

Report from Community, Recreation and Culture Services, Business Planning and Strategic Services

Date of Report: October 2, 2019

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Subject: Public Skating - Skate Attendants

Recommendation

That the funds for the additional Skate Attendants required to comply with the ORFA public skating guidelines and best practices be referred for consideration in the draft 2020 operating budget.

Summary

The City of St. Catharines offers drop-in public skating programs (leisure skating) throughout the year with the total number of public skating hours fluctuating daily / weekly / monthly depending on ice availability. However, on average there are approximately 28 hours per week available for public skating. Of the approximately 28 hours per week, 7 of those hours (or 25% of public skating) are patrolled by a Skate Attendant directly on the ice with participants.

Background

At its meeting on September 23, 2019, Council directed staff to provide the Budget Standing Committee with a report regarding the current staffing levels for the public skating programming. The Budget Standing Committee report was to include the additional staffing needs to be considered with the 2020 operating budget submission.

Report

Ontario Recreation Facilities Association Inc. (ORFA) - Public Skating Guidelines and Best Practices

ORFA is the leader in the recreation facility profession and aims to provide leadership in the development and delivery of innovative training and education programs, value-added services, and quality products for the benefit of the recreation facility profession.

In October 2013, [ORFA published Public Skating Guidelines and Best Practices](#) (Appendix 1) that summarizes guidelines for the provision of "Public Skating" in the province of Ontario. ORFA recognizes that there is a lack of industry guidelines available to manage public skating programs. The intent of the suggested practices is to serve as a supportive risk management tool for facility owners to evaluate current operations and manage a safe and enjoyable skating program. Nevertheless, it is left

with facility management to ensure that all events and programs are being offered in a fair, equitable and accessible manner, one which will reduce the risk of injury and / or liability. The recommended minimum number of Patrol on Ice (Skate Attendants) from the publication is excerpted below:

The ORFA recommends that for an average ice surface, all public skating programs will have on ice supervision as follows:

Patrol On Ice	Patrol to Skater Ratio
1 Ice Patrol	1 to 59 persons
2 Ice Patrol	60 to 119 persons
3 Ice Patrol	120 to 160 persons
Source: ORFA Recommended Practice for Public Skating Safety	

Staff Recommended Increase to Skate Attendants Hours

To comply with the public skating guidelines and best practices as outlined by ORFA, staff recommend the following increase to Skate Attendant hours for the 2020 operating budget:

Currently Budgeted Skate Attendant Hours	450
Total Yearly Requirement Required to Comply with ORFA (28 hours per week x 52 weeks)	1,456
Additional Skate Attendant Hours Required to Comply with ORFA	1,006
Additional Skate Attendant Staffing Budget Required to Comply with ORFA (1,006 additional hours x \$16.20 per hour)	\$16,297

Financial Implications

The increase to Skate Attendant hours has an estimated cost of \$16,297 for 2020.

These costs have not been included with the draft 2020 operating expenditure budget.

The inclusion of these amounts in the 2020 will impact the current expenditure increase of 4.50% by 0.02% to 4.52%.

Relationship to Strategic Plan

The additional Skate Attendant hours would support the following Social Sustainability Pillar Goals:

- Strive for the highest quality of life for all citizens.
- Connect people, places and neighbourhoods.
- Provide excellent customer service and communication with citizens.

Conclusion

This report provides Council with information regarding the current staffing levels for the public skating programming including the additional staffing needs to comply with the ORFA public skating guidelines and best practices.

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Appendices:

Appendix 1 - ORFA Guidelines for Public Ice Skating 2013

The Ontario Recreation Facilities Association Inc. (ORFA) regularly researches and writes about issues that could affect our members. 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. ©2013 Ontario Recreation Facilities Association Inc.

October 2013

The following summarizes guidelines for the provision of “Public Skating” in the province of Ontario. The Ontario Recreation Facilities Association recognizes that there is a lack of industry guidelines available to manage public skating programs. The intent of these suggested practices is to serve as a supportive risk management tool for facility owners to evaluate current operations and manage a safe and enjoyable skating program. Nevertheless, it is left with facility management to ensure that all events and programs are being offered in a fair, equitable and accessible manner, one which will reduce the risk of injury and/or liability. To that end, facility owners must interpret and operate their facilities and programs in a way that meets the various Regulations, Codes and Acts that are referenced in this document.

Background

Public Skating is best defined as a scheduled program where the facility may have collected an admission or advertised an ice event as open to the general public; public skating programs are designed to offer skating opportunities to patrons of all ages in an unstructured leisure setting. They are often presented as a facility program for the general public, families, adults and seniors or as part of a scheduled activity for an educational institution or community club; the sessions may or may not include sporting equipment. There is also a rising trend to strike a partnership with local and/or major sponsors to host an open public skating event as part of holiday schedule or themed event to help offset costs of a public skating program. Public skating should not be considered as a “learn to skate” program.

Public skating programs have been a main part of all public recreation schedules since their inception more than 100-years ago. These programs aim to allocate fair and equal access to a public facility while providing opportunities for private operations to promote their services. Public skating is tailored to meet the needs of each community. Originally, public skating sessions allowed open admission; however, managers did not anticipate the popularity of this type of programming; or the number of patrons would potentially attend. Supervision of public skating sessions was often left up to facility maintenance staff on shift and likely only done sporadically. At times, additional on ice staff was used but proper workplace training was not specified.

