



# **Ontario Underwater Council**

## **Club Insurance Requirements**

**and**

## **Risk Management Document**

Revision 1.0  
December 20, 2010

## Document Control

Date	Description of Change	By Whom
August 13, 2010	Created document –	
December 20, 2010	published	

### OUC Contact Information:

Ontario Underwater Council  
Suite 109  
1 Concorde Gate  
Toronto, Ontario, Canada  
M3C 3N6

Phone: 416-426-7033  
Fax: 416-426-7336  
Email: [ouc@underwatercouncil.com](mailto:ouc@underwatercouncil.com)  
Website: [www.underwatercouncil.com](http://www.underwatercouncil.com)

### To comment on this document, please contact:

Coordinator - OUC Insurance Program  
Ontario Underwater Council  
[ouc.insurance@underwatercouncil.com](mailto:ouc.insurance@underwatercouncil.com)

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## Disclaimer:

Certain personal risks are inherent in most sports, and the sport of scuba diving is no exception.

Breathing compressed air involves certain inherent risks; including but not limited to decompression sickness, embolism, and other hyperbaric/air expansion injuries that may require treatment in a recompression chamber.

Furthermore, open water diving trips may be conducted at sites that are remote, either by time, distance, or both, from such recompression chambers.

Neither the Ontario Underwater Council, its member clubs, nor its members including but not limited to employees, offices and directors, agents, contractors, or assigns, volunteers, participants including other divers, instructors and trainers may be held liable or responsible in any way for any injury, death or damages sustained as a result of members or non-members taking these risks.

# Document Overview

## Goals of this document:

The goals of this OUC document are to:

1. define the Requirements for Club Diving Activities that have been discussed and communicated to our insurers. Agreement by our insurers makes this document a binding interpretation of the Policy.
2. provide strong recommendations for mitigating risk

There are 3 components to this document.

- a) Insurers Requirements
- b) OUC Implementation / Administration / Safety Requirements
- c) OUC Recommendations for risk mitigation

This document is a living document. We ask our member clubs to review the document with regard to future safety revisions. OUC will consider additional safety requirements as submitted by clubs. In order to implement new, or modify OUC based safety requirements, a 2/3 (two-thirds) vote of the membership would be required. This could be done at an AGM or a special meeting.

Member clubs can submit new recommendations or revisions to existing recommendations to OUC at any time.

If safety is compromised, our ability to secure affordable insurance will be at risk and the potential for government intervention will increase. OUC negotiates an insurance policy annually with its insurance provider on behalf its member Scuba Clubs. Our ability to secure favorable coverages and rates is based upon the risk associated with our activities, our past claims history and our approach to risk management.

OUC is the de-facto Provincial Sport Organization (PSO) for scuba diving in Ontario, and while it is not a regulatory or policing body, it is OUC's mandate to make safe diving recommendations to members and to the diving community in general.

## What is Risk Management?

Risk management is the process of identifying and analyzing the risk factors involved in our activity. It is the proactive steps that we take to mitigate those risks and to ensure avoidable accidents are being prevented.

All of us are responsible for managing risk within the OUC. The board, all clubs, individual members and even volunteers have an important role in ensuring we perform diving, training and non-diving activities in a proactive manner. We must always ensure that safety is top of mind.

## What does this mean to me as an OUC Member Club?

Member Clubs are asked to review and understand the OUC Insurance and Risk Management Document. The protocols which have been set out are intended to be "safe, simple and easy".

You are asked to abide by the protocols in order to ensure all members are able to enjoy their diving experience in a safe manner.

Working together, we can all make a difference.

# Glossary of Terms

## **AED (Automated external defibrillator)**

a portable electronic device that automatically diagnoses the potentially life threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia in a patient, and is able to treat them through defibrillation.

