LIFESAVING SOCIETY AB/NWT

STANDARDS JOURNAL 2012

LIFESAVING SOCIETY

The Lifeguarding Experts

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The Lifesaving Society is Canada's lifeguarding expert. The Society works to prevent drowning and water-related injury through its training programs, Water Smart® public education initiatives, water-incident research, aquatic safety management services, and lifesaving sport.

Annually, more than 800,000 Canadians participate in the Society's swimming, lifesaving, lifeguard, and leadership training programs. The Society sets the standard for aquatic safety in Canada and certifies Canada's National Lifeguards.

The Society is an independent, charitable organization educating Canadian lifesavers since the first Lifesaving Society Bronze Medallion Award was earned in 1896.

The Society represents Canada internationally as an active member of the Royal Life Saving Society and the International Life Saving Federation. The Society is the Canadian governing body for lifesaving sport - a sport recognized by the International Olympic Committee and the Commonwealth Games Federation.

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Canada's lifeguarding experts

– saving lives for more than 100 years.

Almost 500 Canadians die every year in water-related incidents. Most of these are preventable and occur in unsupervised settings, which is why more Canadians need the basic swimming and lifesaving skills to save themselves in an aquatic emergency.

The Lifesaving Society has a long and proud history of teaching swimming and lifesaving to Canadians.

We trace our roots to the late 19th century in London, England where we began as The Swimmers' Life Saving Society. In 1894, Arthur Lewis Cochrane brought the lifesaving skills he learned in his homeland to Canada. And he passed them along to students at Upper Canada College in Toronto, Ontario. In June 1896, 18 of his students were the first recipients of our distinguished Bronze Medallion award. Under the patronage of King Edward VII in 1904, we became The Royal Life Saving Society.

In the 1950s, we were the first Canadian organization to adopt mouth-to-mouth as the methods of choice over manual methods of artificial respiration. We started our first CPR training program in the 1960s. In the 1980s, we initiated a project to design an economical CPR training manikin (ACTAR 911™), and we launched our Water Smart® drowning prevention campaign.

In the 1990s, the Society introduced innovative new programs including Boat Operator Accredited Training, the Junior Lifeguard Club and the Canadian Swim Patrol Program, and we launched our Aquatic Safety Management Service. We expanded our First Aid training programs and completely revamped the Bronze medal and the National Lifeguard training program to suit the needs of the new century.

In 2001, we defined the Canadian Swim to Survive® Standard and subsequently launched our Swim to Survive program to teach Canadians the minimum essential skills they need to survive an unexpected fall into deep water. Our learn-to swim program – Swim for Life® – is our latest drowning prevention initiative.

Today, we are known to Canadians simply as the Lifesaving Society, a national volunteer organization and registered charity. And while we've expanded our strengths over the past century to include research and public education, we haven't forgotten the ideals that formed the foundation of our organization.

The Lifesaving Society has always been – and will continue to be – Canada's lifeguarding experts.

Contents

Foreword

The Lifesaving Society publishes the aquatic safety Standards Journal to assist recreation personnel in the safe operation of aquatic facilities.

The Standards Journal combines aquatic safety related legal reports and recommendations, and Lifesaving Society positions on safety issues relevant to the owners and operators of aquatic facilities.

The intent of these documents is to enhance the safety of swimmers and reduce the risk of incidents in the facility.

This Journal does not replace the Lifesaving Society Aquatic Safety Standards documents. Owners and operators of public swimming pools must fulfill the legal requirements stated in their provincial regulations, codes and standards.

The information contain herein was considered accurate at the time of printing. Be aware that as information, research and consultation develops, so too will the recommendations of the Society.

Related Lifesaving Society Resources

Every owner of a public aquatic facility has an obligation to provide a safe environment for every user of the pool. This obligation has been very clearly identified and affirmed by court decisions across Canada. In order to meet this obligation, you need the assistance of the experts – the Lifesaving Society. The Lifesaving Society is the authority in aquatic standards and safety. Our standards and expertise are based on extensive research and more than 100 years of public safety education and service. We are leaders in research and prevention of injury and drowning.

The following Safety Standard documents are available:

1. Public Aquatic Facility Safety Standards
2. Semi-public Aquatic Facility Safety Standards
3. Private Pool Safety Standards
4. Public Wading Pool Safety Standards
5. Water Front Safety Standards

The following support documents are available:

1. Safety and Supervision Plan Template
2. Aquatic Staff Manual Template

The programs are available:

1. Aquatic Management Training
2. Head Lifeguard
3. Aquatic Safety Inspector
4. SEE Auditor

Inquest Findings

Paquette Inquiry

INCIDENT SCENARIO AND SUMMARY OF FACTS:

Name of deceased:	Jeremy Paquette
Date and time of death:	April 8, 2005 – Time of death unknown
Cause of death:	Drowning
Manner of death:	Accidental
Location:	Rockyview General Hospital, Calgary Alberta

ACTIVITY TAKING PLACE AT TIME OF INCIDENT:

Just prior to 9:30 p.m. on April 4, 2005, Jeremy Paquette was engaged in underwater breath holding in the dive tank, part of the supervised public pool facility at the Talisman Center located near downtown Calgary. Mr. Paquette was observed by at least three lifeguards wearing fins, a snorkeling mask and swimming lengths practicing underwater breath holding. It was noted by at least two lifeguards that Mr. Paquette periodically took rests in the corner or on the edge to catch his breath. At 9:30 p.m. Mr. Paquette was observed apparently seated at the bottom of the dive tank, legs apart. A lifeguard entered the pool, recovered Mr. Paquette and with the assistance of two other lifeguards removed him from the pool. Aquatic staff performed CPR and applied a AED, although a shock was not advised at that time. Lifeguards continued CPR until EMS paramedics arrived.

JUDICIAL RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS:

1. Lifeguards must be well-trained in regarding all aspects of aquatic safety including lifesaving techniques and first aid. Acknowledge the importance of communication between lifeguards and with patrons as a component of maintaining safety. Sharing of information should be encouraged to help minimize risks.
    - Lifesaving Society Notes: The Society endorses this recommendation and makes recommendations for implementation in it's Public Aquatic Facility Safety Standards document.
2. Aquatic facility operators and managers must be vigilant regarding new activities and changing risk environment. This may involve encouraging communication and feedback from and between front line workers, including lifeguards, swimming instructors and coaches, via communication devices such as logbooks and face-to-face meetings.
    - Lifesaving Society Notes: The Society endorses this recommendation and makes recommendations for implementation in its Public Aquatic Facility Safety Standards document.
3. On another level they must be diligent regarding sharing and acquiring information regarding new developments with and from other operators and experts in the field. In addition, they should work to keep up to date with journals and literature in the area. Learning about challenges faced by similar facilities and keeping abreast of current research will help facility operators anticipate new issues and plan appropriate responses.
    - Lifesaving Society Notes: The Society endorses this recommendation. The Society works with owners/operators and attends, for the purpose of educating and providing expertise, programmer and managers meetings provincially. The Society also submits educational articles to industry publications and publishes a full suite of Safety Standards documents.

Paquette Inquiry

4. Pool facility must regularly review and update their policies to ensure they meet the needs of the facility and that there are required procedures in place to ensure their efficient implementation.
    - Lifesaving Society Notes: The Society endorses this recommendation and provides to the industry options for operation consultation as well as a Safety and Supervision Toolkit. This toolkit contains all the relevant information required by facilities in order to ensure appropriate and diligent documentation is completed.
5. Pool facilities should be equipped with up to date AEDs and well-stocked first aid kits. Systems must be in place and adhered to, to ensure equipment is functioning properly and that supplies are replenished as necessary.
    - Lifesaving Society Notes: The Society endorses this recommendation and provides equipment and training to assist owner/operators in creating and maintaining systems to achieve this.

Neave Inquiry

INCIDENT SCENARIO AND SUMMARY OF FACTS:

Name of deceased:	Jordan Neave
Date and time of death:	May 20, 2006 at approximately 6:45 p.m.
Cause of death:	Drowning
Manner of death:	Accidental
Location:	Olds Aquatic Centre

ACTIVITY TAKING PLACE AT TIME OF INCIDENT:

On May 20, 2006, eight-year-old Jordan Neave and his nine-year-old brother were taken to the Olds Aquatic Centre to swim by their Grandfather. Neither boy could swim. They had their own lifejackets, which they were to wear when attending the pool. The boys' grandfather did not accompany the boys into the pool but remained in the public viewing area. At some time, Jordan removed his lifejacket and 10 to 20 minutes later Jordan was recovered from the pool bottom by a lifeguard on duty.

JUDICIAL RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS:

1. Initiate a comprehensive review of Regulations and their enforcement. The Lifesaving Society has the expertise and provides a service to audit a pool, i.e. where is the problem, and recommend a plan. At this point in time, regulation provides that pool operators may consult the Society. There is no minimum standard for using or implementing this expertise and regulators are not equipped for checking to ensure that any standards are being met. Each pool is left to its own devices. Why not use this expertise? This question needs to be answered by government and I recommend a comprehensive review of Regulations and their enforcement, with an emphasis on the safety of the bathers, in consultation with the Lifesaving Society and other stakeholders.
    - Lifesaving Society Notes: The Society endorses this recommendation and works closely with Alberta Health Services to ensure that both inspectors and owner/operators have access to Lifesaving Society Standards as well as the support to implement them.
2. Establish a provincial admission standard. In order to ensure the supervision of young children; public swimming pools should adopt a provincial admission standard based on swimming ability and age. An example of such a provincial admission standard is to be found in the recommendations of Mr. Shane, Safety Management Director, Lifesaving Society.
    - Lifesaving Society Notes: The Society endorses this recommendation and provides a position statement outlining the Lifesaving Society recommended Swim Test.
3. Ensure that lifeguard position, scanning zones, and rotation charts are defined and posted in the pool office. Supervisory staff should ensure that for each of the various aquatic activities (e.g., recreation swim periods), lifeguard placement and supervision zones need to be defined. Issues affecting the placement of lifeguarding personnel should be identified (e.g. surface water glare) and resolved. Lifeguard rotation schedules should then be created. Once defined, all of these items need to be documented and incorporated into the staff handbook and operational procedures manual. Diagrams or charts illustrating these placements and procedures should be posted in the pool office and staff given appropriate and regular training.

Neave Inquiry

- **Lifesaving Society Notes:** The Society endorses this recommendation and provides this specific consultation to facilities upon request.

4. Ensure all "responsible persons" are certified with the Lifesaving Society Aquatic Management Training certification or equivalent training. In all aquatic facilities there are management personnel responsible for the direction of aquatic staff. In order to ensure they are familiar with aquatic standards, all management personnel must receive training. The Lifesaving Society has a certification program that would ensure personnel have the necessary information to safely manage aquatic facilities.

   - **Lifesaving Society Notes:** The Society endorses this recommendation and provides this training to industry professionals.

5. Enhance lifeguard scanning training. A training session should be conducted for all lifeguards highlighting scanning techniques and scanning standards. The Lifesaving Society has created a PowerPoint presentation which pool supervisory personnel can access. Lifeguard scanning practices should be monitored on a random and ongoing basis. The Lifesaving Society's SEE (Supervision Evaluation and Enhancement) evaluation system can assist pool supervisory personnel with swimming pool scanning evaluation.

   - **Lifesaving Society Notes:** The Society endorses this recommendation and provides this specific training to industry professionals.

6. Establish operational and supervision standards for the safe use of swimming pool mats, inflatable toys and life jackets. The Government, in consultation with The Lifesaving Society, should research and develop operational and safety standards for the use of this equipment. Consideration should be given but not limited to the type of equipment used, type of program in the pool, bather load, amount of pool surface obscured, etc. Operational and safety standards should be part of the Pool Standards, 2006.

   - **Lifesaving Society Notes:** The Society endorses this recommendation and includes these considerations in both our Comprehensive and Topical Audits. The Lifesaving Society Safety Standards have been available to the industry and are revised to reflect current industry custom and practice.

7. Promote the completion of the Lifesaving Society Comprehensive Aquatic Safety Audit. The purpose of the aquatic audit is to maximize the safety of participants utilizing public pools. An aquatic safety audit indentifies what steps might be taken to minimize the risk of drowning or serious water-related injuries in aquatic facilities. To enhance safety, owner/operators should be encouraged to undergo a Lifesaving Society comprehensive safety audit. Such an audit would have identified that one lifeguard during a family swim at the OAC was insufficient.

   - **Lifesaving Society Notes:** The Society endorses this recommendation.

