

# Section F: Risk Management

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Gymnastics Ontario has the responsibility to ensure a safe environment for participants. This means having policies, rules, regulations, standards and guidelines that promote safe programs in a safe environment, overseen by qualified/certified personnel.

The main purpose of the following safety guidelines is to increase safety awareness in making good decisions

regarding gymnastics participation.

## LEGAL RESPONSIBILITIES

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### Providing a Safe Environment: Understanding Negligence and Liability

- Negligence and liability are legal terms with precise legal meaning. These terms relate to standards of behavior that the law expects. Understanding the law of negligence is an essential first step in understanding risk management.

### Negligence:

- Negligence is “the failure to exercise that degree of care which is reasonable under the circumstances. What is reasonable is situational and is determined by three situational elements - the activity, the environmental conditions, and the participants.”
- Negligence is determined by what an average person would do, or not do, in a given situation. What is unacceptable in sport is behavior which places others in a situation of unreasonable risk or danger.
- An action is negligent only when the following conditions exist:
  1. A duty of care is owed to someone.

To be negligent someone must first have been in circumstances, which created a duty of care to ensure the reasonable safety of another person.
  2. The standard of care imposed by duty is not met.
- This is perhaps the most important part of the definition of negligence. Standard of care is difficult to define precisely because it is always influenced by the risk associated with the circumstances. It can depend on the type of program, the skill level involved, and the age and abilities of the participants. The standard of care is based upon what a person of average skill, judgment and experience would be able to do or not do in the given situation. The standard of care in a given situation is influenced by these factors:
  - Written standards: standards, regulations, guidelines, policies, manuals and progressions.
  - Unwritten standards: common practice in a discipline known accepted and followed over time.
  - Case law: previous court decisions in similar situations.
  - Common sense: what feels right or avoiding what feels wrong; the sum of one’s knowledge and experience.
  - A harm or loss is suffered. This is usually straightforward, though harm can include factors such as pain and suffering, loss of future earnings, etc.

To meet the final condition of negligence we must determine that there is a direct link between the harm or injury and the actions of the defendant.

### Liability:

- While negligence refers to one’s conduct, liability refers to responsibility for the consequences of that negligent conduct. Responsibility may lie with the person who was negligent or with an altogether different person. Also, an injured person may be partially responsible for their own injuries.

## RISK MANAGEMENT TOOLS

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### Waiver Forms:

- A waiver is a contract between two parties. Specifically, it is a contract where the persons signing it, in exchange for the opportunity to participate in an activity or program, give up the right to seek legal

recourse in the event of an injury or loss, however caused, including injuries or loss which might result from negligence. The term negligence is key here, because it is precisely for protection against negligence (the legal risk) that an organization uses a waiver. Several legal requirements must be met for a waiver to be considered valid. A waiver must also be tailored to the specific activities and circumstances of a sport program. A valid waiver of liability agreement may discharge liability completely.

#### **Consent Forms:**

- There are some forms that serve as alternative to waivers, going by names such as informed consent or assumption of risk agreements. Such agreements differ from true waiver form in that the person signing them is consenting only to the inherent physical risk of the activity.

#### **Warning Signs:**

- Warning signs to warn of risks and promote safety are recommended.
- Cover cords and cables.

#### **Insurance:**

- The GO Sports Liability Insurance Policy covers all members including coaches, judges, employees and volunteers while acting on behalf of The Federation. Participants are also covered while engaged in GO sanctioned activities. Sanctioned activities will mean all events, competitions, or gymnastic demonstrations run by GO or member clubs as authorized by GO including related training at sites of events and club premises. Sanctioned activities will include those authorized activities considered to be the core to the operations of the various gymnastics disciplines governed by GO. These core areas can be classified as competitions, trainings and demonstrations. Areas that are considered to be non-gymnastic related and not subject to GO policies, rules and regulations are not covered under the GO Master Insurance Policy.