## **Certified Assistant (per WRSTC)**

*“an individual who is currently certified by a training organization to assist an instructor. By the intent of this standard, all activities of a certified assistant in open water courses shall be under the supervision of an instructor. Completion of formal training in planning, management and control of diving activities, first aid, cardiopulmonary resuscitation, and diver rescue techniques is required before a certified assistant may assume responsibility for any student or students during open water training dives, as defined in this document. The certified assistant shall also have passed a written examination demonstrating certified assistant-level knowledge, as required by the training organization.”*

**OUC refers to this as a “Divemaster or above”.**

## **Certified Safety Diver**

defined as a diver with an Agency certification level of Rescue Diver or higher.

## **Confined Water**

defined as a pool or other body of water with similar conditions to a pool with respect to clarity of water, depths, temperature, surface roughness, currents and entry and exit capabilities.

## **Dive / Diving**

defined as the breathing of compressed gases while under conditions of varying pressure.

## **Dive Supervisor (per WRSTC)**

*“An individual who is currently qualified and sanctioned by a training organization to assist an instructor in teaching recreational scuba divers and to conduct supervised diving activities as outlined by his/her training organization. Completion of formal training in planning, management and control of diving activities, first aid, cardiopulmonary resuscitation, and diver-rescue techniques is required. The dive supervisor shall also have passed a written examination demonstrating dive supervisor-level knowledge, as required by the training organization. To be sanctioned, the dive supervisor must meet the annual renewal requirements of the training organization. (See the RSTC Recreational Dive Supervisor certification standards for details).”*

**OUC refers to this as a “Divemaster”. (may also include Dive Control Specialist, Dive Coordinator)**

## **Diver Rescue (per WRSTC)**

*“Training (a certification) offered by a training organization that includes diving-specific classes in emergency planning and accident management, along with open water training in the areas of self-aid, self-assist, buddy-aid, buddy-assist, locating, surfacing and egress of an unresponsive diver, diver emergency planning and accident management procedures.”*

**OUC refers to this as a “Rescue Diver”.**

## **Diving Activity (ies)**

refers to the encompassing activities which occur in Confined Water (including pools and confined open water), and Open Water dives and may include training and non-training activities.

## **Instructor (per WRSTC)**

*“An individual who is currently certified and sanctioned by a training organization to conduct introductory scuba dives, teach entry-level scuba diving and to authorize the issuance of entry-level certification. To be sanctioned, the instructor meets the annual renewal requirements of the sanctioning organization.*

*An instructor has completed formal training in lesson preparation, planning and delivery of lecture, pool/confined water skills and open water skills teaching presentations, in addition to completing the training requirements of a certified assistant (see definition). The instructor has also passed a written examination demonstrating instructor-level knowledge, as required by the training organization. (See RSTC Recreational Scuba Instructor Certification standards for details.)”*

## **Introductory Scuba Dive (per WRSTC)**

*“An open water scuba dive made under the direct supervision of an instructor to introduce participants to the fun and adventure of recreational diving. The dive does not result in certification. The dive includes the following minimum components: 1) a briefing, 2) preparation to dive, 3) an entry, 4) an underwater tour, 5) a maximum depth not to exceed 40 feet/12 metres, 6) an exit, 7) a debriefing.”*

**(May also be referred to as Try Scuba, Discover Scuba, Scuba Experience, etc.)**

## **Open Water**

defined as a body of water open to weather conditions, significantly larger than a swimming pool offering conditions typical of a natural body of water with respect to clarity of water, temperature, surface roughness, currents and entry and exit capabilities.