Today’s facility manager must have adequate controls in place to ensure that public skating

programs are offered in a manner that ensures public safety. Programs should be established as part of the budget process to include mature, well-trained staff. Operational decisions should be well researched and reviewed by staff prior to implementation. In the end the goal is to provide fair, equitable and accessible skating programs that will reduce the risk of injury and/or liability.

Note: Outdoor skating areas including leisure skating paths should have the same level of care and maintenance by facility owners to ensure a safe and secure skating environment.

Legislation

Providing public skating programs involves the invitation to the general public to attend. On ice supervision may or may not be a part of such events. Once an invitation to the public is extended to participate in skating events, a facility manager must guarantee a reasonable level of patron safety.

Primary Legislation

There is no specific legislation that governs the provision of public skating programs; however, it is reasonable to assume that the primary legislative obligation is the **Occupiers Liability Act**. The rulings of the courts of law are clear – children must be provided with a higher level of safety and care in every environment. Children left unsupervised by a person of age of majority are by default under the care and control of facility staff to ensure their safety. (Consider the signs posted in Casino parking lots regarding children left unattended)

Occupier’s duty

3.(1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is

reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

Idem

(2) the duty of care provided for in subsection (1) applies whether the danger is caused by the condition of the premises or by an activity carried on the premises.

Idem

(3) the duty of care provided for in subsection (1) applies except in so far as the occupier of premises is free to and does restrict, modify or exclude the occupier's duty. R.S.O. 1990, c. O.2, s. 3.

Note: The reasonable operator realizes the diversity of the skaters attending any given skating session regardless of age and skating ability/experience.

Further Reading:

Occupiers Liability Act:

http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90o02_e.htm

Secondary Legislation

Other legislation to consider includes the **Ontario Fire Code and Fire Protection and Prevention Act**. These pieces of legislation clearly indicate the roles and responsibilities of the owner of any public building. Interpretations of legislation would often suggest that the owner be identified as a Board of Directors or Council; filtering down to identified managerial staff. However, the Fire Code identifies person in a position of authority at the time of the fire/emergency as being specifically responsible for taking control under such circumstances. This can in fact include unpaid staff (Ex. Minor sport coaches).

As fire plans are site specific it is strongly recommended that the following sections be reviewed as part of your internal process: *occupancy/load levels, points of egress* and the obligations for *emergency evacuation preparedness*.

Review the additional legislation referenced throughout this document.

Evacuation Planning

Consider the level of preparedness that staff has should there be a toxic leak, fire, bomb threat, hydro interruption etc. Skate patrol must be prepared as part of a team effort to take control and provide guidance and instructions to all patrons during

emergencies; they must be aware of their responsibilities and limitations under extreme circumstances. It is recommended that Skate Patrol be equipped with a flashlight and two-way communication systems connected to full-time staff. Power interruptions may affect P/A use; clear evacuation announcements over the P/A system(s) both permanent and portable must be in place in the event of an emergency. Staff training should be done regularly to ensure that they are well prepared for any situation requiring the safe evacuation from the premises. Accommodation for those skaters with disabilities during evacuations is necessary.

Further Reading:

Ontario Fire Protection and Prevention Act:

http://www.elaws.gov.on.ca/html/revokedregs/english/elaws_rev_regs_970388_e.htm

Order the Ontario Fire Code:

<http://www.orderline.com/default.asp?category=11&banner=leftnav-link-FIRE>

Musical Tariffs

Public skating sessions that provide music as part of the event must meet and comply with Canadian Copyright Laws. Music played as background effect should be chosen and approved by facility staff. Tapes/CDs brought to a public skating session with no accompanying cover or song title should not be played during public events. The use of music is controlled by the Copyright Board of Canada under Section 67.2 "Public Performance of Music and Communications of Music to the Public by Telecommunication Act". Tariff number 7 and/or 21 may be applied under different circumstances. It is the facility manager's responsibility to collect and submit all applicable Musical Tariff fees.

- Wearing headphones or listening to a personal musical device or, talking/texting while public skating should be prohibited.
- To ensure that musical content is appropriate the selection and playing of music should only be coordinated by facility personnel including appropriate volume controls.

Further Reading: Society of Composers, Authors and Music Publishers of Canada (SOCAN)

<http://socan.ca/>

Admissions

Admission personnel play a key role in public safety; they must closely track and record patron participation levels. Admissions or “user fees” are an important part of the Public Skating experience. These fees are often designed to cover the related, on-going operational costs associated with the skating program. This may include the hiring of on ice supervision, training costs, their necessary identification and support devices such as flashlights, communication devices, First Aid equipment etc. must all be considered when setting user fee costs. The actual ice costs can be further factored in as a cost recovery item or be considered a community contribution to a healthy and more active lifestyle. Public skating admissions must have the HST applied when it is applicable.

Harmonized Sales Tax (HST)

The Harmonized Sales Tax (HST) of 13% applies to recreation programs, services and materials where applicable and is included in the fees. Existing programs that were GST exempt remain HST exempt – for example, qualifying recreation programs for children 14 and younger and individuals with disabilities. For more information, visit the Government of Ontario web site:

Further Reading: Harmonized Goods and Services Tax:

<http://www.cra-arc.gc.ca/E/pub/gp/rc4049/rc4049-10e.pdf>

Employment Laws

If workers are used as part of the program, facility management must adhere to Ontario’s Employment Standards Act:

Individuals employed as part of the skating program are governed under the Employment Standard Act. Review minimum call in hours for employment and minimum age requirements for hiring any worker. These employees should be considered an extension of existing facility staff and their roles need to be identified through a clear job description. Employees of the facility should be given a copy of the Workplace Health and Safety Policy and provided with easy access to relevant occupational health and safety information.

