

1.5 RISK MANAGEMENT, LIABILITY & COVID-19

Trail operators have a responsibility to provide a reasonable “duty of care” to visitors on their trails. This duty of care extends beyond the construction of the trail and into the inspection and maintenance of the trail, and management of trail users^{iv}. Trail operators are obligated to identify and correct dangerous conditions on a trail or, at minimum, make those conditions and the potential for injuries known to visitors.

COVID-19 is a new risk to trail visitors that should be considered by trail operators. Though the true liability of trail operators associated with COVID-19 is not yet known, trail operators should take reasonable steps, in line with the most recent public health and occupational health and safety direction, to protect visitors from the known dangers of COVID-19, and to ensure visitors are aware of the potential for COVID-19 to be present in the trail environment. Trail operators should undertake a standard risk management process on their trail (Figure 1)^v to identify

risks associated with COVID-19 and determine which strategies should be applied. Recognizing that it may not be possible for trail operators to fully avoid all risks of transmission, trail operators should take steps to inform visitors of the risks associated with COVID-19 in the trail environment and implement measures to “reduce” the likelihood of COVID-19 transmission and infection – these measures are outlined in sections 2 - 4. Trail operators should also take steps to “transfer” those risks to visitors through “Manage Your Risk” signage.

Though risk and liability are inherently limited and even further limited if trail operators implement measures to avoid, transfer and reduce risks of infection and transmission, each trail operator should deliberately assess their organization’s tolerance for risk and liability before endorsing public visitation on the trail.

These guidelines do not constitute a legal opinion on your organization’s liability exposure and should not be interpreted as a legal opinion. If concerned, trail operators should seek legal counsel to understand their liability exposure and confirm their risk management practices.



Figure 1: Risk Management Process