## **OUC Guest Diver Program**

1. Prior to the planned Club-sanctioned dives: OUC Clubs that invite Guest Divers to join them (“Hosting Clubs”) must have their Guest Divers fill out OUC’s “Guest Diver Club Membership Application Form” and must collect the applicable fees.
2. Within 5 business days of completing Step 1: Hosting Clubs must forward the original copies of the completed and signed “Guest Diver Club Membership Application Form” along with membership fees collected to the OUC office. OUC will issue a Club Membership card to your club’s Guest Divers within 4-6 weeks.
3. Prior to the planned Club-sanctioned dives, Hosting Clubs’ Dive Masters must satisfy themselves that their Guest Diver(s) have the requisite training, abilities (physical, mental), experience and equipment to safely make the dive(s) as planned. Hosting Clubs’ Dive Masters may do so in various ways, including but not limited to, any/all of the following:
  - a. Inspecting their Guest Divers’ Log Books,
  - b. Confirming their Guest Divers’ Certification Levels
  - c. Diving with their Guest Diver(s)
4. During the planned Club-sanctioned dives: OUC Club Guest Divers must adhere to all requirements outlined in this document.
5. OUC’s Guest Diver program participants will receive OUC Club Membership benefits, including OUC Club membership card, OUC newsletters, and Liability Insurance coverage (when joining with an Insured Member Club) not for just sanctioned non-diving activities, but also sanctioned diving activities as well, etc.

## **Participant Liability**

is insurance coverage which responds to and defends the insured in a lawsuit being made against an insured by another insured participant in a sanctioned event.

## **Professional Level**

Divemaster and above; including but not limited to Divemaster, Assistant Instructor and Instructor; in renewed and in active status with their certifying organization(s).

## **Recreational (Sport) Scuba limits**

Recreational Scuba dives are defined as:

- a) Planned to 40 metres/130 feet or shallower. Altitude dives are theoretical depths as corrected to sea level.
- b) Planned without mandatory stage decompression (safety stops are acceptable)
- c) Made using compressed air or enriched air (EANx / Nitrox) to a maximum of 40% oxygen as defined in the WRSTC outline - Enriched Air Nitrox Scuba Certification.

## **Safety Diver**

See Diver Rescue

## **Sanctioned Activity**

Club Sanctioned

- Member Clubs' Executive must sanction all activities before they take place.
- Activities cannot be sanctioned after the fact. Training activities and Club meetings are included.
- OUC must review and approve of all submitted Member Club activities in order to be considered sanctioned.

OUC Sanctioned

- an activity approved by the OUC
- Member Clubs must notify OUC a minimum of 48 hours prior to the Club-sanctioned activities taking place.
- Activities can be considered sanctioned unless OUC declares otherwise.

## **WRSTC**

Is the short form for the World Recreational Scuba Training Council which can be found at [www.wrstc.com](http://www.wrstc.com).

The following councils make up the WRSTC: RSTC (USA), RSTC Canada, RSTC Europe, Japan C-Card Council.

# Requirements:

## Introduction

The Requirements in this document only apply to clubs and those members of the clubs who are enrolled in OUC's Insurance Policy. Non-diving Volunteers are covered when participating in sanctioned activities of the insured clubs. Divers enrolled through the Guest Diver program are covered when diving with any OUC Insured Member Club as a guest member of that insured club.

This document lists the **Requirements** which **must** be met by all OUC Insured Member Clubs according to the Policy outline from Pearson Dunn. Requirements quoted below:

### *Policy Requirements*

*These Requirements must be met in order for OUC Member Clubs and Club Members to be covered by this policy.*

- 1. All Member Clubs and all Club Members must be OUC members in good standing and enrolled in the policy.*
- 2. All persons taking scuba courses with an OUC insured member Club must be OUC insured members, with the exception of Discover Scuba / Experience Scuba participants.*
- 3. All activities must be sanctioned by the Member Club's Executive and by OUC.*
- 4. All diving activities must be supervised. Participants must not dive solo during any sanctioned activities.*
- 5. All dives must be planned and conducted within generally accepted Recreational / Sport Scuba limits.*
- 6. Alcohol must not be consumed during any sanctioned activities, with the exception of one (1) sanctioned annual banquet / dance / awards night activity.*

*The OUC "Club Insurance Requirements and Risk Management Document" (this document) has been discussed and communicated to Pearson Dunn and is acceptable as the valid implementation of these Requirements.*

Members are encouraged to follow the additional **Recommendations** herein and to dive more conservatively than just meeting the minimum Requirements.