Neate Inquiry

INCIDENT SCENARIO AND SUMMARY OF FACTS:

Name of deceased:	Jason Dean Neate
Date and time of death:	January 14, 2009 at 7:06 p.m.
Cause of death:	Sequelae of Drowning
Manner of death:	Accidental
Location:	Jamie Platz YMCA (Edmonton)

ACTIVITY TAKING PLACE AT TIME OF INCIDENT:

On January 13, 2009 Jason Neate was swimming at the Jamie Platz YMCA Swimming Pool in Edmonton, Alberta. Jason entered the shallow end of the pool and then began swimming in a lane. The on-duty lifeguard positioned himself closer to the deep end where Jason and one other swimmer were swimming. When Jason went to the bottom of the pool, the on-duty lifeguard noticed Jason's arms stopped moving. The on-duty lifeguard estimated that Jason was at the bottom of the pool for 15 seconds before he dove in to rescue him. The on-duty lifeguard brought Jason to the surface and began emergency procedures. He covered Jason with blankets and continued monitoring Jason's breathing and pulse while he waited for the ambulance to arrive.

JUDICIAL RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS:

Given the significant initiatives that the YMCA has undertaken since January 2009, the recommendations that this Inquiry may suggest to prevent similar deaths in the future are limited.

1. One recommendation for change involves a consolidation of manuals. It became apparent from a review of all the YMCA manuals entered as exhibits, that aside from the general confusion that can result from duplicity, some inconsistencies existed between them. I would strongly urge, and as was suggested by the Canadian Red Cross Society, that one consolidated manual for the aquatics staff be compiled. That manual would include everything that the aquatics staff would need to perform their job. An outline of suggested headings was included in the Canadian Red Cross Report dated September 22, 2011.
    - Lifesaving Society Notes: The Lifesaving Society endorses this recommendation. As the standard-setting certifying body for lifeguards in Canada, the Lifesaving Society has been providing resources for the development and use of Aquatic Staff Manuals since the 1990s. We include the "Aquatic Staff Manual" checklist in several training programs (i.e. Head Lifeguard and Aquatic Management Training) and the 2012 Safety and Supervision Toolkit (hard-copy and electronic).
2. Also, as suggested in the September 22, 2011 Canadian Red Cross Report as well as being noted in the Lifesaving Society Public Aquatic Facility Safety Standards manual, and also as referenced in the Lifesaving Society Lifeguard Positioning Analysis, it is strongly recommended that since lifeguarding is a vigilance task, a lifeguard should be assigned no other duties while supervising the pool deck. In addition, in order to keep a lifeguard alert and focused, a lifeguard should be required to take a minimum 15 minute break from supervising every 2 hours.
    - Lifesaving Society Notes: The Lifesaving Society supports this recommendation. The Lifesaving Society Public Aquatic Facility Safety Standards have been published since 2001 and have given clear direction in regards to lifeguarding in terms of vigilance and maximum time on deck. The Society provides complimentary access to the Public

Neate Inquiry

Aquatic Facility Safety Standards through the website – www.lifesaving.org – and conducts Lifeguard Positioning Analysis for facilities on a request basis.

Vigilance (from the Public Aquatic Facility Safety Standards)

Lifeguarding is a vigilance task. Every effort must be made to keep the lifeguard alert and focused on supervision. Regular rotation between stations and regular breaks from the vigilance task are required. If two (2) or more lifeguards are on duty on deck, they should rotate lifeguard stations every 15 - 30 minutes.

The Lifesaving Society recommends that lifeguards should be provided with a minimum 15 minute break from the supervision task every two (2) hours. During this break lifeguards may be required to perform other duties such as maintenance.

3. Since aquatics operations are complex and require continuous evaluation, it is recommended that an external audit be conducted on each facility no less than once every 2 to 3 years.
   - Lifesaving Society Notes: The Lifesaving Society supports this recommendation. The Lifesaving Society has provided Comprehensive Aquatic Safety Audits since the 1990s, and provides training and certification for Lifesaving Society Aquatic Safety Inspectors and Lifesaving Society Aquatic Safety Auditors. The Lifesaving Society recommends that all facilities conduct an annual Aquatic Safety Inspection as well as a Comprehensive Aquatic Safety Audit every 3-5 years.
4. It is recommended that additional signs be posted to remind patrons of the need to inform the lifeguards of any medical conditions. Such signs could be posted at the front entry near the Customer Service Desk with additional signs around the pool deck and inside the locker rooms.
   - Lifesaving Society Notes: The Lifesaving Society supports this recommendation and has included this under Safety Systems in the Lifesaving Society Public Aquatic Facility Safety Standards since the original 2001 publication.

Legally Speaking

Written and Prepared By
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Heather is a member of FMC's Corporate Commercial group. Heather helps clients organize their business as well as draft and negotiate contracts pertaining to their area of business. She also advises clients with respect to completing transactions involving their business.

Heather also has experience advising on regulations as well as drafting, reviewing, and negotiating clinical trial agreements and ancillary documents related to clinical research for one of Canada's largest research-intensive universities.

Heather is a member of the Intellectual Property Subsection of the CBA.

Occupier's Liability

EDITOR'S NOTE: The purpose of this commentary is to furnish lifeguards, instructors, affiliates, and pool operators with some general information which might bear some relevance to an aquatics programming facility. This is not to be construed as legal advice or opinion.

ARTICLE: The case of McQueen v Her Majesty the Queen in Right of the Province of Alberta and the City of Calgary, (2001) A.B.Q.B. 220, affirmed 2002 ABCA 31 discusses the full extent of the duty owed to patrons of public swimming facilities by its operators.

JUNE 25, 1994. APPROXIMATELY 11 A.M. SIKOME LAKE PROVINCIAL PARK.

Carrying his two and three year old sons, David McQueen waded 10-15 feet into Sikome Lake towards one of six skimmer platforms around the perimeter of the lake. The skimmers are made of concrete with a side mounted drain inlet near the water surface. McQueen put each child on the edge of the platform and stepped up to the top. He looked out to the expanse of the lake opposite the shore and dove in head first, breaking his neck. He was rendered paraplegic as a result of his injuries.

At the trial, McQueen testified that he did not intend to dive when he waded out with his boys to the skimmer platform. He further testified that he looked down and could not see the bottom of the lake and thought it was safe, notwithstanding the fact that he had just walked out to the skimmer platform, with the water level no higher than his knees. Prior to his dive, he did not stop to check the water depth; he did not pose for a dive. He was merely on the skimmer platform for a few seconds before he chose to dive into the very shallow water. McQueen testified that he did not see a "No Diving" sign on top of the skimmer at the time of his dive.

McQueen had consumed about 20 ounces of rum and possibly one beer before he went to bed around 4:30 a.m. the previous night. He did not have any more to drink the morning of the incident. A blood sample was taken around noon when he was admitted to the hospital. His blood alcohol level was equivalent to at least 0.148 mg/100 mL.

The plaintiff's expert's opinion was that the injuries to McQueen "were the result in the accumulation of errors and mismanagement by the operators of Sikome Lake." The expert cited inadequacies in lifeguard training and actions, inadequate signage, and errors in platform design and placement as contributing factors to McQueen's injuries.

The court dismissed the evidence of the plaintiff's expert, ultimately finding that his propositions and findings were not credible. Each of the categories is discussed below.

LIFEGUARD TRAINING: The Court accepted the evidence presented by the lifeguards with respect to their level of training and qualifications. It was held that the national qualifications maintained by each of the lifeguards and their comprehensive facility-specific in-service training was adequate to ensure the lifeguards were properly qualified to perform their duties. At the time of the incident with only 15-20 bathers in the lake and three lifeguards on active duty, the lifeguards were properly positioned to observe and respond to aquatic incidents.

SKIMMERS: The plaintiff's expert argued that the skimmer platforms, by their design and placement, constituted an invitation to swimmers to approach, climb up, sit, stand, jump, and dive off, and that the defendant, as occupier of the premises, was negligent in allowing the skimmers to be used in their present design knowing the shallow water depth, when it was known that these would attract people to dive off them.

The defendant argued that rather than the design of the skimmer platform being faulty, it was McQueen's judgment, considerably impaired by alcohol, which resulted in his injuries. His action of diving head first from the skimmer platform was entirely unpredictable and afforded no opportunity for the lifeguards to intervene in a meaningful manner to prevent injury, particularly when he didn't pose

for a dive for any length of time prior to executing the dive. While lifeguards are trained to prevent injuries, they must have an opportunity to do so. In this case, even McQueen did not know he was going to dive prior to his diving off the skimmer platform. He failed to observe the large sign prohibiting diving which was virtually at his feet. He surely must have known the depth of the water near the skimmer platform as he had just waded out from the shore to a depth of no more than 18-20 inches before he stepped up onto the platform.

While both parties agreed that the presence of skimmer platforms would constitute an attraction to bathers; they could safely jump from the platforms. Jumping and diving are different activities having different risks and different purposes. Expert evidence for the defence testified that jumping from the surface of the top of the skimmer platform was low risk whereas diving was much riskier having potentially catastrophic consequences. Skimmer platforms in and of themselves were not found to be inherently dangerous; rather, individual activities must be monitored to ensure no unsafe behaviour is demonstrated in individual circumstances.

INADEQUACY OF SIGNAGE:

Although McQueen failed to see the warning signs, a "No Diving" sign stencilling 3.5-4 inches high and 16 inches long was present on the surface of the skimmer platform from which McQueen dove. In addition, a number of depth marking buoys located towards the central part of the lake were also present at the time of the dive. A pictorial sign indicating "No Diving" was located near the lifeguard tower.

The physical act of wading to the edge of the skimmer platform should provide a user with very specific information as to water depth. A reasonable individual wading out to the skimmer platform would be cognizant of the shallow water depth and use common sense to not dive head first off of it. The Court held that the risk to McQueen was so obvious and apparent, it would be obviously known to anyone. The fact that he chose to dive into very shallow water was not due to any failure on the part of the defendant to adequately warn patrons of inherent risks. McQueen simply acted unreasonably.

While there is explicit legislation in Alberta outlining the duty of care owed by an occupier of a premise to any visitor, the legislation also recognizes that while visitors are on the premises, they must exercise common sense and good judgment. As long as the occupier has taken reasonable precautions to guard against visitors injuring themselves while using the premises, the occupier need not be a guarantor of safety. The Act is not intended to exclude every possible risk of injury from active sports or recreation. In this case, the risk of injury to McQueen was assumed solely by him. The signage and supervision provided at Sikome Lake in face of the attraction of the skimmer platforms were adequate to discharge the legal duty owed to McQueen.

THE LAW: OCCUPIERS' LIABILITY ACT:

In Alberta, the duty of care owed by an occupier of premises to a visitor on the premises is codified in the Occupiers' Liability Act.

Section 5: An occupier of premises owes a duty to every visitor on his premises to take such care as in all circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for purposes for which he is invited or permitted by the occupier to be there or is permitted by law to be there.

Section 7: An occupier is not under an obligation to discharge the common duty of care to a visitor in respect of risks willingly accepted by the visitor as his.

Section 9: A warning, without more, shall not be treated as absolving an occupier from discharging the common duty of care to its visitor unless in all circumstances the warning is enough to enable the visitor to be reasonably safe.

Duty of Care in a Public Swimming Facility

EDITOR'S NOTE: The purpose of the following article is to report on a recent discussion of the Board of Directors ("Board") of the Lifesaving Society Alberta and Northwest Territories ("Lifesaving Society"). The issues raised in this article should be considered for information purposes only, are meant strictly to serve as questions that affiliates of the Lifesaving Society should consider when assessing their total risk management strategy, and in no way should be considered to be legal advice.

ARTICLE: On September 11, 2002, an experienced swimmer (the "Plaintiff") was swimming lengths in a municipal pool in British Columbia, when she was struck on the head by another swimmer also swimming lengths. The Plaintiff suffered a concussion and some neck problems following the incident. Immediately following the incident, the Plaintiff was treated by the lifeguards on duty, neither of whom had seen the incident occur. The Plaintiff brought proceedings against the City for damages for negligence, alleging that as neither of the lifeguards observed the actual incident, this should be taken as proof that the standard of supervision required of the City had not been met.

The Court considered the duty of care required under both the common law and the Occupier's Liability Act, and ultimately determined that the City had met the duty of care of making the complex reasonably safe. The statutory duty of care imposed by Occupier's Liability Acts in Canada is the duty to take care that in all circumstances of the case it is reasonable to see that a person on the premises would be reasonably safe in using the premises. The Court states that if they were to take the mere fact of an incident as proof of negligence, it would amount to a presumption of negligence every time an incident occurred.

The Court held that the lifeguards at the complex were ensuring generally that the patrons followed the rules of the facility, and adjusted their guarding positioning in such a way to be able to educate patrons as the need arose. The pool was divided into lanes labelled fast, medium and slow. There were signs posted explaining the pool rules, and the lifeguards commented that their practice was to educate patrons who were not following the rules as soon as practical. The lifeguards stated that they rotated from their standing position approximately every 15 minutes, at which point they would exchange information and in particular draw the incoming lifeguard's attention to the patrons who had not previously been following the rules, or with whom discussions about the pool rules had occurred. The Court found that there was adequate supervision on the day of the incident, taking into account the design of the facility, and effective positioning of the lifeguards.

