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Q

We go skiing a lot. I noticed that there are waivers on signs at the ski resort and near the lifts. What do they mean?

A

The short answer is that the resort is trying to make sure that you cannot sue them if you are injured while using their facilities and equipment. They want you to forfeit your rights which you otherwise have (i.e. to claim compensation if you are injured as a result of their negligence). However just because there is a waiver in place doesn't mean it's valid. In order to be valid, the individual waiving their legal rights has to know what legal rights they are giving up. Consideration here is whether the operator of the facility took reasonable steps to inform the person of the risks associated with engaging in the activity. Secondly, is the waiver worded in such a way as to cover the injury sustained? The wording cannot be so broad as to make it unclear. Thirdly, one has to look at the bargaining position of the person signing and the facility requesting it.



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Whether or not a waiver is enforceable is very fact specific. Waivers are commonplace in a lot of facilities and cover all types of activities. For over 25 years, our firm has acted on behalf of injured individuals and their families. We offer free initial consultations.

The advice offered in this column is intended for informational purposes only. Use of this column is not intended to replace or substitute any professional, financial, medical, legal, or other professional advice.