Further Reading: Ontario Employment Standard Act:

http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_00e41_e.htm

Further Reading: Ontario Health & Safety Act:

http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm

Eviction from Public Facilities

Eviction from a Public Skating session must be performed in compliance with the Trespass to Property Act.

Trespass to Property Act does not give Ice Patrol the power of authority to evict any individual from the premises even in the case of unruly patrons. However, it is recommended that each facility create and adopt a behaviour management policy to govern the handling of unruly patrons.

- Any verbal/physical abuse by patrons of staff or other skaters should have “zero tolerance” applied. Privileges of those found to be abusing staff or other skaters should be immediately revoked.
- Each facility should have a logbook to record open ice skating events. All acts of vandalism, unruliness, violence, injury or general concerns must be recorded

Recommendation

State consequences - To be useful and effective, codes of conduct must clearly state the consequences for unacceptable behavior. Set a protocol through which any reported incident will be managed including which staff will be involved. Enforcement is an essential component of any effective code of conduct.

Be prepared – Plan ahead how staff/management will respond/intervene if the need arises. It is always easier to respond to a situation when you are prepared for it.

SAMPLE PROCEDURES

VIOLATION PROCEDURES

Level 1

Disregard of Provincial and Local Laws and Statutes (weapons, drugs, and alcohol) will not be tolerated under any circumstances and a patron is to be expelled immediately. It may be necessary to request police assistance with a patron that refuses to leave. A full Incident Report is to be completed.

Level 2

The “three strikes you out” procedure may include violations such as patrons excessively speeding, horseplay and foul language. Patrons must be given first and second verbal warning. If the patron continues to disregard regulations they are to be ejected from the facility. If an ejection is deemed necessary, a full Incident Report is to be completed.

Further Reading:

e-laws Ontario Trespass to Property Act

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90t21_e.htm

FAQs Ontario Trespass to Property Act

<http://www.subject-control-and-combative-systems.com/trespass.html>

Violence and Harassment in the Workplace Training

Effective June 15, 2010 – strengthen protections for workers from workplace violence and address workplace harassment. They define workplace violence and harassment and describe employer duties, and will apply to all workplaces covered by the OHSA. All workers must be provided with this training.

Further Reading: Preventing Violence and Harassment obligations:

<http://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php>

First Aid

An employer’s obligation for the provision of First Aid training for workers is set out in Regulation 1101. On-ice supervisors are often first responders, Standard First Aid training is recommended.

For facilities that have AED equipment on site it is strongly recommended that all staff be trained on the proper use, inspection and ongoing maintenance requirements.

Further Reading: Regulation 1101:

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_901101_e.htm

Automated External Defibrillators (AEDs): Guidelines for Recreation Facilities

http://member.orfa.com/resources/documents/librarydocs/guides_bp/ORFA%20AED%20Guidelines%202008.pdf

Human Body Fluid Contact

Skate program supervisors must be trained to identify and safely work in areas that have human body fluids. Blood spill kits, dealing with sharps and how to properly operate under these hazardous conditions should be part of skate supervisor training. Job hazard assessment is recommended.

Further Reading: Universal Procedures for Cleaning up Blood Spills/Body Fluids (See appendix A)

Accessibility Customer Service Standard

Ontario Regulation 429/07 Accessibility Standards for Customer Service is now law. The Regulation is designed to be phased in over a 5-year period. It is focused on the education of all workers in their ability to meet the needs of all persons with disabilities.

Further Reading: Ontario Regulation 429/07

http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_src_regs_r07429_e.htm

Incident and Accident Reporting

There are two levels of reporting obligations for incidents and accidents. Under the OHSA, any Incidents and accidents involving a worker must be reported. Incidents and accidents involving patrons may have litigation potential and as such skate supervisors must be prepared to act on behalf of the owner. This may involve collection of basic information or contacting other facility staff.

Events that are considered “critical” in nature may have a higher reporting responsibility for both workers and patrons. Skating staff should be trained to respond appropriately. It is recommended that facility management discuss incident and accident reporting procedures with their facility insurance provider.

Develop a reporting protocol for your front-line staff. Make sure the appropriate employees have contact information for the MOL. Keep records of all inspections, maintenance and repairs of your premises and equipment.

Further Reading: ORFA Document on Reporting Critical Incidents:

http://www.orfa.com/library/guide_bp/documents/ORFA_Reporting_Critical_Events.pdf

Designing a Public Skating Program that is Right for Your Facility

It is typically left to each building owner to design and implement a public skating program that meets the needs of all users based on existing service levels and available resources. Public skating is a “program” and it is important to ensure that adequate staff is available on site to deliver the program, including maintenance staff.

When scheduling public skate times industry best practice suggests that public skating sessions should be scheduled no less than 1-hour in length and no more than 2-hours. As with all other scheduled ice events and to ensure that the ice is safe and serviceable, ice conditions must be evaluated for safety prior to, during and after the program. Poor ice may include deep gouges, paint or paper lines which migrate to the surface, net peg holes areas, unfrozen areas, dirt from the ice resurfacer tires, debris dropped by skaters or any other items which may cause a skater to fall and/or hurt themselves or others. Staff must continuously monitor conditions for any deteriorating factors or a compromised ice surface. Any detection of poor ice conditions must be dealt with immediately. Skaters should be instructed to inform staff of unsafe conditions/behaviour on the ice surface and staff should respond accordingly.