The Court recognized that incident prevention is accomplished through enforcement of pool rules, educating patrons, influencing patron behaviour, ensuring a safe environment and continually scanning the activity area for potential problems. The Court went on to recognize that notwithstanding the responsibilities of a lifeguard in preventing incidents, it is not expected that a lifeguard will see everything that happens in the pool at all times. The Court went on to recognize that there was a certain level of personal responsibility placed on patrons to ensure that their activity does not endanger the safety of themselves or others. The Court ultimately concluded that the incident which injured the Plaintiff took place despite the fact the City had taken every reasonable measure to make sure that a swimmer such as the Plaintiff would not be injured.

This case illustrates the Court's interpretation of the duty of care imposed by the Occupier's Liability Act. A swimming pool operator is required to take steps to ensure that patrons visiting the premises will be reasonably safe given the activities to be conducted on the premises. Notwithstanding the imposition of this statutory duty, there is no presumption that a swimming pool operator, or its employees are guarantors or insurers against all forms of incidents which may occur. Nonetheless, the case is important in describing the methodical and systematic steps which must be taken in order to ensure that a premise is safe. While lifeguards should pay particular attention to ensure that similar incidents do not occur, they can take some comfort in knowing that they are not insurers of safety, as long as

all reasonable means to the full extent of their training have been exhausted in protecting a patron using a public swimming facility.

How Much Risk Are You Willing to Tolerate?

EDITOR'S NOTE: The purpose of the following article is to report on a recent discussion of the Board of Directors ("Board") of the Lifesaving Society Alberta and Northwest Territories ("Lifesaving Society"). The issues raised in this article should be considered for information purposes only, are meant strictly to serve as questions that affiliates of the Lifesaving Society should consider when assessing their total risk management strategy, and in no way should be considered to be legal advice.

AFFILIATES NEED TO BE AWARE OF LIABILITIES ASSOCIATED WITH RUNNING COURSES

CONDUCTING A LIFESAVING SOCIETY LEADERSHIP COURSE:

Each course endorsed by the Lifesaving Society must be provided through affiliation with the Lifesaving Society. The affiliation may belong to the host facility, instructor, or examiner. While often it is the host facility which maintains the affiliation, there may be a separation of this function, for example where a private individual holds a teaching affiliation and offers private courses at a hotel or backyard pool, conducts recertification exams, teaches or examines first aid courses or runs AED clinics that are not tied to any particular aquatic facility. In each of these scenarios, where the affiliate is separate from the host facility, there is potential legal exposure to the affiliate where a lawsuit is filed against an affiliate independently from a host facility, instructor, or examiner. A prudent affiliate may choose to carry insurance adequate to reimburse an injured claimant for any claims that may be filed against the affiliate or those working or volunteering under the umbrella of the affiliate. While there do not appear to be any reported cases in Alberta nor the Northwest Territories outlining how a Court would apportion responsibility against any of a facility, instructor, examiner, or affiliate if negligence were proven, each player in the equation should examine and manage the risks.

In a typical employment relationship, an instructor provides in a commercial context, and the instructor would ordinarily be covered by the employer's commercial general liability insurance policy for acts or omissions occurring during the course of employment; however, this is less clear in the context of a private swimming instructor conducting a 'private swimming lesson' at a facility outside of the programmed swimming lesson time, or in the context of a swimming instructor voluntarily offering "tips" to close friends or relatives in a non-commercial context. When a private affiliate is acting outside of an employment relationship, the individual affiliate must be prepared to manage the risks of any potential legal suits.

FACTORS TO CONSIDER IN ESTABLISHING DEGREES OF RESPONSIBILITY:

There are several elements a Court would examine in apportioning relative degrees of responsibility of a host aquatic facility, examiner, private instructor or affiliate, as to who ultimately would bear the consequences of an act of negligence. Some of the questions to be examined include the issue of whether private instructors or affiliates pay a licence fee or a commission back to a host organization for the exclusivity of being a private instructor or an affiliate. For example, affiliates of the Lifesaving Society are required to pay an annual fee to the Lifesaving Society for the privilege of being able to submit test sheets to certify the candidates they instruct or examine. A Court would also examine the qualifications, certifications and competencies of an individual instructor or affiliate. The onus is on the affiliate to ensure that the examiners/instructors who certify candidates maintain current awards recognized by the Lifesaving Society. Another factor to consider is the standard operating practice of the host facility; specifically whether or not the private instructor or affiliate is allowed access to the facility free of charge, and whether they receive exclusive use of the space in the facility during the time that they are conducting the private program. A Court would consider whether the individual affiliate is entitled to use any of the facility equipment, or whether the affiliate is required to acquire its own equipment for use while conducting a course at a public aquatic facility. The degree of responsibility of the private instructor/examiner or affiliate is also relevant, specifically whether he or she is provided

with any supervision by a lifeguard during the time that the instructor affiliate is performing his or her duties. Lastly, one of the most important issues to consider would be whether or not an aquatic facility has a written contract with the private instructor/examiner or affiliate, which allocates the risk of any loss between the parties. If an affiliate or a private instructor/examiner were to sign a binding contract with a host facility stating that throughout the duration of a course conducted at the host facility, the affiliate or instructor/examiner could benefit from the commercial general insurance policy of the host facility, there would be little need for the affiliate or instructor/examiner to maintain its own insurance policy. However, in the absence of such a clear-cut contract, affiliates and instructors/examiners need to carefully consider other methods of minimizing the risk of a negligence claim brought against them. One tool to mitigate this risk is to maintain and procure an adequate insurance policy on the affiliation.

RISK MANAGEMENT STRATEGIES:

One potential risk could arise in a situation where there was an incident during the conduct of a course scheduled by an affiliate at a host facility. Does the affiliate hosting the course have any liability to the victim for any loss? Certainly in the absence of any written contract between a host-facility and host-affiliate (assuming that they are not the same entity), it would be for the victim of any loss to prove negligence on the part of the affiliate or the host facility, and damages would be awarded accordingly. In the absence of a judicial precedent outlining how a Court may allocate risks, the risk management policies of the affiliates, instructors and examiners must be carefully reviewed.

In the absence of any clear-cut answers to the questions outlined above, the issue of whether a private affiliate should maintain its own insurance prior to engaging employees or volunteers to run courses or examinations at public or private aquatic facilities remains largely unresolved. However, in order to mitigate its risks, an affiliate should consider as part of its business strategy, whether to allocate funds to maintaining commercial general liability insurance on the affiliation. While the Lifesaving Society is not in a position to be able to advise its affiliates one way or another, the Lifesaving Society does encourage its affiliates to properly examine and implement a risk management strategy appropriate for the risk tolerance level of the affiliate.

Skills and Fitness Tests As A Criteria For Employment

EDITOR'S NOTE: The purpose of this article is to furnish lifeguards, instructors and pool operators with some general information on the law which might bear some relevance to aquatics programming and facilities. This is not to be construed as legal advice or opinion, but rather to show trends and principles of the law as they might affect aquatic personnel, through the use of recent cases decided throughout Canada.

ARTICLE: Many employers are concerned about hiring the best possible employees and to that end, design a practical interview, requiring the candidates to perform various physical, written, and other skill demonstrations, to try to select the best possible candidate for the position. The issue has been raised as to the legitimate standards against which employers may measure prospective employees and how an employer may ensure that such standards do not become the subject of a court challenge.

There is much case law in Canada discussing the issue of how one measures a legitimate standard in an occupational field, as well as what dangers exist for employers in setting such standards. The Supreme Court of Canada has stated in Ontario Human Rights Commission v. Etobicoke, [1982] 1 S.C.R. 202 ("Etobicoke") that: "…in certain types of employment, particularly in those affecting public safety such as that of airline pilots, train and bus drivers, police and firemen, [the employer must] consider … the risk of unpredictable individual human failure involved." To such an end, these employers require certain minimum levels of fitness in order for the applicants to manage in their job duties. Arguably, the job of a lifeguard would fit into the same category as those mentioned above, as, at any moment, there could be the need for a lifeguard to respond in an emergency situation, and the lifeguard must have a minimum level of physical fitness in order to respond successfully to such an emergency.

However, imposing standards on employees cannot be done in an arbitrary nor capricious manner, as has been discussed in several decisions from the Supreme Court of Canada and Appeal Courts across the country. In most of the cases, the employee alleges discrimination in that they were unable to meet a particular standard adopted by the employer leading to the employee's rejection for hiring or termination. In these cases, the employee argues that an arbitrary standard that has been set is inapplicable to them, or the standard does not measure adequately whether they can perform the tasks required of their occupation. For example, in the Etobicoke case cited above, a police officer brought an application to the Court challenging the collective agreement provision that he was forced to retire at the age of 60. The Court, through McIntyre J. states that "a mandatory retirement at age 60, provided for in a collective agreement, contravenes the provision of the Code [the Ontario Human Rights Code, R.S.O. 1970, c.318, s.4(6), as amended] by discriminating against certain employees on the basis of age."

In order for a successful discrimination argument to be advanced, the employee may argue that the occupational standard violates a prohibited ground enumerated in human rights legislation. Human rights is governed provincially, and each province in Canada has adopted its own legislation, substantially the same in all provinces. The courts in all cases were asked to review whether by imposing certain standards on employees, the employer violated their human rights by discriminating against them on certain prohibited grounds. It is commonly understood that the prohibited grounds include discrimination based on age, gender, sexual orientation, race, creed, colour, marital status, nationality, ancestry or place of origin.

Notwithstanding the human rights legislation in each province, it is acknowledged that there are also certain occupations that require a physical standard where certain minimum thresholds must be set in order to maintain public safety. In those occupations, such discrimination may be warranted if the employer can show that there is a bona fide occupational requirement that justifies the particular type of discrimination. For example, in Ontario, section 4(6) of the Code states that "the provisions of the section relating to any discrimination, limitation, specification or preference for a position or employment based on age, sex or marital status do not apply where age, sex or marital status is a bona fide occupational qualification and requirement for the position or employment."

A Supreme Court of Canada decision, British Columbia (Public Service Employee Relations Commission) v. B.C.G.S.E.U., [1999] 3 S.C.R. 3, discusses the issue in relation to a forest firefighter. A female firefighter, who had been employed by the Province of British Columbia for three years, lost her job when the government adopted a new series of fitness tests which all forest firefighters were required to pass. Despite repeated attempts, she was unable to pass one of the fitness requirements, being a 2 kilometre run wearing full fire gear in less than 11 minutes. She was able to complete it in 11 minutes, 49.4 seconds. On the basis that she was unable to meet the fitness standards, she was terminated. The

Courts looked at the evidence on both sides of the case. One interesting factor in this case was that the Government of British Columbia commissioned a team of researchers from the University of Victoria to undertake an independent review of the Government's existing fitness standards with a view to protecting the safety of firefighters while still meeting human rights norms. The researchers developed a series of tests that were ultimately implemented by the Government, all of which were designed to identify the essential components of forest firefighting, measuring the physiological demands of those components, selecting fitness tests to measure those demands and, finally, assessing the validity of those tests. The tests did not specify different standards for men and women. The evidence before the Court showed that approximately 65 to 70% of male applicants were able to pass the particular fitness test on their initial attempt while only 35% of the female applicants had similar success. Further, evidence before the Court showed that owing to physiological differences, most women have lower aerobic capacity than most men. Even with training, most women could not increase their aerobic capacity to the level required by the aerobic standard, although training allowed most men to meet the standard. As a result, the implementation of these tests had the unforeseen effect of discriminating between men and women based on the fact that the majority of women could not meet this test.

The Court found that "there was no credible evidence showing that the prescribed aerobic capacity was necessary for either men or women to perform the work of a forest firefighter satisfactorily." Further, the Court found that while "there is generally a reasonable relationship between aerobic fitness and the ability to perform the job of [forest firefighting]," this fell short, of "an affirmative finding that the ability to meet the aerobic standard chosen by the Government is necessary to the safe and efficient performance of the job."

This case sets out the test for an employer to show there is a bona fide occupational requirement that justifies discrimination between employees consequentially arising as a result of implementing the standards. In this case, the Court held there was adverse effect discrimination, meaning that an unintended consequence of the requirements imposed on the employees creates an effect of discrimination, as opposed to direct discrimination where an employer may set out certain requirements that on their face discriminate on the basis of prohibited grounds. In this case, given that there was adverse effect discrimination, the bona fide occupational requirement is met if "(1) there is a rational connection between the job and the particular standard, and (2) the employer cannot further accommodate the claimant without incurring undue hardship."

Therefore, it is clear that in order for an employer to ensure that they do not inadvertently discriminate, they must be sure that the fitness test is rationally connected to the job and to the particular standard, that is a measure of rational physical fitness expectations that would be required in the course of the ordinary duties of the employee, and that such a test in fact measures the ability of the employee to perform that function.

While none of the cases considered an aquatic context, it is reasonable that the same issue may arise with respect to setting standards over and above the minimum requirements necessary to apply for the job position. Employers may wish to consult their legal counsel or the Lifesaving Society to review their potential guidelines for the desired demonstrated skills.

Where's the Danger?