#### **Why Liability Insurance?**

- No matter how careful you are, accidents happen and you can be sued by anyone who claims injury or damages resulting from your operations and activities. Even if you are eventually found to be blameless, litigation expenses could severely strain your resources but liability insurance will protect you and pay for damages that may be awarded against you. In short, liability insurance gives you peace of mind. In addition, since it protects all members of GO, volunteers who are concerned about their individual liability are more likely to offer their services.

## **THE ENVIRONMENT**

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#### **Internal Facility**

- General Facility Safety
  - The facility must meet and maintain standards as dictated by the various regulatory bodies (fire code, building & municipal code, etc.). More specifically, the facility must comply with local fire department regulations concerning firefighting equipment, fire safety plans, evacuation procedures, access routes, occupancy loads, etc.
  - The lighting and the ceiling height should be adequate for the planned activity. In the case of a power failure all activities should cease immediately and the status/condition of each participant verified.
  - The temperature should be within a comfort zone for the enjoyment, health and safety of the participants.
  - Any obstacles/obstructions (walls, columns, etc.) representing a danger for the participant must be properly covered/padded.

- There must be adequate (safe) space between any runways, dismount areas, high traffic areas and walls.
  - Apparatus floor plates, anchors, hooks, etc. must be securely set up as per the specification provided by the equipment supplier.
  - Equipment must be stored in a safe manner when not in use.
  - The facility storage areas must be locked when not in use. Storage areas should be clean, dry, neat and well lit. Proper storage techniques specific to each apparatus must be used.
- Layout
    - A proper layout of the gym is critical to its safe operation. Persons determining the layout must have a broad-based knowledge of gymnastics and the programs involved so proper considerations are given to flow, scaling and matting requirements. A safe and efficient layout of the facility relies on several factors that include:
      - nature and level of the planned activity
      - number of participants
      - number of simultaneous activities
      - total spaces available
      - configuration of the gym
      - obstructions in the gym
      - type and quality of equipment
      - locations of exits, entrances, pits, etc.
    - Equipment must be arranged so that safe traffic patterns are created. Equipment must be laid out in such a way that it is unlikely for participants to have a conflict of space. Areas identified as having potential for conflict must be eliminated immediately. Participants and staff should always have a clear understanding of safe flow in the gym.
    - The layout should be evaluated periodically. The layout review should consider any changes in programs and uses made of the facility, changes to the layout that have occurred in the process of use, and changes in accepted norms of layout design.
    - The area where gymnastics programs/events take place must be designated as the training/event area. The area must be clearly marked and separate from the observers/spectators areas. Physical barriers should be in place to separate participants and observers/spectators.
    - The layout includes the defined areas of individual apparatus, neutral zone, non-encroachment zones, safety zones, entrance exits and obstructions:
      - Safety Zones: Safety zones are the areas actually needed for mounting, dismounting and use of the apparatus. Appropriate matting must always cover the safety zones.
      - Non-obstruction Zones: Non-obstruction zones are areas with no obstruction adjacent to safety zones.
      - Neutral Zones: Neutral zones are areas of free spaces not within the safety or non-encroachment zones.
- Equipment
    - Appropriate and safe equipment must be provided at all time, based upon the participant's age, size, ability, fitness, readiness and the level of skills being taught and/or performed. The planned activity itself dictates what type of equipment is appropriate. More specifically:
      - Persons responsible for set up/take down must have specific knowledge of the equipment and the procedures involved. Always set up the equipment using the instructions provided by the manufacturer. A detailed check of the equipment must be done during the set up.
      - Coaches must always check the equipment and surrounding area before the participants start training. Any defects found should be reported/recorded for prompt correction. Any

equipment found to be unsafe must be immediately removed from service.