Further reading: Ottawa Staff Report: Service Delivery Model for Public Skating Program
<http://www.ottawa.ca/calendar/ottawa/citycouncil/hrssc/2005/07-07/ACS2005-CPS-PAR-0007.htm>

Cancellation Policies

A parent or guardian who has scheduled a skating event who arrives at the facility to discover the program has been cancelled or rescheduled without adequate notice has a right to be annoyed. Cancellation of any public skating session requires proper planning. Advance notice to the public is a positive customer service activity.

Some facilities invoke a strict operational policy that does not allow for the cancelling of public skating sessions in order to accommodate tournaments or competitive skating events.

At times, public skating will need to be cancelled for safety or operational reasons. Facility staff should be trained on proper “shut-down” procedures.

Since facility maintenance staff have other job responsibilities and workplace obligations, it is not reasonable to place this solely upon these individuals. It is, however, quite reasonable to include any associated costs required to provide adequate supervision as part of the budgetary planning. Cost of admission should be based on the cost to provide a safe and enjoyable program and not just by what users want to pay for the session.

Ice that becomes unsafe will require evacuation of the sheet. Placing chairs or pylons is not an acceptable practice to contain unsafe ice conditions; it merely confirms that an operation has identified a hazard but has failed to correct the situation and to ensure the safety of users. At times, “hidden conditions” such as refrigeration plant failure will soften ice creating a skating hazard.

Operators must understand that in the event of an electrical power failure or breakdown of refrigeration equipment it is important to “secure” the building. Doors should remain closed to reduce outside warm air intake. Consideration of a facility “lockdown” to reduce the potential for ice loss should be a part of the action plan.

Operators who discover refrigeration plant or electrical failure should evacuate the ice sheet until conditions are corrected. A usual sign of operational correctness once remedial action is complete is when the refrigeration system “cycles-off”. An ice thickness check should be conducted and recorded as per established procedures confirming ice conditions have been corrected. Once an operator confirms that conditions are safe, the facility schedule can resume. To ensure the safety of all patrons, the time allocated for Public Skating sessions may be reduced in order to accommodate ice maintenance.

A standard sign should be placed on primary entrance doors. Example: **CANCELLATION NOTICE**
Due to unforeseen circumstances all Public Skating Sessions are CANCELLED for today. We apologize for any inconvenience.

Note: When restarting equipment after refrigeration plant failure it is common practice to run the equipment cycle completely prior to allowing skaters back on the ice. Standard ice inspections and ice depth measurement log checks are recommended.

Ice Load Capacities

How many skaters should be permitted entry on to the ice surface? This question can only be answered after facility management makes some basic design calculations. It is strongly recommended that these calculations are designed with the expertise of the local Fire Safety Officer and Chief Building Inspector in setting safe occupancy load levels for the building is considered diligent. Requesting input to how many staff should be on site to assist in evacuation responsibilities may also be part of the review process. Once this step has been completed facility load limits should be vetted through the municipal risk management department with final sanction should come from senior management and/or Council.

The following basic calculations can provide a starting point for setting occupancy load levels for public sessions:

- Square footage of the ice surface
- Number and design of exit doors from the surface to outside egress

In Ontario, "Occupant Load" is controlled under Section 3.1.16 of the Ontario Building Code. Section 3.1.16.1. Occupant Load Determination does not speak directly to ice skating activity. Table 3.3.16.1. of the Code suggests that ice skating activity may be classified under "exhibition halls other than those classified in "Group E" which requires **30.1 feet per-person**. This calculation combined with any "public corridor intended for occupancies/ pedestrian travel" requiring 39.8 feet per-person.

Note: the maximum number of skaters permitted on the ice when wheelchairs or sledges are on the ice surface (e.g. the maximum number of skaters will be reduced by a factor of **5** persons for each wheelchair/sledge).

Themed Skating Events

Set maximum skater loads for special events as they often draw a larger than the usual number of participants. Reinforce existing skating rules. Consult with municipal insurance carrier when planning themed skating events.

Halloween – Skaters are often asked to arrive in costume; ensure costumes are suitable for skating and do not pose any harm to skaters.

Pajama Party – ensure clothing worn is suitable for skating and will not interfere or put other skaters at risk of injury.

Sponsored Free Skates – sponsored events require the same level of care and control to ensure public safety. Controlling capacities and being prepared to monitor the skaters entering the ice surface when maximum loads exist requires proper planning.

Industry Best Practices

Many injuries occurring at public skating sessions are serious in nature where patrons have lost fingers, falling over skating devices or incidents resulting from overcrowding. The following calculations and guidelines were developed by an industry working group of practitioners. They are offered as guidelines to facility management when developing an internal policy and procedure for public skating programs. In the end, they are not mandatory obligations; however operations that exceed or circumvent any ORFA guideline or best practice should be adequately prepared to defend their decision in this regard. A caution is extended that the primary user of ORFA documents is often the "plaintiff's legal representatives" as they use the information to address the defendants in the litigation process.

