant list and waivers

At the designated meeting place, the trip organizer or co-ordinator should have a list of all trip participants, with an indication by their name whether a current member or not, and spare waivers. Each participant should provide an emergency contact person and number and identify if they have a health issue or condition, which may be relevant in the event of an emergency.

There needs to be a signed waiver from each participant on a Club trip. Most Club Members have signed waivers on record, but always check the membership list on the website to get confirmation that the Club Member has a current signed waiver on record. If a participant does not have a current signed waiver on record, get a waiver, regardless if the participant says he or she sent in their membership form and membership fees or it is a long-standing member who has not yet renewed. The participant should have no objection to signing a waiver. If the participant does, then he or she does not go on the trip. Make no exceptions.

Always let non-members know that they will have to sign a waiver before they can join the trip and direct them to the waivers available on the website so they can read the waiver at their convenience and leisure. If they have questions, they have the opportunity to contact a BCMC executive member for clarification. Have them sign the waiver in the parking lot and witness his or her signature or ask a member to witness his or her signature. If the participant has not previously read the waiver, give the participant time to read it. If the participant provides you with a waiver that he or she has signed, but it is not witnessed, have the participant cross out his or her signature and re-sign in front of a witness and have the witness complete the form.

Since the waiver is a two-page form, it is ideal if the waiver is printed as a double-sided document. This way the two pages can't get separated. Whether double-sided or not, the participant should initial the first page and sign the second page in front of the witness.

At the time the trip organizer or co-ordinator leaves the designated meeting place, the trip organizer or co-ordinator should have on hand a complete list of trip participants, with an emergency contact for each participant, medical conditions identified, and a signed and witnessed waiver from every participant who is a non-member.

After the trip

At the conclusion of the trip, the trip participant list and all waivers should be mailed or handed over to the climbing chair or a BCMC executive member to deliver to the climbing chair, who will store the forms, and trip statistics should be completed.

If there was an accident(s) or an incident(s) on the trip, whether or not involving an injury to a participant or loss or damage to equipment, this should be reported to the climbing chair, along with a description of the accident or incident. Depending on the circumstances, the accident or incident may have to be reported to the liability insurer. However, if this is required, the accident or incident will be reported to the liability insurer by the climbing chair or by another member of the BCMC executive.

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