EDITOR'S NOTE: Disclaimer: The following cases discuss the reasonable standard of care owed by pool operators to their patrons in British Columbia. Comments are also relevant in the other provinces in Canada including Alberta. The purpose of this commentary is to furnish lifeguards, instructors, affiliates, and pool operators with some general information which might bear some relevance to an aquatics programming facility. This is not to be construed as legal advice or opinion.

ARTICLE: **DOMINELLI V. SAANICH (DISTRICT) 2005 BCSC 1455, AFFIRMED BY 2007 BCCA 38**

Commonwealth Place is a recreational complex that includes a teaching pool, dive tank, and competition pool. The teaching pool and dive tank are 25 metres long, separated by a movable fiberglass bulkhead that is rarely moved. The competition pool is 51 metres long. It has a 1 metres bulkhead that can be placed at the end of the pool to make a 50 metres pool or placed in the middle to create two 25 metres pools. Lines on the floor of the competition pool start 2 metres from either edge and run unbroken to within 2 metres of the other end, with a "T" cross marking the end of the line, as required by the rules of the Federation Internationale de Natation Amateur (FINA), the governing body for international aquatic events. The markings provide the swimmer adequate time to adjust before encountering the wall. However, due to the fact of the movable bulkhead, at the 25 metres mark, there was a 1 metres cross line, but no 2 metres "break" in the line before the bulkhead when in the 25 metres position.

March 25, 2000. Commonwealth Place. The competition pool was set up in 25 metres format. Ms. Dominelli had recently completed a 25 metres underwater swim for the first time in the teaching pool and dive tank. With no further investigation, Ms. Dominelli entered the competition pool and attempted the 25 metres underwater swim. Upon seeing the "cross" on the floor, she attempted to surface, and, in so doing, injured herself on the side of the bulkhead. It is argued that the design of the bulkhead, the placement of the bulkhead, and the lack of signage pointing out this danger contributed to the incident.

The judge reviewed the rules of FINA. Due to the configuration of the bulkhead, the required lane markings were not present in the competition pool when it was set up in 25 metres format. It was a hazardous situation; collision with the wall was a foreseeable risk. This danger could have been avoided at minimal cost by the mere placement of a caution sign, advising of the risk. Moreover, prior to this incident, there were at least two documented cases of previous head injuries caused by collisions with the bulkhead. Therefore, the District of Saanich did not take reasonable care to see that Ms. Dominelli would be reasonably safe in using the competition pool.

However, the judge stated that a contributing factor in this case was the negligence of Ms. Dominelli. She entered a pool that was unfamiliar to her, that was deeper than the others, and most importantly, whose characteristics of the bulkhead were visible from the deck. Despite all of this, she made no attempt to inspect the characteristics of the pool before swimming. In this respect, she failed to take reasonable care for her own safety in circumstances where she ought to have foreseen danger to herself. As such, the judge found each party 50% responsible. Nevertheless, it highlights the duty of the occupier to take reasonable steps to prevent injuries.

CAMPBELL V. VANCOUVER (CITY) 2001 BCSC 350

The Lord Byng Pool had markings on the bottom of the pool ending about 6 feet from the wall in a cross line. The pool had a removable ladder that was placed in an edge lane approximately half of the time. This was the slow lane; it was often used for weaker swimmers and patrons with special needs. When placed into the water, the ladder protruded about 6 feet into the pool.

October 28, 1994. Lord Byng Pool. Mr. Campbell was swimming lengths on his stomach in the slow lane as he had routinely done in the past. When Mr. Campbell was nearly done his customary 20 laps, the lifeguard inserted the ladder in the lane. On his 19th lap, he struck his head on the aluminum ladder.

The judge found that the lifeguard intended and actually attempted to bring to Mr. Campbell's attention the fact that he was putting in the ladder. The judge also acknowledged that Mr. Campbell was aware that the ladder had been in that position on previous occasions. However, on this specific occasion, the lifeguard did not successfully bring to Mr. Campbell's attention that the stairs were going in; he incorrectly assumed that Mr. Campbell was aware. By placing the stairs in the pool, the lifeguard changed the environment, creating a risk to swimmers who were not aware of the stairs' presence in the pool.

Therefore, by failing to take reasonable steps to warn the swimmer that he was changing the environment, the defendant City of Vancouver was negligent and failed to keep and maintain the premises in a reasonably safe condition.

COMMENTARY:

There are some important similarities and differences to note in these two cases. In Dominelli, a hazard was present and visible before the swimmer entered the pool. The level of risk created by the hazard did not vary. Ms. Dominelli could have easily discovered the hazard by a quick inspection before entering the pool she had never swam in before. In Campbell, the hazard was placed in the water while Mr. Campbell was swimming. He did not know that the hazard was present, as he had not previously encountered it on his first 18 laps. He was, however, aware of the hazard from previous occasions.

While it is impossible to prevent every accident, lifeguards, instructors, and pool operators must take reasonable steps to ensure that patrons visiting the facility are safe. In both of these cases, reasonable steps were not taken.

In each instance, it was not necessary to completely eliminate the actual hazard. The bulkhead and the ladder could each be used safely. However, by not informing the swimmers of these hazards - by appropriate signage in the one instance and by ensuring the individual actually was aware of a new hazard in the other - each facility was negligent in its duties. Some hazards may (and will) be present on the premises or be inherent in its design. The duty of the occupier of the premises is to ensure that all reasonable steps have been taken to ensure that the hazards are brought to the attention of the patrons. While it is not expected that pool operations will eliminate all hazards, steps must be taken to reduce the risk of injury. The most important one being to communicate to patrons the existence of the hazard.

A Swimming Facilities Duty of Care And The Personal Responsibility of Patrons

EDITOR'S NOTE: The purpose of the article below is to furnish lifeguards, instructors and pool operators with some general information on the law which might bear some relevance to aquatics programming and facilities. This is not to be construed as legal advice or opinion, but rather to show trends and principles of the law as they might affect aquatic personnel, through the use of recent cases decided throughout Canada.

ARTICLE: On August 1, 2004, during the designated family swim time at a public pool in British Columbia, a female diver ("the Plaintiff") stepped off the 5 meter platform into the dive tank. Before the Plaintiff had cleared the area, a young male, approximately 12 years old, stepped off the 5 meter platform and collided with her. As a result of this collision, the Plaintiff suffered an injury to her left arm. It was no issue that the boy was negligent in stepping off the platform, but the Plaintiff also alleged that the facility's negligence had contributed to the accident.

The Occupier's Liability Act (the "Act") states that the occupier of a premises owes a duty to take that care which, considering all of the circumstances of the case, is reasonable to see that a person on the premises will be reasonably safe in using the premises. This duty of care applies in relation to the condition of the premises, activities on the premises, and the conduct of third parties on the premises. The Plaintiff alleged that the facility did not meet this standard of care.

In support of her position, the Plaintiff pointed to the history of similar events in the dive tank at that facility. Between December 1994 and December 2004 there were thirteen similar incidents concerning the 5 meter platform, and another 31 incidents involving divers using the other diving surfaces in the dive tank. None of the incidents had been particularly serious; they generally only resulted in bruises or some minor discomfort. Nonetheless, the Plaintiff argued that these previous similar incidents had established a foreseeable risk of harm which the facility had done nothing to prevent. Specifically, the Plaintiff felt there should have been a lifeguard designated solely to supervising the 5 meter platform at all times that the platform was open to the public.

The dive tank in the aquatic facility contained 7 total launching devices, ranging from 1 meter to 7.5 meters above the water. There was one tower which contained access to all jumping areas but the lowest, and entry to each platform or board was regulated with a steel gate. Signs were posted at both entries to the tower, which among other things, cautioned divers to: "Ensure water area below is clear before leaving boards and towers"; and "Exit area immediately after entering the water." Additionally, there were also signs posted on the platforms, which read, in part: "Exit Under Platform Immediately After Diving!" Among other things, the diving platform rules stated to "Walk up to end of platform and look below to ensure area is clear before jumping or diving"; and "Upon entering the water please swim directly back to wall beneath, and exit pool."

At the time of the incident, there were nine qualified lifeguards on duty at the time of the incident, although no one was exclusively designated to watch the 5m platform.

ANALYSIS: To help determine whether the facility had fulfilled its duty under the Act, the Court received evidence on the "custom and practice in the industry". It firstly reviewed the legislative standards in force, from the Swimming Pool, Spray Pool and Wading Pool Regulations, B.C. Reg. 298/72, O.C. 419/2003, which are adopted under the Health Act. The material regulations of which are as follows: "Diving boards and platforms more than 10 feet above the water level shall have the access designed so that it may be controlled"; "Every swimming pool manager shall ensure that at least one lifeguard is on duty at pool side for each 100 persons or portion thereof within the pool area"; and "The use of diving boards and platforms shall be restricted in the interest of safety at the discretion of the swimming pool manager."

The Court also heard the testimony of the Executive Director of the Lifesaving Society of British Columbia and Yukon Territory (the "ED") as to the "custom" of swimming pool operations in British Columbia. The ED testified that, in his experience, "the rules applied to a 5 meter platform are clearly

set out in conspicuous signage" but that "a lifeguard is not specifically assigned to monitor the use of the 5 meter platform" and that "it is the responsibility of the next user to visually ensure that the previous user has left the landing area prior to entry". The Court accepted this testimony, as well as the legislative standards outlined above, as an accurate reflection of the custom and practice in the industry. There is no doubt that the policy of the facility lived up to the standards set by this custom and practice.

The Court ultimately ruled in the facility's favour. It found that the policies employed, which easily met the common customs and practices in the area, were sufficient, and it accepted the facility's contention that a requirement to change the lifeguard supervision procedures based on the previous incidents would be unreasonable. The frequency of the incidents, and more importantly the severity of the injuries sustained, did not justify a change to the facility's policies.

The Court warned that the word "prevent" must be used cautiously. There is no legislatively imposed duty on occupiers to "prevent" injury. An occupier must take such care as is reasonable, and to see that a person using the premises is reasonably safe. Facility operators can look to the standard set by the customs and practices of the industry to gain an understanding of what measures will be considered 'reasonable'.

The other significant aspect of this case the Court's finding that the facility was entitled to assume that patrons, including 12 year old boys, will exercise reasonable care for their own safety and the safety of others. This concept can be an important, and comforting, one for facility operators and lifeguards to understand. Just as the patrons of a swimming facility can rely an occupier to act reasonably, the occupier can in turn rely on the good sense of its patrons, though it must of course still augment this reliance with cautionary signage and lifeguard oversight throughout the complex

What Pool Operators Should Consider When Hiring staff

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ARTICLE: Hiring decisions are complex; there are many factors to consider when deciding to hire a complement of staff for a busy facility, such as training, credentials, availability for scheduling, the candidate's personality, the ability to work with your team, and overall skill and knowledge. While the hiring challenges listed above are ubiquitous among all industries, for a pool operator, arguably the overall competence of his or her lifeguards is the single most important consideration. A pool operator must consider the need to be positioned as best as possible in the worst case scenario it may face: a drowning at its facility.

In the unfortunate event of a public drowning, the likeliest cause of action involving a pool operator would be negligence; essentially, the drowning would not have occurred but for the negligence of the lifeguards and therefore the pool operator. It is not hard to imagine the argument would be that the negligence of the pool operator goes to the competence and/or training of its staff. In order to succeed in proving the alleged negligence of a pool operator vis a vis a drowning victim, there are five elements which the plaintiff must prove: (1) the pool operator owed a duty of care to the injured victim; (2) the Canadian standard of care of a pool operator in like circumstances; (3) the pool operator breached the standard of care applicable in the circumstances; (4) the breach of the standard of care directly resulted in a cause and effect relationship in damages to the victim; and (5) the pecuniary and non-pecuniary damages suffered. In a drowning situation, the first element is a given: in Alberta, the Occupiers Liability Act (Alberta) sets forth the legislated duty of care: all pool operators in Alberta owe a duty of care to patrons who frequent the facility.

In the event of a negligence action involving drowning, the second, third and fourth elements would be the source of argument. The standard of care that a lifeguard and/or pool operator owes to the public is the standard of "reasonableness". While in Alberta there is no codified definition of the proper interpretation of reasonableness, the common law holds that the standard of reasonableness to which a lifeguard and/or pool operator will be judged is measured against other lifeguards and/or pool operators in similar circumstances. In order to be sure that pool operators are acting reasonably when hiring their lifeguards, there are several considerations that should be followed.

First, pool operators should abide by rigorous hiring policies that are in line with industry standards and best practices within the aquatic industry. The Lifesaving Society is the recognized expert with respect to lifeguards, and is the standard setting agency for lifeguards in Canada. The Lifesaving Society's mission and sole business is the prevention of drowning and water-related injury, and it has been serving Canadians since 1896. The National Lifeguard Service award ("NLS") is the legal standard of care recognized by courts in Canada.