## Policy Summary

*The Insurance Program for Ontario Underwater Council & Member Clubs provides Commercial General Liability Coverage for Sanctioned and Supervised Underwater Diving Activities including Teaching by Member Clubs & Sanctioned Non-Diving Activities, as listed on file with insurer.*

## Who is Insured

*All members including Executives, Managers, Instructors, Divemasters, Directors, Officers, Officials, Employees, Participants & Volunteers while acting on behalf of the association.*

*Non Diving Non-OUC-Club Members who volunteer during OUC-Member-Club Sanctioned Activities are also covered under the above Policy*

## Policy Administration

All questions regarding this Policy and its coverages are to be presented to the holder/owner of the Policy, namely the OUC. Clubs participating in the Policy are not to contact the insurer/broker directly.

Teaching/supervisory duties by professional level Divemasters and above are covered by the OUC Policy while teaching/supervising for an OUC Insured Member Club. Divemasters and above who wish to teach/supervise outside of OUC sanctioned activities may need to purchase a private Policy.

Instructors and Divemasters performing teaching/supervising duties for OUC Insured Member Training Clubs may obtain a **Certificate of Insurance** listing them.

Approved Club personnel (Directors of the club and others as submitted by the Club Executive to the OUC) may request these certificates through OUC's online request form on the OUC website.

**The OUC is available to review these requirements and recommendations with the clubs upon request. We would be pleased to work with the clubs in developing / implementing any of the items in this document or on Scuba Diving issues in general.**

# Requirements Applying to All Sanctioned Activities

For an activity to be insured under this Policy, the OUC Member Club must meet the following requirements:

1. **All activities must be sanctioned by the Member Clubs' Executive prior to the activity.**  
Activities cannot be sanctioned after the fact. Training activities, Club meetings and social events are included. OUC must review and approve of all submitted Member Club activities in order to be considered sanctioned.
2. **All diving activities must be supervised.**  
The Policy does not cover Solo Diving under any circumstances.
  - a. All open water and confined water (e.g. a pool) diving activities are to be supervised. Certified divers, must have at least one other certified diver/buddy in water on scuba to dive with them. If no other diver/buddy is present the solo diver is required to sign a waiver stating that they are not diving with the Member Club on the sanctioned activity, releasing the OUC, its Member Clubs, members, etc.
  - b. Un-certified divers must be supervised, by professional level personnel certified by and in active status with a diver certification organization.

**Failure of the Insured Member Club to conform to the foregoing requirements shall result in the Policy issued to the Insured Member Club being considered null and void at the breach of requirements.**

### 3. OUC Implementation

Member Clubs must notify OUC a minimum of 48 hours prior to the Club-sanctioned activities taking place.

Activities can be considered sanctioned unless OUC declares otherwise.

The **OUC Liability Policy for Clubs, Outline** document lists a wide range of non-diving activities that only require you to sanction them and notify OUC to have them automatically covered.

Non-Diving Activities that are *not* expressly listed in the Policy *may not be covered*.

To determine whether an unlisted Non-Diving activity is covered or not, or is covered but at an additional premium, Member Clubs *must inquire a minimum of 2 weeks in advance of OUC either via e-mail at: [ouc@underwatercouncil.com](mailto:ouc@underwatercouncil.com) or via telephone at 416-426-7033 with all the particulars of the proposed non-diving activity. Turn-around time for these requests is a minimum of 5 business days.*

## Recommendations Applying to All Activities

1. OUC recommends that all Member Clubs have a written Safety Policy which describes the steps to mitigate risk. Clubs are encouraged to submit their Safety Policy with their Dive Schedules.
2. All diving participants in Club-sanctioned activities must be OUC Members in good standing and have paid their respective Liability Insurance Policy fees prior to the Club-sanctioned activities taking place. Please note that Introductory Scuba Dive events fall under the Training Activities section.

