

Waiver Safety

Waivers can be effective business tools if used in the proper context. Good waivers require careful planning and implementation. 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 some helpful information regarding the elements of an effective waiver.

- Text should be easy to read, with understandable language. 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 involved.
- A waiver should specify the parties to which the waiver applies, as well as other parties whose rights will be released.
- Give participants, parents, and volunteers time to review a waiver and address any questions. Never pressure someone to sign a waiver, or make any changes to the document after it has been signed.

As a gymnast progresses in skill level, consider having a new waiver signed that more appropriately describes the potential risk of training at the more advanced level.

Constructing a waiver is a complex legal process. Avoid using generic waivers or drafting your own waiver without consulting an attorney. Review any waiver you use with legal counsel for the state in which it applies. It is well worth the minimal charge.

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.