

Pro-Active Liability Defense

by Floyd Perry, GMS for Sports Fields

The climate in all areas of today's society is to try and beat the system. Whether it's a parking ticket, a library fine or a nuisance lawsuit, John Q. Public wants his just due.

In the athletic arena, whether it be college, high school or youth league, parents or employees today are claiming negligence and filing suit in greater numbers than ever before. The days of a bad hop, an uneven playing surface or no break times are over. If a lawyer feels there is a quick dollar to be captured, he's going to encourage the plaintiff to file papers and claim negligence.

Anyone can be sued at anytime, by anyone, over anything, but winning a decision is a different scenario. Let's create a strong case of **pro-active** defense mechanisms to protect ourselves and our organizations against the petty and frivolous lawsuits.

Pro-active means to create positive procedures and concise implementation before an accident occurs:

1. Instruct your staff that we must use good common sense in every action which takes place under your realm or responsibility. Error on the side of safety!

- Avoid working alone under difficult conditions.

- Avoid long work periods without water or time breaks.

- Use the partner system when doing continuous jobs.

- Explain the hazards of the job in early morning staff meetings so precautions are taken.

- Create a positive safety outlook with handbooks, poster sheets and identifying stickers.

- Identify staff member health problems and work accordingly.

2. Instruct your staff and/or part-time

employees in the primary steps in case of a serious or catastrophic accident.

- Do not move the injured person unless additional life threatening danger persists. Then and only then, move the person only far enough to stay away from additional danger.

- Immediately assume extreme injury. Call 911 on your cellular phone or two-way radio. With your staff's CPR training and first aid background, keep the airway open and the individual breathing until *continued on page 9*



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second aid appears. I encourage every staff member to have their pre-season CPR card updated and in their wallet.

☛ Place volunteers in a proper alignment to aid and direct the rescue vehicle immediately to the site of the injured victim. Your emergency entrance must be unlocked, void of obstructions and provide the ability to reach the victim while on the playing surface.

☛ To enhance emergency room access, make sure all medical and insurance forms are up to date and carried with the ambulance. The family must be contacted and instructed on the kind of action taken for the player. A progressive administrator should have those forms handy just for this situation.

☛ Have individuals who witnessed the accident fill out a visual report so there's an unbiased reporting as to what happened. This key point is one of the more important defense steps that a department or team has.

☛ Take pictures of the accident scene. Whether the picture is favorable or unfavorable, this is prudent and valuable in proving your case.

☛ Make every attempt to visit and console the injured person. This is the time when "bedside manner" plays an important part in the family's feelings surrounding the accident and/or long term problems.

☛ Review your accident procedures and correct any weaknesses.

Having a first aid certificate, a cellular phone on site, an emergency procedure in place and follow-up reporting documented doesn't necessarily mean you're out of the lawsuit woods, but you have shown to the court that serious problems have been discussed and thought out and that your policies and procedures were in place.

You or your department may still get sued and even lose when you have done everything correctly. The most important feature of this whole exercise is that maybe you might have just saved a life or saved a life-threatening situation because your department was ahead of the liability wave. Although you may have lost in court, you won on the job. Stay Pro-Active. Keep an eye on safety and take care of your valued employees, your field users and your spectators.

Floyd has three books, *The Pictorial Guides to Quality Groundskeeping: I Covering all the Bases, II There Ain't No Rules and III Maintain It Easy, Keep It Safe*. He also has three videos, *The ABC's of Grounds Maintenance, Vol. I, Softball; Vol. II, Baseball; and Vol. III, Soccer Football Field Refurbishment*. Floyd travels throughout the United States conducting workshops for men and women who maintain athletic fields. For more information about Perry's tips or other field maintenance questions, call (800) 227-9381 or visit the website at www.grounds-keeping.com.



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