For non-OUC-member divers, several options exist:

- a. the non-OUC-member diver(s) may join under the provisions of OUC's "Guest Diver Program" see Glossary of Terms above. More details are available on the OUC website.
  - b. The non-OUC-member diver(s) may not participate in the sanctioned activity. This is to ensure that the supervising Divemaster does not need to assume responsibility and can focus on the safety of the participants. Non-OUC-members diver(s) may dive separately from the sanctioned activity at their own risk.
  - c. If an OUC Insured Member diver wishes to dive with the non-OUC-member diver, both buddies are required to sign a **Waiver of Insurance** and dive separately from the sanctioned activity at their own risk.
2. Where the Member Club is conducting a dive from a boat, non-OUC-members may also make use of the boat under the following conditions:
    - a. the options of item 1 are required to be followed, additionally,
    - b. If the boat is owned by the Member Club, by a member, or is chartered directly for the use of the club, the non-OUC-members diver(s) not participating in the sanctioned activity are required to sign a **Waiver of Insurance** and dive separately from the sanctioned activity at their own risk.
    - c. If the boat is not directly chartered by the club (e.g. a walk-on), no paperwork is required from non-OUC-member participants.
  3. **Liability Release and Assumption of Risk Agreement** documents, releasing OUC and the Member Club, should be completed by all members on joining and annually on membership renewal.
  4. The Member Club should require Guests to complete and sign a **Liability Release and Assumption of Risk Agreement** before each event.

5. First Aid and Medical Oxygen (O<sub>2</sub>) should be on-site and in a ready-to-use state at all times during Club-sanctioned open water diving activities.
6. Member Clubs should keep detailed records, for a period of seven (7) years, of all Club-sanctioned open water diving activities. These documents at a minimum include:
  - a. Liability Waivers
  - b. Medical Statements
  - c. Club Rental Equipment Maintenance Logs
  - d. Student Training records
  - e. Dive Roster / Log Sheets

Samples of each of these documents (with the exception of Student Training records) are available on the OUC website.

7. Dive Roster / Divemaster Sheets should at a minimum include:
  - a. Location,
  - b. Date,
  - c. Purpose of Dive,
  - d. Name/s of Divemaster/s and Safety Diver/s,
  - e. Recommended Maximum Depth and Bottom Time,
  - f. Safety Stops,
  - g. and the following additional information for every diver:
    - i. Diver Name (Given and Surname),
    - ii. Dive # of day
    - iii. Pressure Group (if applicable),
    - iv. Total Weights,
    - v. Cylinder(s) Volume,
    - vi. Cylinder Pressure in,
    - vii. Time in,
    - viii. Bottom Time
    - ix. Time out,
    - x. Tank Pressure Out,
    - xi. Maximum Depth
    - xii. % of O<sub>2</sub> in breathing gas or gas mixture.

# Requirements for Non-Training Diving Activities

1. *“Only Supervised Diving Activities are covered by this Policy. Solo Diving is NOT covered under any circumstances.*
  - a. *All open water and confined water (e.g. a pool) diving activities are to be supervised. Certified divers, must have at least one other certified diver/buddy in water on scuba to dive with them. If no other diver/buddy is present the solo diver is required to sign a waiver stating that they are not diving with the Member Club on the sanctioned activity, releasing the OUC, its Member Clubs, members, etc.*
  - b. *Un-certified divers must be supervised, by professional level personnel certified by and in active status with a diver certification organization.”*

## OUC Implementation

As a clarification to the insurer’s term “*supervision*” in this instance, it is adequate for two (2) certified divers to dive together, supervising each other.

**Failure of the Insured Member Club to conform to the foregoing requirement will result in the Policy issued to the Insured Member Club being considered null and void at the breach of requirements.**