1. ORFA recognizes that the standard ice surface size in the province of Ontario is 85ft X 185ft or 15,725 square feet. The standard ice surface construction has a minimum of 3-access/egress points to and from the surface area. The set standards outlined in the Ontario Building Code are for a total of 69.9 square feet per-person.
2. There have been serious incidents surrounding ice load capabilities, ice conditions, and inadequate supervision. ORFA strongly recommends that the load capacity for an average ice surface be set using a calculation of 100sq.ft per skater. Adjust numbers when any (permissible) skater device is used. It is believed that this calculation will help control ice condition while allowing adequate supervision by program staff.
- Facility managers are encouraged to place their ice surface dimensions and adjust their capacity numbers higher or lower based on the actual square footage as well as considering the actual access/egress

doors to the above noted recommended participation template.

- A system should be in place to calculate skater loads and to advise the public once capacity has been reached.
- It is important that all exit doors are clear at all times. Nets or any other item should not be left on the ice or stored in a manner that blocks or impedes facility egress or that may be attractive to children.
- Having a clear directive and protocol for staff to share with patrons regarding compensation for cancelled skating events should be considered as part of a quality customer care program.

Facility Supervision

The Occupational Health and Safety Act requires that all employees are provided with adequate training to provide a standard of service and care for those who use their buildings. Public skating events are programs that require adequate “care and control” by a responsible person who remains visible and identifiable while off of the ice throughout the session. This person should be in a position of authority being able to respond to or take control of a significant, incident or accident on behalf of the facility owner while providing support to on ice supervisors.

On-Ice Supervision

The benefit of using ice “skate patrol” (terms such as ice patrol, skate guard, cruisers and ice supervisors are also used) is left to the discretion of each facility manager. Skill set, training, responsibilities and expectations of skate patrol is also left up to the facility manager to ensure that the worker meets an expected level of “competent person” as defined in the Occupational Health and Safety Act. It is recommended that on-ice supervisors be assessed and provided with WHMIS training, First Aid, Emergency Evacuation and any other identified training.

Utilize competent personnel to supervise each open public skating program. Under Child Labour Laws no person under the age of 14-years of age shall be permitted to work in Ontario. ORFA recommends that no person under the age of 16 years of age be

given the responsibility to solely supervise public skating sessions. However, it may be reasonable that properly trained individuals under the age of 16 may be permitted to assist in these duties if directly supervised by a competent person over 16 years of age.

- ORFA recommends that public skating supervisors are competent skaters and wear CSA approved skates and headgear. Training requirements for WHMIS, current First Aid and Emergency situations along with other facility policies and procedures should be explored,

The ORFA recommends that for an average ice surface, all public skating programs will have on ice supervision as follows:

Patrol On Ice	Patrol to Skater Ratio
1 Ice Patrol	1 to 59 persons
2 Ice Patrol	60 to 119 persons
3 Ice Patrol	120 to 160 persons
Source: ORFA Recommended Practice for Public Skating Safety	

- Facilities, that increase their attendance levels because of a larger surface and/or additional access/egress doorways, should adjust the on ice supervision accordingly. It is further recommended that private parties and school ice-skating events be governed by these same on ice supervision requirements.
- Programs, which do not exceed a 2-hour period, require on ice patrols for the full program. Programs that exceed a 2-hour period must allow for break periods as outlined in the Employment Standards Act.

Trespass to Property Act does not give Ice Patrol the power of authority to evict any individual from the premises even in the case of unruly patrons. However, it is recommended that each facility create and adopt a behaviour management policy to govern the handling of unruly patrons.

- Any verbal/physical abuse by patrons of staff should have “zero tolerance” applied. Privileges of those found to be abusing staff should be immediately revoked.

- Facilities should have a logbook for public skating events. Record all acts of vandalism, unruliness, violence, injury or general operational concerns/alterations.
- It is strongly recommended that on-ice supervisory staff wear a helmet at all times while on the ice surface. It is further recommended that identification of their employment be worn. Including high visibility clothing. A whistle for control purposes should be provided. Staff should have access to a phone for emergency purposes. Other equipment may include a disposable camera, flashlight, walkie talkie/radio, and a First Aid fanny pack.

On-ice supervisory staff should be given clear direction as to their expected supervisory responsibilities. These responsibilities should be posted as a Skaters Code of Conduct; with print copies being available to the on-ice supervisory staff to provide to skaters who are breaching the Code of Conduct.

When establishing controls for supervision consideration should be given for rural facilities in remote areas that may find they are unable to meet these requirements for supervised skates, especially during daytime hours. Alternative program standard/service level may be necessary.

SAMPLE: Skater Code of Conduct/Ethics

Rules of conduct are a positive risk management tool. However, they must be posted to achieve their full potential. The use of professional legible signs is important. Advising of the “assumption of risk” involved with any skating sport is a good defence and may help avoid litigation.

For example “ASSUMPTION OF RISK”

Skaters and spectators are deemed to have knowledge of and assume the inherent risks involved with ice skating; these include, but are not limited to:

- a) Injuries from collisions or contact with other individuals on the ice surface**
- b) Injuries from falls**

c) Injuries from pucks, sticks and other hockey equipment that may cause injury during routine activities connected to the sport

It is acceptable for facility operators to set an age limit for persons attending public skating sessions without supervision. For example, “persons under the age of 12 years must be under the care and control of a person 18-years of age or older while participating in our open ice skating program”

Statements such as the following are encouraged: “Violent or abusive behaviours such as verbal threats and insults, attempts to intimidate as well as physical assault and battery have no place in the (your community name here) recreation facilities.”