From a historical point of view, the NLS award was originally established in Canada by employers in 1964. Following its establishment, many agencies voluntarily retired their existing lifeguarding programs, such as the Lifesaving Society's "Lifeguard Cadet"; the YMCA's "Senior Lifesaver"; and Red Cross' "Leader Patrol", in favour of a single lifeguard standard embodied in the NLS award. The NLS award is the industry-accepted standard and the national standard endorsed by the Canadian Parks and Recreation Association. The award is endorsed and supported by the NLS Advisory Committee, which is comprised of lifeguard employers, facility operators and national agencies; as well as Canadian Parks and Recreation Association, Physical and Health Education Canada, YMCA and the Canadian Armed Forces. The statistics support that the public has been well-served by the adoption of the NLS award in Canada. Public pool drownings in Canada have been virtually eliminated since the adoption of the NLS

award as the single lifeguard standard in the mid 1980s. In Ontario, of the 1500 drownings in the past 10 years, only 4 (0.3%) occurred in public swimming pools. In Alberta, the statistics are similar: only 0.09% of the drownings in this province have occurred in public swimming pools.

Today, NLS is recognized as more than a "license" to lifeguard, it is a complete system with a variety of supports at all levels: the NLS award is supported by the Lifesaving Society's national and global network of equipment, drowning and water-related injury research, technical and medical expertise of the International Life Saving Federation and the Commonwealth Royal Life Saving Society. The NLS system is supported by the Lifesaving Society's liability insurance, comprehensive certification database available online to employers and public health inspectors, post-incident counseling, safety standards, and a complete suite of aquatic safety management services including aquatic safety inspections, audits, training and consulting. The rigour and strength of the award is founded on the comprehensive training protocol and depth of knowledge imparted to the candidates who complete the certification. NLS candidates complete the course once they demonstrate, in addition to the technical first aid and water rescue skills, the ability to make reasoned decisions in a wide and varying range of circumstances appropriate to the specific facility.

Given that in Alberta there is no legislated statement of a minimum competency requirement, when considering the appropriate level of training for its lifeguards, there are several considerations that pool operators should bear in mind, including the following:

1. Minimum age for assumption of lifeguarding responsibilities: Just as pool operators have to set standards and policies for minimum age requirements for children swimming at their facility unsupervised, and the policies are based on children's developmental milestones, judgment, maturity, decision-making ability and physical swimming ability, so too must pool operators consider the minimum age of its lifeguard staff, and set policies designed to ensure that the lifeguards have the judgment, decision-making ability, maturity, leadership and responsiveness necessary to assume the responsibilities of supervising aquatic patrons, appropriately utilizing preventative lifeguarding techniques and rescue responses in all circumstances. The NLS award has a prerequisite age of 16 years of age, designed to ensure that candidates have the ability to develop the judgment throughout the course of completing the award that will allow them to make informed decisions in aquatic environments;
2. Design of lifeguard training program to emphasize situational approach: The essential element of a lifeguard's training in a real emergency is the ability to exercise sound judgment quickly and efficiently. However, of all the skills required to become a competent lifeguard, judgment is the most difficult skill to acquire, and takes the longest time to hone. Thus, a certification program that emphasizes a situational approach and fosters the ability of the lifeguard to think independently, creatively and react based on time-sensitive information is critical to the development of the essential skill of judgment. A course that is designed with enough time to allow candidates to practice mock emergencies and incidents allows adequate time to develop this skill. A pool operator should thus consider training protocols that devote significant time to exploring the situational realities of lifeguarding and the ability to learn from a group's collective expertise. A pool operator may wish to consider that the underlying certification program it requires of its lifeguards aims at developing the ability to decide, as judgment is singularly the most essential requirement in a real emergency;
3. Emphasis on priorities: The emphasis on preventative lifeguarding first, and rescue response second, in order of priority, is essential to ensuring that injuries and incidents are minimized wherever possible; and

4. The depth of knowledge that candidates receive through the training program: The length of the course is directly proportional to the level of detail that the candidates learn about the specialized techniques, equipment, skills and knowledge that allow lifeguards to be flexible and responsive in their approach on the pool deck.

In those provinces where there is no codified statement of minimum training requirements in order to be recognized as a competent lifeguard, the onus is on pool operators to ensure that they have met due diligence to ensure that they are in the best possible position to defend a potential negligence action based upon whether their staff are competently trained. It is clear that the standard of care to which pool operators and lifeguards will be held in Canadian courts is the standard of reasonableness; what would be expected of a reasonable lifeguard in similar circumstances. The Lifesaving Society supports a single lifeguard standard in Canada, backed by the research, statistics and training of nationally and internationally organizations solely dedicated to drowning prevention. That standard is the one recognized in a court of law: NLS.

Kids Will Be Kids; Is That Bruise Just A Bruise?

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THE ROLE OF POOL OPERATORS IN REPORTING INCIDENTS OF SUSPECTED ABUSE OF CHILDREN & YOU.

Pool owners, operators and staff, as occupiers of premises have a duty to keep patrons visiting their facilities reasonably free from harm, to the extent reasonably possible. This duty is codified provincially in the Occupier's Liability Act, which requires that occupiers take reasonable steps to prevent foreseeable harm in and around aquatic facilities. However, a duty also exists to prevent harm to children and youth in an arena that extends beyond the water.

One of the areas in which it is very difficult to protect children against harm is the area in which the public and government have the least control. It is difficult to prevent a child from being harmed in his or her own home, or by a family member, as the home and family is a place of privacy. However, the government has imposed a duty to report incidents of abuse against children. The issue becomes particularly relevant in an aquatic environment, where bathing attire provides a view of a child that may otherwise be covered by clothing.

THE LAW: In Alberta the Child, Youth and Family Enhancement Act (the "Act"), is concerned with the promotion and protection of the best interests and well-being of children. In the Northwest Territories, equivalent legislation exists under the Child and Family Services Act.

Section 4(1) of the Alberta Act sets forth the following duty on the public: "Any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter . . ." In the Act a "child" is defined as a minor, someone under the age of 18. To ensure the public treat this responsibility seriously, there are sanctions in the Act which impose penalties for failure to report, ranging from monetary fines to imprisonment.

However, the Act recognizes the sensitivity in reporting these matters, and therefore offers protection to people who do report, holding people immune from lawsuits for reporting, unless the "reporting is done maliciously or without reasonable and probable grounds for the belief." Therefore, if it is determined that a report was made with no reasonable or probable grounds, the reporter may be liable for the harm caused by his or her actions.

The question remains under what circumstances a report should be made. There are two principles that need to be addressed in answering this question: 1) When is a "child in need of intervention?", 2) What are "reasonable and probable grounds?" Each will be addressed below.

WHEN IS A "CHILD IN NEED OF INTERVENTION"?

A child is in need of intervention if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because the child: (a) has been abandoned or lost; (b) has no living guardian; (c) is neglected by his or her guardian; (d) has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian; or (e) has been emotionally injured or subjected to cruel and unusual punishment by the guardian. The child is also in need of intervention if the guardian of the child is unable or unwilling to protect the child from emotional injury, physical injury, sexual abuse, or cruel and unusual punishment.

The Act defines when a child is "neglected" or "emotionally injured." Summarized briefly, a child is "neglected" if the guardian is unable or unwilling (a) to obtain medical treatment for the child; (b) to provide the child with adequate care or supervision; or (c) to provide the necessities of life such as food, water, shelter, etc. A child is "emotionally injured" if, among other things, there is an impairment to the child's mental or emotional functioning or development as a result of rejection, exposure to domestic

violence or severe domestic disharmony, inappropriate criticism, threats, humiliation, accusations, chronic drug or alcohol abuse by the guardian or someone in the same residence.

WHAT ARE "REASONABLE AND PROBABLE GROUNDS"?

As a lifeguard, is it reasonable to suspect that a girl or boy is emotionally injured if a parent yells at her or him constantly? Do instructors have a duty to report every time children in their classes have a bruise? Is that reasonable?

Unfortunately, the Act does not provide much assistance in determining what are "reasonable and probable grounds." While there is no case law specifically relating to an aquatic environment, case law however does make it clear that "reasonable and probable grounds" go far beyond a mere suspicion. In Bella v. Young, 2006 SCC 3, a university student submitted a case study of women sexually abusing children. The professor speculated that the study might really have been a personal confession of the student, and, without any further inquiry or reason, made a report to Child Protection Services. The Supreme Court of Canada determined that the professor acted on conjecture and speculation, which fell short of being reasonable. The Supreme Court reported that "while legislative and judicial policy mandates the quick reporting of information of suspected child abuse, it does not do so to the exclusion of the consideration of the legitimate interests of the person named in the report." Consequently, this professor was held liable for the damage caused to the student's reputation.

In another case, Ontario (Police Complaints Commissioner) v. Dunlop (1995), 26 O.R. (3d) 582, an investigation took place inquiring into an alleged sexual assault by a religious leader. While the case settled out of court, a police officer who was not involved in the investigation was still concerned for the safety of other children, so he reported the religious leader pursuant to the child protection legislation in Ontario. The Court stated that he did have an obligation to make such a report, as he had reasonable and probable grounds to believe a child may have suffered sexual abuse.

It should be added that sometimes, such as in the case of the police officer discussed above, reasonable grounds will arise out of confidential information. The Act acknowledges this sensitivity, by stating that an individual still has a duty to report, "notwithstanding that the information on which the belief is founded is confidential and its disclosure is prohibited under any other Act." Therefore, if someone makes a report based on information that is otherwise confidential, as long as the grounds are reasonable and probable, the individual will not be held liable for breach of confidential information.

COMMENTARY:

This legislative duty is imposed upon all members of the public, not just those in aquatic facilities. However, as members of the aquatic community, pool operators, instructors and lifeguards are often in a position where they are closely watching children as they interact with their parents and guardians. They watch how parents treat their kids, listen to how they speak with them, and hear the children discuss their home lives with their peers. They see children close up, and by virtue of typical swimming attire can observe indicia of physical injuries that most others cannot. These factors enable those in the aquatic industry to witness things that will give them reasonable and probable grounds to believe that a child is in need of intervention. However, this position should not be abused, and instructors and lifeguards must recognize that most often children acquire bruises and scrapes in the ordinary course of their daily lives, by virtue of being children and therefore having poorer coordination than adults. Therefore, only where these indicia are out of proportion to a child's age and developmental stage, or where there are other reasonable and probable grounds should pool operators, instructors or lifeguards act. As with all things in an aquatic environment, instructors and lifeguards should use their best judgment, to determine what are reasonable and probable grounds. Discuss discretely with other staff members with respect to specific concerns. In the event that it is still unclear, legal counsel should be consulted.

For more information on reporting a belief that a child is in need of intervention, in Alberta contact the Child and Family Services Authorities at http://www.child.gov.ab.ca, and in the Northwest Territories contact the Department of Health and Social Services at http://www.hlthss.gov.nt.ca/.

Alberta and Northwest Territories Position Statements

Contracting Lifeguards

STATEMENT:

The National Lifeguard program is the minimum certification for lifeguarding in Canada and a Lifeguard System should be established:

Examples of the decisions required to establish a system include:

- Deciding where the participants will swim, how many in the water, marking the boundaries of the swimming area
- Identification and provision of emergency equipment
- Emergency procedures for the location including the emergency communication system
- Role and orientation of other supervisors such as teachers, group leaders, parents
- Who insures the lifeguard - at this time it is very expensive for an individual lifeguard to purchase liability insurance. The solution is to include a clause in the contract that treats the lifeguard as an employee of the group covered by their liability insurance.

BACKGROUND:

1. Throughout the year the lifesaving society receives calls from lifeguards and groups such as schools with questions about lifeguarding events at local lakes, backyard pools or similar facilities. These calls peak in the spring when schools begin planning end of school year outings. The most common questions deal with the certification requirements for the lifeguards.
2. A common assumption is that if they hire a certified lifeguard for the event, they have done enough to ensure the safety of the participants. Unfortunately, that is not enough. They also must provide a lifeguard system.
3. This system includes the development of specific facility operating and emergency procedures, emergency equipment and training of the lifeguard in the facility's procedures.
4. Lifeguards who work at public aquatic facilities usually receive this training as part of their orientation training.

RATIONALE:

If the group is not willing to work with a lifeguard to establish the Lifeguard System, the Lifesaving Society recommends that the lifeguard refuse to lifeguard the event. For more information about creating the Lifeguard System consult the Alert Manual, the Lifesaving Society Public Aquatic Facility Safety Standards and Waterfront Safety Standards.

Minimum Lifeguard Certification

STATEMENT:

The National Lifeguard program is the minimum certification for lifeguarding in Canada:

The National Lifeguard program is more than just a lifeguarding course and certification card used for employment purposes. It builds on the fundamental skills, knowledge and values taught in the prerequisite lifesaving awards. It develops the practical skills and knowledge required by lifeguards in accordance to the Society's position in areas of aquatic safety and industry standards.

BACKGROUND:

Tasked by the founding members of the National Lifeguard Service, the Lifesaving Society has, since 1965, stewarded the program to a level of great distinction. The National Lifeguard program has become the ultimate standard for lifeguarding in Canada and is recognized internationally by the Royal Life Saving Society Commonwealth and International Life Saving Federation.

RATIONALE:

In the event of a serious injury or drowning, issues of liability may arise. Employers and their National Lifeguards who responded within the scope of their training will have the Society's full support.

