



April 26, 2020

Our monthly newsletter is weekly during COVID. If you're new here, Welcome! Newsletter archives are now available [on our website.](#)

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Here we are once again: same Bat-time, same Bat-channel.

I stated in [last week's email](#) that now is the time to update policies, including waivers & informed consent forms. A client who's a lawyer sent me a [fascinating article](#) asking, do waivers even work?

The court decisions are Canadian, but any poolie can learn from holes poked in various legal arguments. Assuming that you (like me) have zero attention span during COVID, I've done this as a too long, didn't read (TL;DR) with action

prompts.

"You must ensure your waiver is sufficiently brought to the participant's attention."

Action: Do clients of your aquatic facility even know they've signed a waiver? Is it a check box online? Is it a pop-up window to scroll through? Is a person handed a piece of paper at the front desk? Do yourself a favour and test out the process.

"The law does not support the resort's reliance on warning signs."

Action: Review how many of your aquatic facility rules are *only* posted on a sign, only written in a staff manual, only "common sense, " etc. I get we don't want to use paper in pools, but clearly signs are not enough. Do new clients/members ever receive a copy of facility rules? Embed it in electronic receipts!

"The sign at the ticket booth relied on by the ski resort was "difficult to read."

Action: Review facility signage. Can it be understood by an adult with a Grade 6 education? What about someone who is English as a Second Language (ESL)? What about someone with a visual impairment?

"The reasonableness of the notice is based on an objective test, but the circumstances...including... *similar recreational areas.*" (emphasis added).

Action: This is a vast oversimplification, but industry standards are created by similar facilities in a geographic area. If you don't know what waivers and releases are being signed by competing aquatic facilities, you should.

"The clearer and easier to read a waiver is, the more

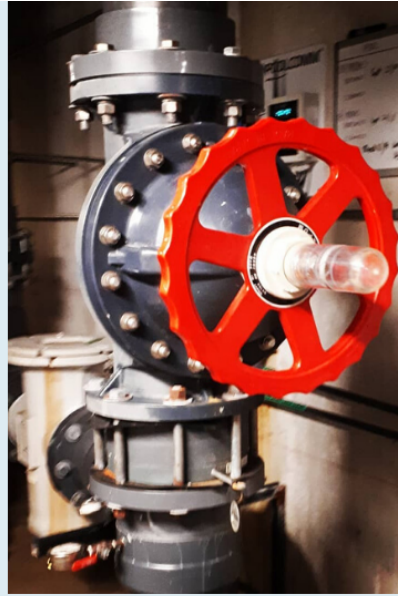
likely it is that a court will find that the participant was sufficiently apprised of the existence of the waiver and thus be bound by it.

Action: keep it short & simple (KISS). Note that I didn't say don't engage legal counsel, but longer is not necessarily better.

If you have time, be sure to read the [complete article](#).

-Katie Crysdale

New CPO classes!



CERTIFIED POOL OPERATOR (CPO) CLASS ONLINE

TUESDAY - FRIDAY
MAY 19-22, 2020

8AM - 12PM EST
6AM - 10AM MST

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**SATURDAYS & SUNDAYS
MAY 23, 24, 30, 31
10 AM - 2 PM EST
8 AM - 12 PM MST**

