

Waivers

Waivers can be very effective business tools. Good waivers require careful planning and implementation—and a consultation with an attorney. Review any waiver you use with legal counsel for the state in which it applies. It is well worth the minimal charge. Failure to do so may result in a document that does not provide effective defense.

Playing To Win – A Risk Management Guide for Nonprofit Sports and Recreation Programs provides the following tips about waivers:

- Text should be easy to read and understandable. Some states outline specific requirements of the waiver's content, text size, and appearance.
- A waiver should be a standalone document, not included as text of another document.
- The title of a waiver or release must clearly state what it is.
- A waiver must warn of the risks being accepted and provide a clear description of the potential harm associated with the activity.
- A waiver must advise the participant or parent cosigner that they agree to assume the risk of their participation and affirm that acceptance is voluntary.
- A parent or legal guardian must sign a waiver if the participant is under 18 years old. It's a good idea to have both parents sign a waiver, especially if there are custodial issues.
- A waiver should specify the parties to which it applies, as well as other parties whose rights will be released. This includes parents who participate in a class with their children.
- Give students, parents, and volunteers time to review a waiver and address questions. Never pressure someone to sign a waiver, or make any changes to the document after it has been signed.
- As a student progresses in skill level, consider having a new waiver signed that more appropriately describes the potential risk of training at the more advanced level.

If you have a safety or risk management question or a suggestion for a topic, please contact Markel's Risk Management Department at safety1st@markelcorp.com.