The Society is called on to provide expert witness services to the Courts and other parties in the areas of aquatic safety and industry standards. The Society's testimony will reflect the Lifesaving Society's standards, publications and research into drowning and injury prevention, water rescue and aquatic safety systems.

The National Lifeguard program standard is backed by a full range of safety services provided by the Society that support the design and operation of safe aquatic facilities. The Lifesaving Society has published a series of Safety Standards, which set the minimum standards for operating a safe aquatic facility. With the help of the Society, facility operators can conduct Aquatic Safety Audits based on these Safety Standards ensuring that the facility is following safe operating practices.

Recommended Swim Test

STATEMENT

The Lifesaving Society's recommended Swim Test:

The Swim Test is performed as a sequence of skills:

- Safe entry into shallow water;
- Swim 25 meters; any style without stopping.
- Exit the pool from deeper water;
- Jump (foot first entry) into deep water; and
- Recover, and tread water for 30 seconds, maintaining mouth and nose above the water at all times

The Lifesaving Society's recommended Swim Test can be used as a screening tool to determine who can use certain amenities or equipment and participate in specific programs. The Swim Test can also be used as a screening tool for school or rental groups, or as a part of the facility's admission criteria.

BACKGROUND

1. Since 2001, the Lifesaving Society has asserted that all public swimming pools should have established admission policies through its Public Aquatic Facility Safety Standards publication.
2. National Lifeguards and Swim and Lifesaving Instructors use Swim Tests to evaluate skill, comfort, confidence and competency. This practice increases safety and allows for effective supervision.
3. Currently facilities use a wide variety of means to establish swimming skill competency. Research indicates that Lifesaving Society affiliates are seeking very clear guidance on admission policies and/or Swim Tests.
4. In the past the Lifesaving Society has recommended the Swim to Survive® standard. It is clear that this is most applicable in unsupervised or minimally supervised situations. Affiliates have requested a Swim Test suitable for lifeguard supervised environments.

RATIONALE

The Lifesaving Society recommends that all aquatic facilities in Alberta and the Northwest Territories implement the Society's Swim Test as a means to establish a common industry practice in regards to swimming skill competency and admission criteria.

The Lifesaving Society's recommended Swim Test may be implemented according to each facility's unique needs. While testing the swimming ability of specific age groups is common practice, it is not the only determining factor for effective incident prevention. Before implementing a Swim Test, it is recommended that the risk factors for each individual facility be analyzed along with current risk management processes. Clear guidelines must be provided to staff if there is to be any flexibility permitted when following the facility's policies.

Sun Protection In The Aquatic Environment

STATEMENT

Protecting yourself from the sun is as easy as 1, 2, 3 :

1. Cover up – Wear a wide-brimmed hat that covers your face and neck, but does not reduce your visibility. Wear polarized sunglasses that reduce glare from water reflection.
2. Use sunscreen - Apply a broad-spectrum sunscreen with a sun protection factor (SPF) of at least 15. (The Lifesaving Society recommends SPF 30). Be sure to apply your sunscreen 20 minutes before starting your shift, and to re-apply it every two hours.
3. Seek shade - Shade is a great source of sun protection. It can also help you to keep cool at work. Look for sources of shade at your facility, such as umbrellas or canopies. Make use of shade during your breaks, especially between 11 a.m. and 4 p.m., when the intensity of the sun's ultraviolet (UV) rays is greatest.

Talk to the manager of your facility about sun protection. Many facilities are now developing policies and practices to help reduce sun exposure for outdoor workers. Under the Occupational Health and Safety Code, you are responsible for cooperating with health and safety rules outlined by your employer. Sun protection for aquatic staff is also a requirement of the Lifesaving Society's Safety Standards for aquatic facilities and beaches.

BACKGROUND

Years ago, lifeguards were the icons of sun-seeking, bronzed Albertans. Clothing was minimal, shade was non-existent, and a dark tan was a source of pride. Today, many lifeguards continue to spend much of their working day in the sun. But times have changed! Lifeguards are the new model for healthy, active living under the sun.

The Lifesaving Society encourages lifeguards to protect themselves from long-term skin damage, including non-melanoma and melanoma skin cancer. Skin cancer is the most common cancer in Alberta, but it is also highly preventable.

RATIONALE

Occupational Health and Safety Code requires an employer to do everything that can be done to ensure that staff members are safe, healthy, and productive. Lifeguards are part of an occupational group known to be at increased risk for high intensity UV exposure.

Together, aquatic facility managers and lifeguards are uniquely suited to promote sun safety. As a team, you can influence behavior change by role modeling sun protection for swimmers. The day of the sun-soaked lifeguard has come and gone. Research shows that a "base tan" does not protect you from the sun, and that just one severe sun burn can increase your risk of developing skin cancer.

There are resources available that can help you support and promote sun protection with your staff team. Contact the Lifesaving Society for tips on increasing shade in the aquatic environment. Check out the Alberta Cancer Board's Sunright - Sun Safety website for more tips.

Infant Learn To Swim Lessons

STATEMENT: Infant swim programs are not a substitute for adequate supervision and are not proven to be effective in accident prevention.

BACKGROUND

The Lifesaving Society has been approached numerous times by affiliates with regards to Infant Swimming Lessons.

There are various organizations that claim they can drown proof infants by teaching them how to swim.

The Lifesaving Society provides evidence based solutions that we know saves lives:

1. Supervise children closely at all times when in on and around water – If you are not Within Arms Reach you have gone too far
2. four-sided fencing
3. Pre-school programs developed by the Lifesaving Society with the focus to introduce young children to water, readiness skills, and safety education for parents.
4. Teach survival swimming - Swim to Survive® skills introduced after four-years
5. Avoid alcohol
6. Wear lifejackets/PFDs
7. Avoid baby bath seats
8. Increase standard of living
9. Increase education

Canadians need to be informed and educated in respect to drowning prevention. The prevention of drowning and incidents of water injury is a combination of many elements. The Lifesaving Society is a national charity with a mandate of drowning prevention. The programs we have developed are based on scientific evidence and inquiry.

RATIONALE

The Lifesaving Society as a leader in drowning prevention has not seen any evidence that infant swimming programs reduce the number of water related deaths. Swim programs should not be used as a substitute to adequate supervision by a parent.

Swimming programs for infants and toddlers less than four-years of age should not be promoted as a effective drowning prevention strategy. Children less than four-years of aged do no have the developmental ability to master water survival skills and swim independently. Although possible to teach basic motor skills for water infants cannot be expected to learn the elements of water safety or react in emergencies. Parents should not feel their child is safe in the water or safe from drowning after participating in infant/toddler programs. There is currently no data on infant programs to say they decrease or increase drowning. The correlation of "initial skill" lasting, or translating to pool side safety for toddlers has not been measured.

The Canadian Pediatric Society indicates there is no evidence that swimming lessons prevent drowning or near drowning in the two to four-year-old age group.

Safe Kids Canada indicates swimming lessons for toddlers should focus on introducing children to water and teaching parents water safety.

American Academy of Pediatrics indicates the relationship between swimming lessons, swimming ability and the risk of drowning is unknown. They also have a policy statement that supports Within Arms Reach.

Sports Medicine, Fitness and Injury Prevention associations and experts have made indications similar to the above as well.

There are many for profit companies who directly sell and promote swimming lessons. Those that choose to deliver these programs, instruct and participate in them should all be aware of the potential risks not just the promoted benefits.

It is important that program promotions that reference articles on studies such as the Brenner Study have accompanying documents such as the editorial in the Achieves of Pediatrics.

Suction and Entrapment Hazards - an Underrated Risk

Background

On Thursday, September 28, 2000, an 18-year-old lifeguard was found dead in a splash pool at the Hawaiian Water Adventure Park. He had been sucked into an intake pipe during maintenance. This was not an isolated incident. In March 1994, a lifeguard was killed at the Saanich Commonwealth Place in Saanich, B.C. While working to repair a grate in the wave pool, she became trapped underwater by the suction from the ten-inch intake pipe for the pool's waterslide. A young girl died at a pool in Toronto after her hair became entangled in a malfunctioning skimmer equalizer fitting. In New Jersey, a 16 year old girl died after being trapped on the drain grate of a whirlpool. Other deaths and serious injuries have resulted as a result of suction incidents at public and private aquatic facilities.

All aquatic facilities have a variety of fittings or fixtures which are potential suction or entrapment hazards. These hazards are often not included in any regular inspection or risk assessment process. The Lifesaving Society recommends that every facility implement a process to identify all suction and entrapment hazards. After identification, steps should be taken to eliminate or reduce the hazard and implement a schedule of regular inspections. The Lifesaving Society recommends an inspection frequency of at least once a month.

Typical swimming pool suction hazards include: pool drains, skimmers, equalizer fittings, vacuum fittings and intakes for water features such a slides. Many of the hazards exist in the pool tank. Some will also be located in areas such as the surge tank, open filter tanks and wave chambers. Entrapment hazards include fixtures which can entrap body parts such as hands, feet, hair, etc.

Lifeguards and Pool Operators have an obligation to recognize these hazards and take steps to prevent possible injuries or deaths. Effective prevention must address three areas of preventive actions: design, pool operation practices and lifeguarding practices.

Drain and Skimmer Design

The highest risk pools for a suction incident are shallow pools such as wading pools or whirlpools where the drain can be blocked by someone sitting on the drain or long hair can become trapped in the drain. Pools with two separate bottom drains should not be able to cause the suction problem. If one drain is blocked by a body, the other drain prevents the development of dangerous suction forces. Other design solutions include sensors in the drain line which automatically turn off the pump if the drain is blocked and installing emergency shut-off switches beside the pool.

Many skimmers incorporate an equalizer fitting which is connected to the pool through the wall below the skimmer opening. The purpose of the equalizer is to protect the pool pump by providing a water supply if the water level drops below the skimmer opening. Unfortunately, these fittings can malfunction and generate suction even if the water level is above the skimmer opening. All equalizer fittings on skimmers should be disabled with a permanent plug inside the skimmer.

Pool Operating Practices

Most pools draw water from the bottom drain and skimmers through a common line. The relative draw from the skimmers versus the drain is adjusted by valves on each line. It is common practice when a pool is open to bathers to draw 50 - 80% of the flow through the skimmers. This practice reduces the probability of a suction injury involving the main drain.

Broken or improperly installed drain covers also increase the risk of injury. Every facility should regularly inspect drain covers to determine if they are correctly installed and in good repair. All drain covers should be securely fastened so that they cannot be moved or opened without the appropriate tools. Any problems must be corrected immediately. If the drain cover is plastic, a spare cover should be stocked at the pool.

Lifeguarding Practices

Lifeguards must regularly scan the pool bottom and be prepared to respond immediately if they see a bather playing with the drain or who appears to be stuck on the drain. All pool staff must know how and where to quickly turn off all pool pumps.

Lifeguards can also help prevent incidents by educating the public about dangerous behaviours. Sitting on the pool drains of wading pools and whirlpools should be discouraged. In whirlpools where bubbles compromise a lifeguard's ability to see the bottom, customers should be prevented from submerging their heads in these pools.

By analyzing the design of the circulation system, examining operating practices and reviewing lifeguarding practices, every facility can dramatically reduce the risk of suction injuries at their pool.

Risks for Facility Staff

Lifeguards and their employers need to be aware of potential suction hazards in the facility: in staff-only areas as well as public areas. Safety education to protect facility staff should include the location of suction sources, shutoff procedures, equipment lockout procedures and confined spaces procedures. In all cases, a buddy system should be part of the safety systems.

Pool Lighting – Does it Help Your Lifeguards?

Every swimming pool must be well-lit to allow the customers to safely enjoy the facility and to enable the lifeguards to effectively supervise the bathers. This lighting may be supplied by a combination of natural lighting and artificial lighting. The Alberta Building Code requires that the lighting system deliver a minimum of 215 lux of light to the deck level and water surface of an indoor pool. This lighting level will provide enough light for safe use of the facility.

While the lighting system used in a facility will help lifeguards be able to see the customers, it can also cause problems. Glare at aquatic facilities is a frequent problem for lifeguards. If there is glare on the water, the lifeguard cannot see below the water surface. She is unable to scan the pool bottom or through the rest of the water column. If the glare is very strong, the lifeguard may not be able to observe bather details such as facial features or expressions. The glare causes blind spots which must be managed by the lifeguard.

Glare is simply reflected light. We see glare only if the light is reflected off the water into the lifeguard's eyes. Therefore, the light source is in front of the lifeguard. When establishing lifeguard patrols/stations or designing a facility with lifeguards in mind, glare can be eliminated by locating the light source behind the lifeguard.

The light causing the glare is reflected off the water into the lifeguard's eyes. The height of the eyes above the deck will affect how much glare is seen. Generally light from a low level source (shallow angle of incidence) such as windows at deck level will cause a lifeguard standing on the deck to see glare. Putting the lifeguard in a lifeguard chair may put the lifeguard's eyes above the reflected light and eliminate or reduce the glare. Facilities which position the windows high up the pool wall find that the glare is reduced or eliminated. The steep angle of incidence causes the light to be reflected up above the lifeguard's eyes. Unfortunately the vast majority of pool designers choose to include low level (glare producing) windows in their designs.