“Please respect your facility”

Some facilities have posted the actual annual operational costs related to their facility. “It costs \$0.00 per-minute to operate this facility...please

“Rules of Conduct” are strongly recommended. Signage should be posted and include but not limited to the following:

For the safety and enjoyment of all patrons and skaters please respect the following Public Skating Rules.

The following items are not permitted on the ice surface:

- **No food or drink permitted on the ice surface**
- **No horseplay/games (games at the discretion of Ice Patrol)**
- **No skating backwards**
- **No figure skating manoeuvre**
- **No erratic/excessive speed skating**
- **No balls/pucks/chairs/pylons/strollers/sticks or any other item which might interfere with the safety of any skater while on the ice surface**
- **No headsets, cell phones or hand held electronic devices are to be used while skating**
- **No carrying of children is to be permitted**
- **No sitting on the boards or loitering**
- **Skate with the direction of all skaters/no weaving in and out of other skaters**

- Centre of ice is reserved for beginner/inexperienced skaters only (or as marked)
- Please respect, listen to and follow instructions from the skate patrol and/or arena staff at all times.
- Respect other skaters
- Report all accidents or injuries to skate patrol or arena staff members immediately
- All participants must wear skates on the ice surface
- No unruly behaviour or profanity
- Consider the use of a helmet as they are strongly recommended (*Qualify any conditions for young children as per an established policy*)
- Wheelchairs are permitted on the ice [*Qualify conditions for use for example providing the wheels are cleaned before use/that the operator of the wheelchair is wearing ice skates. Please keep the wheelchair next to the boards away from skating traffic or in accordance with established facility policy and requirements for attendant footwear/skates while on the ice surface*]

Public Skating Announcements

Don't lose the message. Often rules are created, posted and forgotten or not enforced. It is recommended that each facility create an audio announcement or have staff read from a set form using a public address system several times throughout the session. It should be done more than once to make sure late arrivals hear the announcement. It should include all set policy/controls.

Example: Welcome to Public Skating “*Your facility name here*”. This is a friendly reminder to all skaters to please obey the rules for public skating. These rules are for your safety and enjoyment. We do not permit horseplay or games such as tag, racing, backward skating, and figure skating type manoeuvre such as jumps or twirling. Please enjoy all food and drinks in approved areas. No food or drinks are allowed on the ice surface or in the players/penalty boxes at anytime. For skater safety, we do not allow skating aids or strollers on the ice.

Our Skate Patrol is here to help provide a safe environment. They are wearing the visual skating

vests. Please follow their direction at all time. Our policy is to reverse directions halfway through the session we will be reversing skating direction; please make the change in direction when advised by our Skate Patrol staff. It is important that you listen and obey all Skate Patrol staff at all times. Please contact the facility manager with any Skate Patrol concerns.

- Please keep away from the ice-resurfacing unit at all times.

- Thank you for your co-operation and please enjoy your visit with us today.

Printed documents are another effective communication tool to further reinforce Public Skating Policies/Rules and further educate users. Take advantage of websites, leisure guides and facility signage.

Skater Impairment - Zero Tolerance

Any person under the influence of alcohol or drugs should not be permitted to participate in any public skating event. Refer to Municipal Alcohol Policy.

Further Reading: ORFA Municipal Alcohol Policy Resource Binder www.orfa.com

Maintaining Quality Ice Conditions

Resurface the ice as per an established maintenance service level and operational procedure prior to each community skating event. Additional resurfacing should be considered based on ice quality or length of session. Ice technicians should be trained to assess ice conditions and act accordingly. Switching skater direction at different intervals can help maintain ice conditions.

Consider the following best practice for the ice resurfacing requirements for public skating:

# of Skaters	1-Hour Session	1.5 Hours Session	2-Hour Session
1-59	Minimum of 1-Resurfacing	Minimum of 1-Resurfacing	Minimum of 1-Resurfacing
60 – 119	Minimum of 1-Resurfacing	Minimum of 1-Resurfacing	Minimum of 2-Resurfacing
120-160	Minimum of 1-Resurfacing	Minimum of 2-Resurfacing	Minimum of 2-Resurfacing

- No person should be permitted on the ice when the ice-resurfacing unit is in operation.
- All doors are closed (including the ice-resurfacer door to help reduce the potential for skaters to access the ice sheet) and all patrons are a safe distance away from the equipment.
- Once secure s/he must leave the ice until the entire process is complete and the ice-resurfacing doors are closed.

Skating Aids at Public Skating Sessions

Facility management must review their specific operations and develop policy and procedure to ensure a safe operation. Public skating sessions are generally not considered “learn to skate” programs. There should be an expectation that those planning on participating at a public skating session have a basic skating skill level. Or, in the case of children, they are being assisted by a person on skates that has basic skating ability. It is important to remember that those who lack basic skating skills should not be replaced by a skating aid as they learn to skate. That is not to suggest that patrons cannot learn to skate at public skating sessions. They may enter onto the ice surface and use the dasherboard for assistance as they gain confidence in their skating ability.

An excerpt from the Occupiers Liability Act states:

Risks willingly assumed

4.(1) The duty of care provided for in subsection 3 (1) does not apply in respect of risks willingly assumed by the person who enters on the premises, but in that case the occupier owes a duty to the person to not create a danger with the deliberate intent of doing harm or damage to the person or his or her property and to not act with reckless disregard of the presence of the person or his or her property.

