



Read the story and answer the questions on the following page. Assume that Rexville is in British Columbia.

Reference: ALERT Manual Chapter 8

Tom, Joe, and Sue were the lifeguards at Memorial Pool, a Municipal Pool in the Town of Rexville.

People paid \$1.75 to swim at the pool and on hot afternoons the attendance often exceeded 350 in the 25 x 15 m (6 lanes) pool.

Upon their employment, the guards had received a yellow lifeguard shirt, a whistle and a sun hat. They were to lifeguard under the supervision of Leroy Washington, the pool supervisor.

It was a hot July afternoon. Tom was guarding in his red and blue singlet having lost his regular guard shirt. Sue had just returned from a break in the shade but had forgotten her whistle.

Suddenly, Sally Jacobs, once again playing on the buoy line, slipped off into the deep end and struggled in the water momentarily before sinking to the bottom of the pool. Sue finally noticed the panicked children nearby and frantically waved at Joe but could not attract his attention.

Joe, who had been on deck all afternoon without his sunhat, was feeling dizzy and sleepy; he was staring hard at the shallow end trying to concentrate.

Sue grabbed for a reaching pole to try to get at the body on the bottom. She found, however, that the hook was broken, a result of some horseplay by Tom the day before. Noting that the pole was useless, she finally dove in, swam over and dove down to get the body.

Now Tom realized the danger and cleared the pool. At first, nobody paid any attention to him as he blew his whistle over and over again. While Tom and Joe cleared the area, Sue did mouth-to-mouth on Sally. Luckily, Sally was revived but now, six months later her parents find she has brain damage caused by the lack of oxygen during her mishap. In addition, Mrs. Kelly, a forty year old mother, says that she noticed the trouble in the pool, but could not spot a lifeguard on the crowded deck. Also, Mr. Smith, an elderly man, suffered a broken hip when swimmers in panic, ran into the change room as the pool was being cleared and knocked him down.

The pool's resuscitator was not available during the emergency as it had been taken to the manufacturer for servicing.



1. How many lifeguards should be guarding, according to the current Health Act? (2)

2. List 10 conditions that should not have existed and correct each. (10)

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

3. Where does the responsibility ultimately lie for everything that happens at the pool? (3)

4. From your Alert manual, define: (8)

statutory liability:

occupiers liability:

vicarious liability:

negligence:

5. Give an example of each term from the Rexville story. (8)

statutory liability: _____

occupiers liability: _____

vicarious liability: _____

negligence: _____

6. What are the three elements which must be proven in a lawsuit concerning negligence? (3)

1. _____

2. _____

3. _____

7. Why will Sally and her parents attempt a lawsuit for Sally's brain damage? (1) _____

8. Why will Mr. Smith attempt a lawsuit for his injured hip? (1) _____

9. Six months later, Sue has Hepatitis B. She believes she got it from Sally. (3)

How is that possible? _____

How could it have been prevented? _____

Will Sue be covered by WCB for this condition? _____