## Recommendations for Non-Training Diving Activities

1. The Member Club should ensure that all open water diving activities are supervised by professional level personnel certified by, and in active status with a diver training organization as approved by the OUC Board. (OUC recommends that Clubs use a Divemaster to supervise open water non-Training Diving Activities).
2. The Member Club should ensure that Safety / Rescue Divers are present and ready to assist if needed.
3. The Member Club should ensure that all diving activities are planned and conducted within the limits applying to the certification presented.
4. Certified divers diving in buddy teams should dive to the most conservative profile.
  - a. The diver who has the most restrictive certification should control the dive per:
    - i. Maximum depth
    - ii. Restricted buddy (must dive with a professional / parent or guardian / adult)
    - iii. By specialty – e.g. no overhead environments unless specifically certified
  - b. A diver with a computer who buddies with a diver using tables should dive to the limits imposed by the tables
  - c. A buddy team which all use computers should not exceed the limitations of the most conservative computer
3. The Member Club should require that all personnel engaged in the supervision of Scuba diving activities comply at all times with the current standards, procedures and policies of his/her certifying organization.

Medical Statements should be completed annually for all diving members.

If the medical history form or the appearance of the student indicates any contraindication to diving, the Member Club should advise the member to review the medical with a physician to determine if there are increased risks when diving.

# Requirements for Dive Training Activities

1. *“Only Supervised Diving Activities are covered by this Policy. Solo Diving is NOT covered under any circumstances.*
  - a. *All open water and confined water (e.g. a pool) diving activities are to be supervised. Certified divers, must have at least one other certified diver/buddy in water on scuba to dive with them. If no other diver/buddy is present the solo diver is required to sign a waiver stating that they are not diving with the Member Club on the sanctioned activity, releasing the OUC, its Member Clubs, members, etc.*
  - b. *Un-certified divers must be supervised, by professional level personnel certified by and in active status with a diver certification organization.*
2. The **Commercial General Liability Policy** will cover professional level personnel certified by and in active status with a diver training organization to perform Scuba Experiences and membership initiation check-out dives. The Policy does not cover the non-member participants. Non-member participants are required to sign a **Liability Release and Assumption of Risk Agreement** prior to the activity.

**Failure of the Insured Member Club to conform to the foregoing requirement shall result in the Policy issued to the Insured Member Club being considered null and void at the breach of requirements.**

## Recommendations for Dive Training Activities

1. The Member Club should ensure that all diver training diving activities are supervised by personnel certified by and in active status with a diver training organization as approved by the OUC Board.
2. The Member Club should ensure that all personnel engaged in diver training activities comply at all times with the current standards, procedures and policies of his/her certifying organization.
3. The Member Club should ensure that all diver training activities comply at all times with the current standards, procedures and policies of the agency issuing the certification.
3. The Member Club should require each student to complete and sign a **Liability Release and Assumption of Risk Agreement** prior to any in-water dive training activities (a new waiver for each course).

The **Liability Release and Assumption of Risk Agreement** should be completed in compliance with the certifying agency’s standards and local laws.”

4. Medical Statements should be completed for all students in compliance with the certifying agency’s standards.

If the medical history form or the appearance of the student indicates any contraindication to diving, the Member Club should require the student to obtain medical approval by a licensed physician based on medical examination prior to any in-water activities.

## Requirements for Non-Diving Activities

1. All member participants in Club-sanctioned non-diving activities wishing to be covered by the Policy must be OUC Members in good standing and have paid their respective Liability Insurance Policy fees prior to the Club-sanctioned non-diving activities taking place.

Non-diving, non-member volunteers at Club-sanctioned activities are covered under the terms of the OUC Policy while they are fulfilling their volunteer duties.

2. As OUC currently carries Participant Liability, the insurer will not cover events where alcohol is present, except for one club sanctioned event per year.

The **OUC Liability Policy for Clubs, Outline** document lists a wide range of non-diving activities that only require you to sanction them and notify OUC to have them automatically covered.

Non-Diving Activities that are *not* expressly listed in the Policy *may not be covered*.

To determine whether an unlisted Non-Diving activity is covered or not, or is covered but at an additional premium, Member Clubs *must inquire a minimum of 2 weeks in advance of OUC either via e-mail at: [ouc@underwatercouncil.com](mailto:ouc@underwatercouncil.com) or via telephone at 416-426-7033 with all the particulars of the proposed non-diving activity. Turn-around time for these requests is a minimum of 5 business days.*