Responding to patron needs requires today’s facility manager to consider operating variables that may include but are not limited to:

- Attendance levels as per a set policy that does not allow skating aids to be used during public skates. It is reasonable that less than 50 persons in attendance reduces the risk of user injury provided that there is proper supervision and/or an area on the surface has been identified for skating aids

only, one that is specifically for beginner skaters using skating aids

- Scheduled sessions for beginner skaters that allow skating aids
- Generally skaters who use chairs to support themselves or push around children seated on chairs/strollers pose a risk to other skaters and should never be permitted.
- Skating aids should be designed for skating only – chairs, pylons, strollers etc. should never be used – skating aids should be soft in nature and designed without sharp or pointed edges.
- If supplied by the facility skating aids must have a storage, inspection and repair program in place. Skating aids should be inspected prior to each session.
- No person should enter on to the ice surface during any public skating program unless on ice skates.

Persons with Disabilities

Awareness of the Rights of the disabled, and; the responsibilities to provide access to any public facility or program is a legal responsibility of all workplaces. The Ontario Human Rights Code, 1981 received royal assent on December 11, 1981. It was proclaimed and enforced June 15, 1982. It was enacted as Chapter 53 of the 1981 Statutes of Ontario.

Section 1 of the Ontario Human Rights Code Act reads as follows: “Every person has a right to equal treatment with respect to services, goods and facilities without discrimination because of race, ancestry, place of origin, colour ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.”

Although persons in wheelchairs are not to be denied access their participation should not interfere with the flow or safety of other skaters.

Safety and segregation are two separate issues. Provide a public skating environment that welcomes all abilities, while ensuring the general safety of all skaters; this requires facility management to develop policies/procedures that take into account the needs of all abilities. It is also important to adjust ice load capacity any time there are wheelchairs/sledges on the ice surface (e.g. for each sledge or wheelchair that enters onto the ice surface, the maximum number of skaters will be reduced by a factor of 5 persons.)

Facility management should not develop accessibility policies in isolation. ORFA recommends that a local review committee be assembled to assist with the review of facility procedures with respect to public skating. The committee might include facility staff, JHSC members, public at large, user groups, disabled persons, local politicians and any other stakeholders that may be of assistance to the process.

Topics to be discussed should include:

- Review of all applicable provincial and federal legislation
- Skating Aids (defined)
- Safe use of wheelchairs/sledges on the ice – device cleaning requirements, access, egress, specific permitted areas to be identified
- Accessibility legislation/issues
- Evacuation preparedness for persons with disabilities
- Conduct of individuals assisting persons with disabilities on the ice – skates or cleats required

Further Reading: the Ontario Disability Act:

http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_01o32_e.htm

Wheelchair use and need for attendant:

<http://www.lethbridge.ca/home/City+Hall/Departments/Leisure+and+Recreation+Services/Ice+Centres/Public+Skating+and+Shinny+Hockey/Public+Skating+Rules+and+Regulations/PS+rules.htm>

No Street Shoes/Rules for Wheelchairs

<http://www.cmn.ca/cmn/pdf/public%20skating%20policy.pdf>

Video Recording and Photographic Images

A family member or close friend commonly support claims involving open ice skating programs. Litigation may surround out of control skaters who create a situation that affects other skaters that become injured. How does facility management mount a defence on such situations? Capturing skating sessions on tape may help reduce litigation. Each facility must determine if such an approach is affordable or worthwhile. Posting that sessions are taped should be undertaken. It is not uncommon for facilities to use images of patrons for use in promotional materials such as website or leisure

guides; this should be done in accordance with a set policy with standard release forms.

- Each operation should consider a public video and picture taking policy statement for their facility
- Signage is recommended
- Standard forms/releases are recommended

Illumination Levels

It is the recommendation of the Ontario Recreation Facilities Association that all available surface lighting is operated to its full capacity during public skating events. Facility managers who wish to conserve energy should refer to the lighting recommendations and practices set through [Illumination Engineering Society \(IES\)](#). The recommended levels are designed with safety, degree of difficulty, activity, task stress and participants involved. The below noted data is current at time of printing and should be reviewed as required.

(Source [IES: Recommended Practice for Sports and Recreational Area Lighting](#).)

Building Area/ Activity	Foot Candles	Lux
Recreational Hockey (IES)	30	300
Recreational Skating (IES)	15	150
ORFA Recommendations		
Recreational Skating	30	300
Recreational Hockey	30	300
Dressing Rooms	30	300
Common Areas	30	300

**The ORFA recognizes these as minimum lighting levels for recreational ice-skating. A well-lit ice surface will help to ensure that public safety is maintained thereby mitigating the risk for skater injury. ORFA recommends that facility management raise lighting levels for public skating to 30-footcandles/300 lux in keeping with the levels for recreational ice hockey.*

Conclusion

These are guidelines only and are designed to provide basic guidance and general discussion points for developing responsible policies and procedures for public skating programs. To ensure that policies and procedures remain relevant and up to date they

should be reviewed no less than every 5 years or anytime an incident or accident occurs during a public skating session.

Public Skating Preparedness Checklist

The following checklist is a quick test to your basic compliance and understanding of your obligations when offering a public skating program. It will assist you in determining the state of your current program in comparison to others in the industry.