- A well-planned, consistent system of equipment evaluation must be in place. Equipment should be inspected regularly by knowledgeable personnel through the use of a quarterly checklist and documentation should be maintained. The equipment review should consider both the degradation of the equipment with time and use, and changes in equipment and performance standards within the sport as well as repair needed.
  - A maintenance schedule should be established. Equipment repairs must be done as soon as they are required and made by knowledgeable personnel. Replacement parts must meet or exceed original equipment specifications. Professionals should make major repairs.
  - For competitions, the standards and specifications set by the governing bodies of the sport must be respected.
  - Many facilities contain equipment that is either a modification of commercially manufactured equipment and/or custom built. Since no standards exist, it may be easier to reject these items out of hand. However, it is generally agreed that legitimate training benefits may be gained with such special equipment, so they may be used with care. Prior to using such equipment, its effectiveness and safety must be determined through careful consideration and consultation with experienced knowledgeable persons.
- Mats
    - It is the understanding that mats offer the participant only a limited amount of protection against injury even when properly used. Many factors must be taken into consideration when selecting and setting up mats for a given activity:
      - type and level of activity
      - nature of the skills performed
      - physical environment, the lay out and the equipment
      - age and level of the participant
      - type and quality of the mats being used
      - standards and specifications set by the governing bodies of the sport

### **External Facility**

- Safety also concerns the exterior of the facility. Consideration must be given to the following:
  - entrances and exits
  - emergency vehicles and fire lanes
  - delivery areas and loading zones
  - signage
  - snow and ice removal
  - general exterior maintenance
  - parking areas

\*A clean and attractive exterior environment encourages participation and sets the stage for good safety practices taking place inside.

## **SUPERVISION**

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### **Training and Competitions:**

- Participants involved in gymnastics programs/competitions must be supervised at all times by a coach certified at the appropriate level required. This applies to training as well as for competition.

Supervision implies that a certified coach is able to oversee the entire class/group and is immediately accessible to anyone who needs him/her. A class/group must never be left unsupervised. Further, a set of rules should be established by the club and communicated to all involved.

#### **NCCP Certification:**

- The required levels of coaching certification in training and competition are specified in the GO Coaching Certification Requirements and the Technical Rules and Regulations. GO recognizes that many coaches receive training by mentoring through “senior” coaches. However, be aware that allowing a coach to perform duties beyond the level of his/her NCCP certification may lead to serious liability problems.

#### **Responsibilities at Sanctioned Competitions:**

- Safety and Equipment Issues
  - The FIG Code of Points/Handbook, GO rules, regulations, policies and guidelines regulate the role, responsibilities and the level of authority of GO staff; meet directors, coaches and judges at a competition. On site, it is everyone’s responsibility to ensure that the competitive environment and the equipment comply with GO standards and specifications and that all participants abide by the rules and regulations.
  - It is recommended to hold a meeting prior to the start of the warm-up to review and discuss the competition equipment and address any concerns.
  - During warm-up or competition, any safety and/or equipment issue should be reported to and addressed by the Meet Directors and when applicable, GO authorities (GO staff or designated person) in consultation with the Competition Chief Judge (CCJ)/Head Judge/Judge Responsible. If the issue cannot be resolved by the Meet Director, and when applicable GO authorities, then the matter must be addressed and resolved by the competition Risk Management Panel composed of (\*under consideration/review): the CCJ, GO authority (when applicable) and one other individual or the CCJ and two other individuals (when GO authorities are not on site) selected by the Superior Judge depending on the nature of the issue. The Risk Management Panel can consult with other parties as they deem necessary in order to make the appropriate decision.

#### **GO Competitions (Invitationals, Qualifiers, Team Ontario Selection Meets, Ontario Championships):**

- GO and the Host Clubs have the responsibility to ensure that a safe and adequate competitive environment is provided for the participants
- The Host Club (Head Coaches/Meet Directors) has the responsibility to ensure that a safe and adequate competitive environment is provided for the participants. It is recommended that the equipment and competition layout be provided to a designated individual for review and approval. The use of a standard equipment check list is required (provided with the Bid to Host application). GO is to be contacted in any case where a proposed Host is unable to provide a competitive environment in accordance with the existing GO equipment standards, specifications and safety standards.