Glare from natural light sources (windows) will change in intensity depending on the season and the latitude of the facility. In a Canadian winter, the sun angle is low and causes a significant increase in glare in the winter months. In summer with the higher sun angle, the glare problem is reduced. This effect is increased if the facility is located farther north. The time of day will also affect glare depending on the orientation of the facility windows relative to the sun. The low sun angles of morning and late afternoon produce more glare and this effect is aggravated if the pool windows are pointed to the east or west. Facilities with south-facing windows experience glare throughout much of the day. North-facing windows produce the least amount of glare.

Another source of glare is the pool's light fixtures or even the lights from poolside offices. If the fixture directs the light straight down over the deck (90 degrees to the deck) glare is eliminated. However many pools have light fixtures over the deck which are angled to cast the light over the pool water. These fixtures will cause glare on the opposite side of the pool. Light fixtures located over the pool water surface will also produce glare.

Glare is a factor which should be identified and managed when establishing lifeguard stations. When developing lifeguard positions for many pools the Lifesaving Society finds that a fixed lifeguard station often will not eliminate blind spots caused by glare or other design features. Consequently, lifeguards and facilities often choose to use "lifeguard patrols." These patrols are optimized to minimize the length of time that any blind spot goes unobserved.

Glare from the windows of a pool can be controlled by using blinds to block the problem light source. Polarized sunglasses can be used by lifeguards to reduce glare. A polarized lens allows light to pass through the lense in only one plane. This will dramatically reduce the glare by excluding much of the reflected light. Lifeguards at outdoor facilities should wear polarized sunglasses. They may also be an effective solution in some indoor pools.

Most facility designs do not take glare or other lighting problems into consideration at the design stage. It becomes a problem for the lifeguards to manage after the facility opens. This is one of the issues the Lifesaving Society addresses when architects consult us about facility design. The Society also provides assistance to help facilities establish lifeguarding systems that can minimize the negative effects of pool lighting.

Risk Management for Aquatic Facilities Documentation

Overview

This statement very effectively summarizes the value of developing and maintaining a system of comprehensive records and documentation. Documentation is a key component of effective risk management. Unfortunately it is often a weak link in a facility's risk management system. During Aquatic Safety Audits, the Lifesaving Society often identifies the need for more effective documentation of facility policies, systems, practices, inspections and evaluations.

Objective of Documentation

Effective documentation can serve two main risk management objectives: 1) injury prevention, and 2) legal defence in the event of an incident. Records provide valuable insights into the day to day operations of the facility. Analysis of these records reveals patterns from which preventive measures can be designed and implemented to improve safety. The records can also provide proof that reasonable efforts were made to identify and reduce or eliminate the risk.

Purpose of Documentation

Effective documentation can serve many purposes including:

1. Verifying compliance with standards and regulations;
2. Training design, implementation, evaluation and verification for staff and volunteers;
3. Source of data for an effective risk-management process - establishing proactive systems for identification and resolution of potential or existing problems;
4. To provide an explanation and rationale for policies and practices - it is important not just to record and distribute the policy or practice, but also to record the reasoning that lead to the policy;
5. For legal defence in the event of a serious incident; and,
6. For clarity - clear expectations to minimize potential confusion or misunderstanding.

Types of Documentation

Facilities create and use a variety of different types of documents that have value for risk management. These documents are also important for the general operation of the facility. Risk management documentation may include:

- facility operating manuals
- training manuals
- staff and volunteer qualification and training records
- emergency procedures
- inspection and testing records
- incident reports and analysis of incident patterns
- facility policies and rules with the rationale for these decisions
- daily records and log books
- facility attendance and bather loads
- memos and other staff communications

Keep Documents Current

The value of documentation is reduced if it is not maintained and kept current. The Lifesaving Society recommends that all risk management documents and records should be reviewed regularly. The documents should be evaluated to determine if they are achieving the intended purpose. If not, the documents should be revised. For example: a set of written emergency procedures that do not match actual practice are not effective for controlling risk. In the event of an incident there may be confusion

about what is the required emergency procedure and how to do it. After the incident, questions may be raised about liability and whether the procedures were appropriate and properly executed.

Risk Management

Effective risk management depends on effective documentation. The information to identify and analyse potential risks are found in the facility records. The decision about systems to control risk are communicated in documents such as staff manuals, policies, memos, etc. The evaluation of the effectiveness of risk management measures depends on the analysis of facility records. Failure to effectively document the activities of a facility will result in failure to effectively manage risks in the facility.

Review and Support

The review and evaluation of a facility's documentation is a key component of Lifesaving Society Aquatic Safety Audits. Other safety management services such as consultation and inservice training all address the need for effective documentation.

Are Your Lifeguards in the Best Position?

The positioning of lifeguards is a critical factor that contributes to lifeguard effectiveness in preventing injuries at public swimming pools and waterparks. If the lifeguards cannot see all of the customers using the facility, the lifeguards cannot effectively supervise the facility and protect the customers.

The Lifesaving Society's Public Aquatic Facility Safety Standards state:
"The supervision position(s) of lifeguards must be designed to eliminate blind spots in the pool area. It must be possible for the lifeguard team to observe all bathers in the pool area. Facility management and staff must analyse the pool area and implement systems that provide coverage of blind spots. These systems might include the use of elevated lifeguard stations, walking lifeguard patrols or the use of observation tools such as large mirrors or video cameras and monitors. A system must be implemented to provide regular observation of off-deck areas such as change rooms, saunas and steamrooms, exercise facilities, etc."

To develop a system of effective lifeguard positions and patrols, the staff of public aquatic facilities should carry out a systematic analysis of the pool environment. The analysis should evaluate how the physical design of the pool, the pool equipment as well as the customer activities impact the lifeguarding requirements. This analysis can be used to determine the positioning of the lifeguards and also consider the number of lifeguards required to safely supervise the pool customers.

Analysis of the pool environment should include creating maps of the pool which examine sightlines from all potential lifeguard positions. These maps should identify blind-spots from each location. They should also identify locations where glare and other light effects interfere with lifeguard supervision. Each piece of pool equipment should be evaluated to understand how it affects the behavior of customers and the types of lifeguard interventions that may be required. The types of customer activities (e.g. public swim vs. fitness swim vs. swimming lessons) should also be considered. Different activities may need different lifeguard positions.

Developing maps of the pool showing the affect of each of the factors will provide the staff with the information needed to develop a system of lifeguards positions for the facility. The Lifesaving Society's experience has been that in many situations the result of the analysis is that fixed lifeguard stations do not provide adequate supervision of the customers. Often the most effective solution is a system of lifeguard patrols. With a lifeguard patrol the lifeguard patrols along a path which is designed to eliminate blind spots and manage the affects of pool equipment and customer activities.

For more information about strategies that can be used to develop an effective system for lifeguard positioning, contact the Lifesaving Society.

Lifeguarding SCUBA Groups

Overview

At some point during the year, most aquatic facilities will have a group of SCUBA divers use the facilities. One of the groups could be a SCUBA class supervised by a certified SCUBA instructor. Another group may be divers using the pool during a public swim or as a rental. In all cases these divers will present a special challenge for lifeguards. The use of compressed air presents risks that the lifeguards must be trained to manage. Lifeguards must be able to recognize a diver in distress. It also changes the emergency procedures and rescue techniques that the lifeguard may have to use.

SCUBA Classes

Lifeguarding a SCUBA class is a relatively simple situation for a lifeguard. A certified SCUBA instructor has specific training to safeguard his students. This includes specialized rescue training to rescue an injured student. In this scenario, the instructor becomes the first rescuer. The SCUBA instructor knows how to protect the victim's airway and how to manage SCUBA equipment such as the weight belt and buoyancy compensator (BC). The role of the lifeguard is to activate EMS and assist the SCUBA instructor. To prepare to lifeguard a SCUBA class, the LIFESAVING SOCIETY recommends that lifeguards and facilities take these steps:

- get copies of the SCUBA instructor certifications for any instructors teaching in your facility
- discuss and practise SCUBA emergency procedures with the SCUBA instructor
- learn how to handle SCUBA equipment such as the weight belt, BC and SCUBA tank.

SCUBA Rentals

Lifeguarding a SCUBA rental is a more difficult challenge. In this situation the lifeguard must be prepared to be the primary rescuer. Other lifeguards or divers will be used for assistance. The lifeguard must be able to remove the weight belt, inflate the BC and bring the victim to the surface while protecting the victim's airway. To protect the air way the lifeguard should tip the victim's head back while keeping the regulator in the victim's mouth. This will allow the compressed air to escape and reduce the risk of embolism. To prepare to lifeguard a SCUBA rental, the LIFESAVING SOCIETY recommends that lifeguards and facilities take these steps:

- check the SCUBA certifications of all participants - do not admit divers who do not hold a SCUBA certification
- learn and practice SCUBA emergency procedures with a SCUBA instructor
- learn how to handle SCUBA equipment such as the weight belt, BC and SCUBA tank
- develop and practise a procedure to remove an injured diver from the water.

Practice and Prepare

All facilities should develop and practise SCUBA emergency procedures. Prepare in advance to manage SCUBA activities and develop a partnership with your diving customers. For more information, contact the Lifesaving Society.

Glare and Lifeguard Positioning

Overview

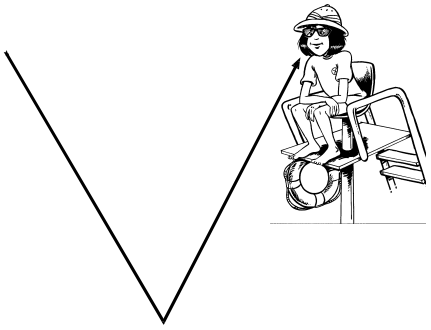
Glare at aquatic facilities is a frequent problem for lifeguards. If there is glare on the water, the lifeguard cannot see below the water surface. They are unable to scan the pool bottom or the rest of the water column. If the glare is very strong, the lifeguard may not be able to observe bather details such as facial features or expressions. The glare causes blind spots which must be managed by the lifeguard.

What is Glare?

Glare is simply reflected light. We see glare only if the light is reflected off the water into the lifeguard's eyes. Therefore, the light source is in front of the lifeguard. When establishing lifeguard stations or designing a facility with lifeguards in mind, glare can be eliminated by locating the light source behind the lifeguard.

Reflected Light

Angle of incidence equals angle of reflection. The light causing the glare is reflected off the water into the lifeguard's eyes. The height of the eyes above the deck will affect how much glare is seen. Generally light from a low level source (shallow angle of incidence) ie. windows at or near deck level will cause a lifeguard standing on the deck to see glare. Putting the lifeguard in a lifeguard chair may put the lifeguard's eyes above the reflected light and eliminate or reduce the glare. Facilities which position the windows high up the pool wall find that the glare is reduced or eliminated. The steep angle of incidence causes the light to be reflected up above the lifeguard's eyes. Unfortunately the vast majority of pool designers choose to include low level (glare producing) windows in their designs.



Angle of Light

Glare from natural light sources (windows) will change in intensity depending on the season and the latitude of the facility. In a Canadian winter, the sun angle is low and causes a significant increase in glare in the winter months. In summer with the higher sun angle, the glare problem is reduced. This effect is increased as the latitude increases (farther north).

Time of Day

The time of day will also affect glare depending on the orientation of the facility windows relative to the sun. The low sun angles of morning and late afternoon produce more glare and this effect is aggravated if the pool windows are pointed to the east or west. Facilities with south facing windows experience glare throughout much of the day. North facing windows produce the least amount of glare.

All of these problems are increased in an outdoor facility which is wide open to the sun.

Indoor Lighting

Another source of glare is the pool's light fixtures or even the lights from poolside offices. If the fixture directs the light straight down to the deck (90 degrees to the deck) glare is reduced or eliminated. If the light fixture is located over the water instead of the deck, it will also create glare. Many pools have light

fixtures over the deck which are angled to cast the light over the pool water. These fixtures will cause glare on the opposite side of the pool.

Managing Glare

Glare is a factor which should be identified and managed in establishing lifeguard stations. When developing lifeguard positions for many pools the Lifesaving Society finds that a fixed lifeguard station will not eliminate blind spots caused by glare or other design features. Consequently lifeguards and facilities often choose to use "lifeguard patrols." These patrols follow paths that are optimized to minimize the length of time that any blind spot goes unobserved. The Society has consulting services that lead facilities through an exercise to evaluate glare, blind spots and other features that affect the location of lifeguard patrols and stations.

Glare from the windows of a pool can be controlled by using blinds to block the problem light source. Polarized sunglasses can be used by lifeguards to reduce glare. A polarized lense allows light to pass through the lense in only one plane. This will dramatically reduce the glare by excluding much of the reflected light. Lifeguards at outdoor facilities should wear polarized sunglasses. They may also be an effective solution in some indoor pools.