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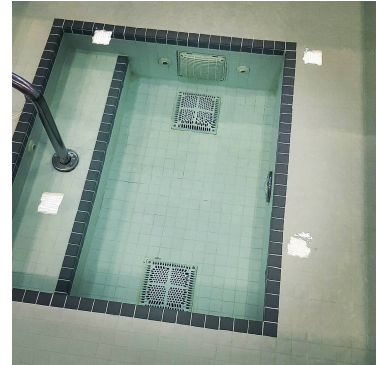
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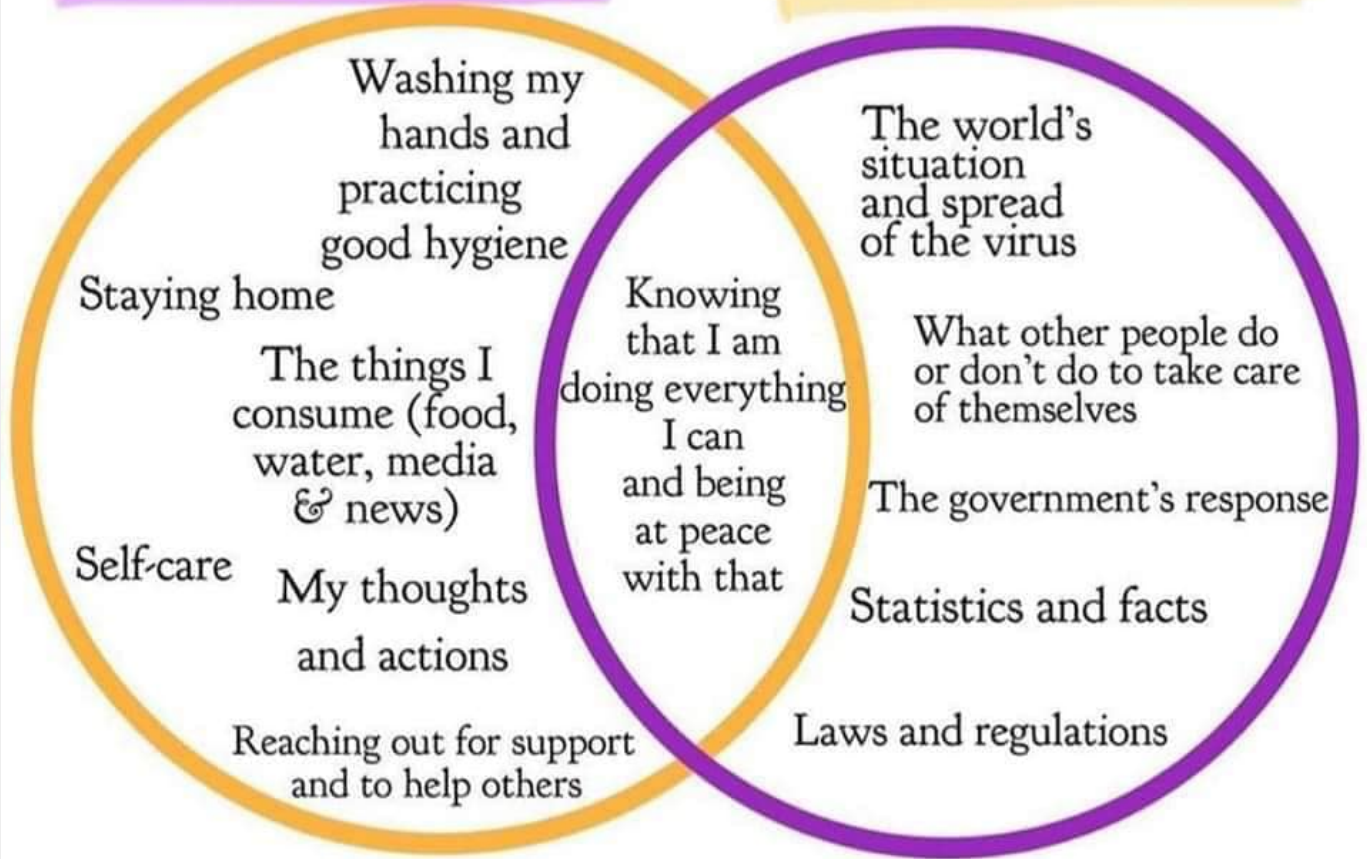
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OMG, these are terrific! It's like being at a national conference and getting industry motivation for my job even though the rest of our world is all hanging in limbo.

POOLAIDE WEBINAR
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THINGS I CAN CONTROL

THINGS I CAN'T CONTROL



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Lakeview Aquatic Consultants Ltd.

416 Drake Landing Wynd
Okotoks, AB
T1S 5R1 Canada

info@lakeviewaquaticconsultants.com

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