

The Ontario Recreation Facilities Association Inc. (ORFA) regularly researches and writes about issues that could affect our clients. These documents provide an opinion on key risk management issues but are not meant to provide any form of legal opinion or official interpretation. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation. All rights reserved. ©2012 Ontario Recreation Facilities Association Inc.

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Introduction

Significant events which take place in recreation facilities often have ceremonies that require those participating enter on to the ice sheet with inappropriate footwear. Many of these same individuals are unaware of the risks of this environment. The law in Ontario states that *it is the responsibility of the property owner to ensure the safety of anyone who enters onto their premises.*

The term "trip and fall" or "slip and fall" refers to falls that are a result of any condition which makes the surface where one is walking uneven and potentially hazardous. Injuries from these types of accidents can range from a bruised knee to serious fractures requiring extensive surgery.



A quick research of litigation involving slips and falls reveals that the primary contributor to these types of accidents is one or a combination of factors including loose carpeting or an uneven, wet/frozen surface. So just how prepared are we for those invited users and guests onto an uneven (entrance thresholds), wet/frozen surface with loose carpeting?

Allowing any person to walk on a sheet of ice without the adequate protection and/or appropriate footwear is unacceptable. Facility staff must carefully consider how to avoid creating a potentially unsafe building environment and to further avoid any incidents as a result. Review with staff how these activities should be conducted safely so that those entering on and off of

the ice surface are adequately protected and fully aware of the potential risks associated with their participation.

Waivers and Assumption of Risks Forms

Allowing or prohibiting participation in on-ice activities without skates or proper footwear and head protection should be included in existing rental contracts so that users are aware which activities are acceptable. If allowed, facility management should clearly identify the process on how they may take place. A written waiver and assumption of risk form will be invaluable in the event of disagreements or if litigation is threatened or filed. Determining the need for each on-ice ceremony participant to read and sign a waiver requires consideration.

When events involve persons under the age of majority, waivers should be provided well in advance of the event. Do any of the participants requiring special needs or escorts during the event? Attempting to "blanket waiver" an entire group under one form that is signed by one individual on everyone's behalf may have its limitations for avoiding litigation.

Remember your insurance carrier's risk management department is always a valuable resource for this type of review.

Selecting the Right Protective Ice Cover

Selecting the right protective covering is paramount to user safety. Installing it correctly must also be part of any pre-planning activities. Most rinks that regularly host on-ice celebrations use specific carpets that guide participants safely on to and off of the ice surface. However, other rinks make use of whatever is available in the building at the time. This may include rolled rubber, which is not a good choice as it will become fairly slippery as it cools after placement on the ice surface.

Several large buildings gave the same basic description of the carpet they are currently using "as an 80 Mil Gripper – that has small "nubs" on the bottom side and carpet on the top". Speaking with a carpet supplier giving this basic information should assist you in making a proper purchase decision.

Since the carpet will not likely be secured to the ice sheet, selecting the correct type of “carpet backing” material is important. To reduce bacteria and mould build up, the backing should be made of moisture resistant materials. Selecting the correct carpet fiber weave will help to reduce the potential of materials becoming wet and freezing thus creating an unforeseen skater trip hazard. Any protective matting must also meet the requirements of the Ontario Fire Code.

Cover backings should always be cleaned prior to use on the ice; this will prevent dirt freezing to the ice surface which could become a skater trip hazard post ceremony. Carpets should never be laid out on to a wet ice surface as it will freeze making it difficult to remove and possibly leave behind parts of the carpet material.

The next questions to answer will be colour and width. There are many incidents of referees tripping over carpets during their pre-skate; most of these times the carpet colour blends into the ice colours which most likely contributes to the fall. Use bright contrasting carpet colours for good visibility.

How wide the carpet should be will be based on the intended use of the product. Keep in mind that at some time during the event there will be two people walking side by side. If this is the case, allow for a minimum of 120cm (4ft) of carpet width as rule of thumb. Often facilities are forced to quickly decide on a carpet purchase to meet the needs of a specific event. They are then left with this choice for years to come or require additional carpet purchases to meet other future user needs.

Protect the sides of the carpet area so that people cannot accidentally step off of the carpet onto the slippery ice surface.

By occupation, the media believes they have unlimited access to public facilities and often wander around the surface area to obtain pictorial vantage points. Operational policy must consider whether or not this is acceptable. If so, how should these individuals be attired in order to conduct their business on our premises? Head and foot protection should not be deemed unreasonable along with waiver use as a litigation avoidance tool.

Participants should be made aware that flat shoes with a slip resistant sole are always the best choice; footwear such as high heels or dress shoes should be avoided whenever possible.

Entering Onto the Surface

Where is the best location to enter onto the surface? Since most original designs give little consideration for the intended activities much like the ones described here, it now becomes a site specific question. The centre of the facility is always considered a premium location but may not be feasible in all rinks. Blocking entrance ways and vomitories with people and equipment for what might be considered a short period of time may raise concern with local fire officials. Although using the machine gate area allows for a large entrance location, it will also attract participants to the location while equipment is still in use. Additionally, these locations are often high risk areas for ice or water build-up as they were not designed for the proposed activity.

Door thresholds are often coloured to blend into the dasherboard colour (white) thus unintentionally hidden from persons crossing the area. Consider how to best identify these potential trip hazards as part of your pre-planning activities. An additional risk factor is the desire to reduce lighting levels below the set recommendations of the Illuminating Engineering Society of North America (IESNA - recommendations for [public lighting levels](#)). Currently the ORFA recommends no less than 50-foot candles and 500 Lux for on ice activities.

Additional selection factors for entrance areas require access to auxiliary equipment such as tables, chairs, sound systems or electrical plug-ins. These types of services should be properly identified with the most appropriate safety identification (ESA Approved), as well as items such as GFCI protection being pre-event tested. Be cautioned that tables and chairs can easily slip away from the user without warning when used on an ice surface.

Remember the requirements of reporting to the Ministry of Labour under Section 51 of the OHS Act should any person become critically injured during such a celebration. [Reporting Critical Events](#)

Failing to Plan is Simply a Plan for Failure

Who will do the set-up and tear down? Sounds like a simple question, but is it? Facility staff is the obvious choice, but often volunteers undertake key roles in these similar activities. The ORFA recommendation for the use of [head protection](#) for all on-ice workers who perform work on the ice surface should be considered as part of your planning. The use of [foot slip protection](#) may also be part of an internal Job Hazard Analysis (JHA) process.

Now the question is raised that if it is a recommendation for paid staff, why not volunteers

conducting the exact same work in the exact same conditions?

Carpets are heavy! Having adequate staff available as well as proper equipment to move carpets, tables and chairs on and off of the ice will help to reduce the potential for worker injury and further ensure a professional image is given for your operation.

Carpets should be cleaned and dried prior to storage. Staff customer service skills need to be sharp. Often staff will be interacting or working in close proximity of community dignitaries during these events. Staff appearance, conduct and overall behaviour will be a direct reflection of the entire operation.

Facility management is encouraged to revisit their facility evacuation plan to ensure that these events are a part of this plan. *Remember that any changes to existing fire plans must be filed with local fire officials.*

The creation of a Standard Operating Procedure (SOP) for on ice ceremonies is a must. Developing a written plan that clearly identifies the work to be performed, by whom, required equipment and tools for this process will help ensure operational success.



Conclusion

“We have always done it this way” is not a legal defense. Continuing to review current operational practices/procedures/ operational trends and incidents will help to ensure that safe and quality services are being provided.

In our business the only true constant is change.

Disclaimer

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