Design for Glare

Most facility designs do not take glare or other lighting problems into consideration at the design stage. It becomes a problem for the lifeguards to manage after the facility opens. This is one of the issues the Lifesaving Society addresses if architects consult us about facility design.

Lifeguard Friendly Pool Design - A Novel Concept

Overview

In the last five-years many communities in Alberta have built or begun the design of new aquatic facilities. Existing facilities are also being renewed with new finishes, equipment and the addition of more amenities. The result is exciting leisure aquatic facilities with many features to attract a wide variety of customers. Another result is a more complex environment for the lifeguards and managers to keep safe. This complexity will affect the decisions the owners of the facilities will have to consider to ensure that the users have a safe and fun customer experience.

Impact on Operational Costs

In addition to risk and safety management impacts, design decisions also affect the operating costs of the facility. The largest operating cost of an aquatic facility is staffing. A design decision that increases the number of lifeguards required to adequately supervise the facility or the ability to generate program revenue will have a costly long-term impact on the cost of operation. These considerations should be part of the facility design process. The reality is that this is often missing from the aquatic facility design process. Some designs do not even appear to have considered that the pool will have to be supervised by lifeguards.

Society Support

The Lifesaving Society is often consulted to help aquatic facility staff solve safety management problems. This consultation usually occurs after the facility has been built or renovated and often focuses on solving safety and operating problems created by the facility design. A better and more cost effective solution is to identify the potential problem early in the design process and fix it before beginning construction.

Design consultation is one of the safety management services offered by the Lifesaving Society. The Society has developed extensive experience in identifying and solving design problems that prevent or reduce aquatic facility safety design problems. These solutions not only make the facility safer, but also can reduce the operating cost of the facility. Some examples of design features that we evaluate are: lighting and glare effects, sightlines and blind spots, focal points, water depth, lifeguard positioning, location and choice of recreational equipment, pool finishes and colors, deck traffic, elevation changes, etc. All of these features affect the ability of lifeguards to provide a safe environment for the customers.

Cost Benefit of Support

Given the multi-million dollar cost of aquatic facilities and the increasing litigious climate in Canada, it makes sense for the facility owners and designers to invest in risk management throughout the design process. The benefits outweigh the small cost of evaluating and adapting the facility design to ensure that it is safe and cost effective to operate. For more information about designing safe aquatic facilities, contact the Lifesaving Society.

First Aid - Are Your Customers Covered?

Overivew

The First Aid Regulation under the Occupational Health and Safety Act requires that employers provide first aid services, equipment and supplies for the workers at every workplace in Alberta. This ensures that every worker will have access to first aid that is appropriate to the risks associated with the workplace.

Public vs. Staff First Aid

In contrast, there is no regulation that requires that first aid services be provided for customers at public buildings or recreation facilities. First aid services must be in place for the facility workers, but not necessarily for the public. In some cases industry standards are in place that ensure first aid trained personnel are available to care for customers. For example: lifeguards in Alberta must hold a current Standard First Aid certification in addition to their National Lifeguard Service certification. The facility must have first aid equipment, supplies and procedures to treat injured customers.

Risk Management

It is an excellent risk management strategy to be able to provide first aid services for facility customers. The purpose of public recreational facilities is to attract customers and provide them with a venue to engage in recreational and fitness activities. Some of the activities have an inherent risk of injury. Also, the sheer volume of customers along with our aging population ensures that facilities can expect serious emergencies such as heart attacks or strokes as well as the usual slips, trips, falls, cuts and scrapes.

Providing first aid requires consideration of several factors: first aid training, number of customers, first aid kits, first aid equipment and emergency procedures.

First Aid Training

Facility staff should at least be prepared to handle an ABC (Airway, Breathing, Circulation) emergency. For this response, the minimum level of training should be a CPR-C certification. However, this assumes a fast ambulance response time (under 10 minutes) and does not provide the ability to treat most common injuries that occur at recreational facilities. Ideally, at least one staff person with a Standard First Aid certification such as Lifesaving Standard First Aid or Aquatic Emergency Care should be available to provide first aid care for customers.

Number of Customers

The number of customers should also influence the number of first aid trained personnel. Tracking first aid responses is one method that can be used to measure the frequency of first aid incidents and determine if enough trained responders are available. This information can also be used to identify and reduce hazards within the facility. In the event of special events with large numbers of extra customers such as a concert or indoor rodeo, it is important to consider the impact it will have on the demand for first aid.

First Aid Kits and Equipment

The Lifesaving Society recommends that facilities use at least a Number 2 first aid kit with added supplies of consumables such as band aids and surgical gloves. Because of concerns about latex allergies, the gloves should be made of vinyl or nitrile materials. An inspection and restocking procedure should be in place to ensure that the kit is always ready for use. All pools should have a spineboard for immobilization and removal from the water of aquatic spinal injury victims. Other facilities such as arenas may also require spineboards, but should develop clear policies and training about when and how to use them. Other first aid equipment could include oxygen and AED (Automated External Defibrillator).

Emergency Procedures

Every facility should have a set of emergency procedures appropriate to the needs of the facility, its staff and customers. Staff should regularly review, practice and evaluate the procedures. These procedures should include the use of any first aid equipment such as spineboards, oxygen or AEDs.

The procedures should also define who is responsible for providing first aid services, internal communication protocols and most importantly who will communicate with EMS. This should be clearly

evaluated and documented to avoid confusion. Example: It is a common practice for facilities to require sport teams to be able to provide first aid for their members. What is often left unresolved is who is responsible for the spectators. From a risk management perspective, who will best take care of the interests of your organization and your customers?

Contract Lifeguarding - Are You and Your Customers Protected?

Overview

Throughout the year the Lifesaving Society receives calls from lifeguards and groups such as schools with questions about lifeguarding events at local lakes, backyard pools or similar facilities. These calls peak in the spring when schools begin planning end of school year outings. The most common questions deal with the certification requirements for the lifeguards.

Lifeguard vs. Lifeguard System

A common assumption is that if they hire a certified lifeguard for the event, they have done enough to ensure the safety of the participants. Unfortunately, that is not enough. They also must provide a lifeguard system. This system includes the development of specific facility operating and emergency procedures, emergency equipment and training of the lifeguard in the facility's procedures. Lifeguards who work at public aquatic facilities usually receive this training as part of their orientation training.

Setup a Lifeguard System

When a school or other group hires a lifeguard for an outing to a local beach, the group and the lifeguard should work together to establish the lifeguard system. Examples of the decisions required include:

- deciding where the participants will swim, how many in the water, marking the boundaries of the swimming area
- identification and provision of emergency equipment
- emergency procedures for the location including the emergency communication system
- role and orientation of other supervisors such as teachers, group leaders, parents
- who insures the lifeguard - At this time it is very expensive for an individual lifeguard to purchase liability insurance. The solution is to include a clause in the contract that treats the lifeguard as an employee of the group covered by their liability insurance.

If the group is not willing to work with a lifeguard to establish the lifeguard system, the Lifesaving Society recommends that the lifeguard refuse to lifeguard the event. For more information about creating the lifeguard system consult the Alert Manual, the Lifesaving Society Public Aquatic Facility Safety Standards and the Lifesaving Society Waterfront Safety Standards.

Note: See Contract Lifeguarding.

Lifesaving Society of Canada Position Statements

Boating Safety

STATEMENT

1. The Lifesaving Society advocates the relaxation of in-shore Canadian Coast Guard standards governing colour, style and buoyancy of lifejackets/personal flotation devices (PFDs).
2. The Lifesaving Society advocates that it should be mandatory for both operators and passengers to wear functional lifejackets/PFDs in all types of watercraft that are less than 5.5 metres and do not have a cabin.
3. The Lifesaving Society advocates the position that all individuals should be required to successfully complete a boater safety education program prior to operating a powerboat.
4. The Society also advocates the position that all individuals operating a personal water craft (PWC) should be required to complete a boater safety education program including a practical, on-water component.
5. The Society advocates that boater safety education programs should focus on the following:
   - "Rules of the road"
   - Performance characteristics of the watercraft.
6. It is the Lifesaving Society's position that no one under the age of 12 should operate a boat powered by more than 9.9 KW (10 hp) unless he or she is accompanied, in the same boat, by a supervising adult over the age of 18.
7. The Society also takes the position that a person under the age of 16 years of age should not operate a PWC unless accompanied, on the same watercraft, by a supervising adult over the age of 18.

The Lifesaving Society is, however, prepared to alter the specific ages and powers specified to ensure consistency with the Canadian Coast Guard, which is a Society partner.

BACKGROUND

For many years, boating fatalities have been a leading cause of death in Canada. The Lifesaving Society believes that the proper education of boaters, regarding safe operation of their boats and improved government regulations, related to the wearing of lifejackets/PFDs and the age of boat operators, would make a significant impact on the number of drownings and water-related incidents recorded each year.

Canadian Swim To Survive® Standard

STATEMENT

Acquisition of basic swimming ability is a fundamental requirement in any meaningful attempt to eliminate drowning in Canada.

All Canadian children deserve the chance to learn basic swim survival skills.

The acquisition of these basic swim survival skills by Canadian children is worthy of public and government support.

Affordable training should be made available for all children to the level of the Canadian Swim-to-Survive Standard, which should be the minimum national standard of swimming skill for all children.

BACKGROUND

Drowning is the third leading cause of accidental death (after deaths due to motor vehicle collisions and poisoning), in Canada, for people 60 years of age and under. Year after year, the data shows that the majority of people who drown have no intention of going into the water. Their immersion is sudden and unexpected.

Swim skills need to be taught. Swim skills are not innate; they are acquired. And they are very difficult to self-teach.

During the 1990s, boards of education withdrew from providing basic swim instruction to elementary school children. This instruction needs to be replaced at the community level.

RATIONALE

Among school-aged children between 5 and 12 years of age, swimming is the second most popular recreational activity in Canada (after bicycling).

Among those over 18 years of age, swimming is the third most popular activity (after walking and gardening/yard work). This information comes from the Canadian Fitness and Lifestyle Research Institute's 1998 Physical Activity Monitor.

Use Of Defibrillators By Lifeguards

STATEMENT

Within a community emergency service delivery system where lifeguards and lifesavers are intended to operate automated external defibrillators, they must receive training in the use of the machine as well as the associated issues related to outcomes, stress and grief:

The implementation of an effective "chain of survival" is a community-wide responsibility. Lifeguards and lifesavers should be part of this chain. Early access to the Emergency Medical System (EMS) should be facilitated, ensured and planned. Early delivery of Basic Life Support (BLS) skills when needed should be expected. All lifeguards and lifesavers should be trained and encouraged to provide these skills when needed.

The availability, placement and use of defibrillators within a community should be a community decision based on the principles of "chain of survival," proximity and time to advanced life support, community priorities and training available to personnel.

Decisions about the availability, placement and use of defibrillators should always be made in conjunction with, and with the awareness and endorsement of, the community emergency service delivery system.

The Lifesaving Society should participate in the development of training policies for the use of defibrillation in the non-medical setting by non-medical personnel. This training policy development should be done with the Heart and Stroke Foundation of Canada and our national affiliated training agencies.

The Lifesaving Society should encourage the establishment of research tools to gather data on incidence, outcomes and unique concerns in the application of defibrillation in the aquatic environment.

BACKGROUND

Since the mid 1980s many lifesaving standard-setting agencies have endorsed and promoted the consensus that a strong community wide "system" for emergency cardiac care improves outcomes. The system has been referred to as the "chain of survival" and involves four mutually dependent components:

1. Early access to EMS
2. Early CPR
3. Early defibrillation
4. Early advanced care

The American Heart Association (AHA) and the Heart and Stroke Foundation of Canada (HSFC) recommend that "all emergency personnel should be trained and permitted to operate an appropriately maintained defibrillator if their professional activities require that they respond to persons experiencing cardiac arrest." The technology that allows minimally trained people to successfully defibrillate is currently available: however, the HSFC stresses that "such programs must have strong medical control.

RATIONALE

A review of world literature in the spring of 1997 identifies the following consensus:

- The single most important factor in survival from sudden cardiac arrest may be early defibrillation therapy.
- Training programs of as few as eight hours have been evaluated in the medical environment with medical and paramedical practitioners. These studies are supportive of short-course certification.

There are few reports in the literature of lay-persons or minimally trained first aid providers, in the non-medical context, being trained and delivering automated defibrillation in the field. These few studies are supportive.

There are few reports of the cost effectiveness of a program of widespread early defibrillation.

There has been minimal activation of the 1992 AHA recommendation (endorsed in 1993 by the HSFC) to enhance availability and delivery of defibrillation in the field by minimally trained individuals. The application of the automated technology is increasingly accepted at the paramedical level, sporadically among fire and police personnel and rarely used by professional lifeguards or nonprofessional first aid responders.

Efforts to enhance the penetration of traditional BLS skills to target audiences remains a priority. Many reports persist of bystander BLS at the sub-50% level.

Publications of the Lifesaving Society are available from any Branch office. Inquiries from outside Canada should be directed to the National Office.

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