Answer YES or NO to each of the following questions
1. Do you understand your basic responsibilities when offering public skating programs?
2. Have you compared your public skating program policy and rules with other communities?
3. Do you have a proper formula for calculating an acceptable limit for ice load capacity (i.e. width x length divided by 100)?
4. Do you have sufficient signage in place to advise patrons of the public skating rules of conduct?
5. Does ice patrol/facility staff know what to do in the event of an emergency evacuation or incident both minor and/or critical?
6. Is ice patrol/facility staff aware of the procedure for safe blood spill cleanup and disposal?
7. Do you have sufficient First Aid trained staff and supplies available during sessions?
8. Does ice patrol/facility staff record public skating activity in a log book to record session activity?
9. Does ice patrol/facility staff have the necessary skills to identify and rectify poor/unsafe ice conditions?
10. Does ice patrol/facility staff know how to work safely around the ice-resurfacer?
11. Does ice patrol/facility staff know how to control the use of "skating aids" as per set policy?
12. Is a recorded announcement used to inform patrons about the facility rules of conduct?
13. Is ice patrol/facility staff aware of the facility's "music use policy"?
14. Is ice patrol/facility staff aware of the

proper illumination levels for public skating sessions?

15. Does your ice patrol/facility staff know what to do in case of an emergency?

How did you do? If you answered "no" to any of these questions, you could be putting your staff and community at risk.

The safety of the public who participate in your recreation programs and your staff is paramount; it is recommended that you take the steps necessary to reduce the risks to public safety.

References:

- City of Ottawa Report to Council: Service Delivery Model for Public Skating Program June 30, 2005
<http://ottawa.ca/calendar/ottawa/citycouncil/hrssc/2005/07-07/ACS2005-CPS-PAR-0007.htm>
- City of Fort St. John Parent and Tot Program (Internal staff memo: public request for use of strollers)
- CANLII (Examples of Skating Litigation)
- Oakville Public Skating Training (excerpt from handbook)
- Renfrew Skating Monitor Job Description
- Mississippi Mills Skating Monitor Job Description
- Leamington Skating Supervisor
- City of Yellowknife Public Skating Rules
- Citizens Business Bank Arena Blood Clean Up Procedures
- World Curling Federation Blood Clean Up Procedures
- American Red Cross Equipment Cleaning and Spill Procedures
- Hockey Tasmania Policy on Infectious Diseases and Bleeding on Playing Surfaces
- LRC Skating Guidelines
- City of Edmonton Free Public Skating Guidelines
- Halton District School Board Head Protection Policy for Staff/Students while Ice Skating
- University of Western Ontario Clean Up of Spills of Blood or Human Body Fluids
- CANLAN Ice Sports (BC Region) Blood Borne Pathogens Exposure Control Program
- Frank Cowan Company www.frankcowan.com
>[ABCs of Public Skating Frank Cowan Company](#)
>[Risk Management Considerations for Public Skating Frank Cowan Company](#)
- Illuminating Engineering Society (IES)
www.ies.org
- Ontario e-laws <http://www.e-laws.gov.on.ca>
- CanLii www.canlii.org

The Ontario Recreation Facilities Association Inc. (ORFA) regularly researches and writes about issues that could affect our members. 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. ©2013 Ontario Recreation Facilities Association Inc.

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Appendix A Supplemental Resources (Informative Only)

(Additional Resources Available Upon Request – contact rrussell@orfa.com)

Litigation

Examples of court cases involving injuries sustained during municipal skate programs detailed judgement summaries attached.

Source: www.Canlii.org

[Frank Cowan Company](#)

Public Skating Programs

[Service delivery Model City of Ottawa](#)

Parent and Tot Skating City of Fort St. John

Skate Patrol

Sample job descriptions/worker responsibilities

Public Skating Rules

Sample public skating policies/user expectations

Managing Blood Spills

Sample blood spill cleanup procedures

The attached information contains selected resources relevant to public skating program planning and policy development. It is provided for personal research only and can be used to support internal discussions and policy planning. ORFA members are encouraged to continue to monitor industry trends and to adapt all leisure programs to meet the needs of their communities.

In the end, it is left up to each facility management to set policies appropriate to established municipal service delivery levels.

Contents:

- [City of Ottawa Report to Council: Service Delivery Model for Public Skating Program June 30, 2005](#)
- [City of Fort St. John Parent and Tot Program \(Internal staff memo: public request for use of strollers\)](#)
- [CANLII \(Examples of Skating Litigation\)](#)
- [Frank Cowan Company \(Risk Management Considerations\)](#)
- [Oakville Public Skating Training \(excerpt from handbook\)](#)
- [Renfrew Skating Monitor Job Description](#)
- [Mississippi Mills Skating Monitor Job Description](#)
- [Leamington Skating Supervisor](#)
- [City of Yellowknife Public Skating Rules](#)
- [Citizens Business Bank Arena Blood Clean Up Procedures](#)
- [World Curling Federation Blood Clean Up Procedures](#)
- [American Red Cross Equipment Cleaning and Spill Procedures](#)
- [Hockey Tasmania Policy on Infectious Diseases and Bleeding on Playing Surfaces](#)
- [LRC Skating Guidelines](#)

- City of Edmonton Free Public Skating Guidelines
- Halton District School Board Head Protection Policy for Staff/Students while Ice Skating
- University of Western Ontario Clean Up of Spills of Blood or Human Body Fluids
- CANLAN Ice Sports (BC Region) Blood Borne Pathogens Exposure Control Program

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