#### **FIRST AID: RESPONDING TO EMERGENCIES**

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The rule of thumb for responding to emergencies is to exercise a reasonable standard of care. A coach should apply only as much first aid as he or she is competent and confident to perform. A coach in an emergency situation should not act unless he or she is sure what to do. It is true that the court’s position that a rescuer is only responsible for as much first aid as he or she knows imposes a higher standard of care on trained first aiders, but only in direct proportion to the individual’s greater ability to meet that standard.

#### **Medical:**

- Emergency Plan
  - An emergency action plan must be in place. The plan should be clearly posted in the facility and communicated to all staff. The plan should be reviewed on a semi-annual basis for updating.
  - An emergency plan must be prepared for activities outside the regular facility.
  - There must be access to a telephone.
  - Emergency phone numbers and procedures must be prominently displayed.
- Recommendation: at least one person should have first aid training while regular programs are in operation. A post injury system for records, reporting and communication must be in place.
- Emergency Equipment
  - Emergency equipment must be available at all times.
  - An adequate first aid kit is required.
    - Recommendation: the first aid equipment available on site should follow WSIB Reg. 1101 for size and contents of the kit, in addition, athletic injury supplies including tape, under wrap and ice must also be available.
  - Complete copies of the medical information form for each participant must be kept on file.
  - Accident report forms must be completed and forwarded to G.O. in the event of an injury.

#### **Medical Personnel:**

- The minimum requirement is to have a First Aid area with an individual who has been First Aid Certified.

#### **HIV Prevention - Injuries Involving Blood:**

- Please refer to the Canadian Academy of Sport Medicine's position statement and recommendations (see Risk Management Handbook).

#### References

1. Your Risk Management Program. A Handbook for Sport Organizations  
Centre for Sport and Law Publication, 1998
2. USA Gymnastics Safety Handbook, 1994 and 1998 Edition  
USA Gymnastics Publications, Indianapolis, Indiana
3. Sport BC Toolbox, BC Government
4. HIV and The Athletes, Canadian Academy of Sport Medicine Publication

## **OTHER AREAS OF CONCERN**

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### **Accommodation:**

- Ensure accommodation is secured at a reputable hotel/motel near the competitive site
- Ensure that all athletes are lodged near each other for security reasons and the area is easy to monitor and patrol
- Ensure that the floor level selected is below 10 stories, or reachable by aerial fire trucks, whichever is the lowest
- Arrange for carpool transportation to and from the hotel/motel to the competitive training sites - preferably by an outside service agency
- Designate a person responsible to monitor the area and have control in case of emergency situations
- Be sure non-smoking floors are utilized
- Billeting, is a last resort option as many risks are or could be associated with this arrangement
- It is best to pay upfront for judges' rooms so that they do not have to pay with their own credit card

### **Food /Beverages:**

- allergies are an on-going area of concern therefore where possible ensure list of ingredients is made available, especially to spectators

### **Insurance:**

- If necessary, secure appropriate additional insurance coverage (contact GO)
- Coverage should include 3rd party liability, tenant's legal liability and equipment insurance
- When non-Gymnastic Ontario members are invited to participate in the event, they must carry their own insurance coverage and provide the event organizer with written proof of such
- When non-Ontario residents are invited to participate, they must also show proof of appropriate medical coverage to the event organizer

### **Non-Gymnastics Activities at Competitions:**

- Any non-gymnastics activity/event must be insured. GO and the host club must be named as additional insured on all policies

### **Security and Spectators:**

- In some cases regular off-duty police in uniform may be a necessary consideration
- Harassment is an on-going area of concern especially directed at minors, therefore proper supervision and maintaining security is a must
- Kidnap and missing persons is becoming more of a risk each day, proper documentation and procedures should be in place to counteract this as well as proper procedures to follow in case of emergency situation
- Emergency exits must be identified for all spectators.
- Marshalling personnel must be assigned to control emergency exits in case of need.
- Spectators must be protected from any foreseeable hazards.
- All areas should be maintained and free from litter or wet areas