

SUGGESTIONS FOR LOSS CONTROL RELATED TO SOCCER GOAL INJURIES

by Anthony Procacci
404-885-6107

The popularity of recreational soccer among America's youth is undeniable, as hundreds of

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thousands participate in organized play every year. The public perception, especially among parents is that soccer is generally safer for their children than other physical contact sports. This perception is supported by statistics offered by experts who estimate that serious soccer related injuries occur only one-fifth to one-half as often as comparable football related injuries. Yet, in addition to the commonly known potential dangers involving physical contact during play, many parents and participants remain unaware of the potential serious, and sometimes fatal injuries that can be caused by improperly anchored goals. These

injuries are usually a result of blunt force trauma to the head or other body part, and most are caused by improperly fastened goals being tipped over by either someone carelessly lifting the back or hanging from the front of the goal, or by a strong gust of wind blowing the goal over.

According to a United States Consumer Product Safety Commission publication issued in 1995, there were over 20 reported deaths between 1979 and 1994 caused by falling soccer goals. Since the 1995 publication, additional deaths caused by falling goals have been documented, and hundreds of injuries caused by falling goals have been treated in U.S. hospital emergency rooms.

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The remarkably high number of accidents involving tipping goals prompted the U. S. Consumer Product Safety Division to publish its *Guidelines for Movable Soccer Goal Safety* in January of 1995. The

publication provides design guidelines for movable soccer goals, and addresses the safety precautions that should be taken by soccer game organizers to anchor, secure, and counter-weight movable soccer goals to prevent them from tipping over. Other public and private organizations, including the Coalition to Promote Soccer Goal Safety and the

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National Collegiate Athletic Association have adopted the United States Consumer Product Safety Commission's guidelines, or promulgated rules of their own to protect soccer participants from injuries resulting from movable goals. Unfortunately, notwithstanding the publication of the safety standards and the growing number of reported injuries resulting

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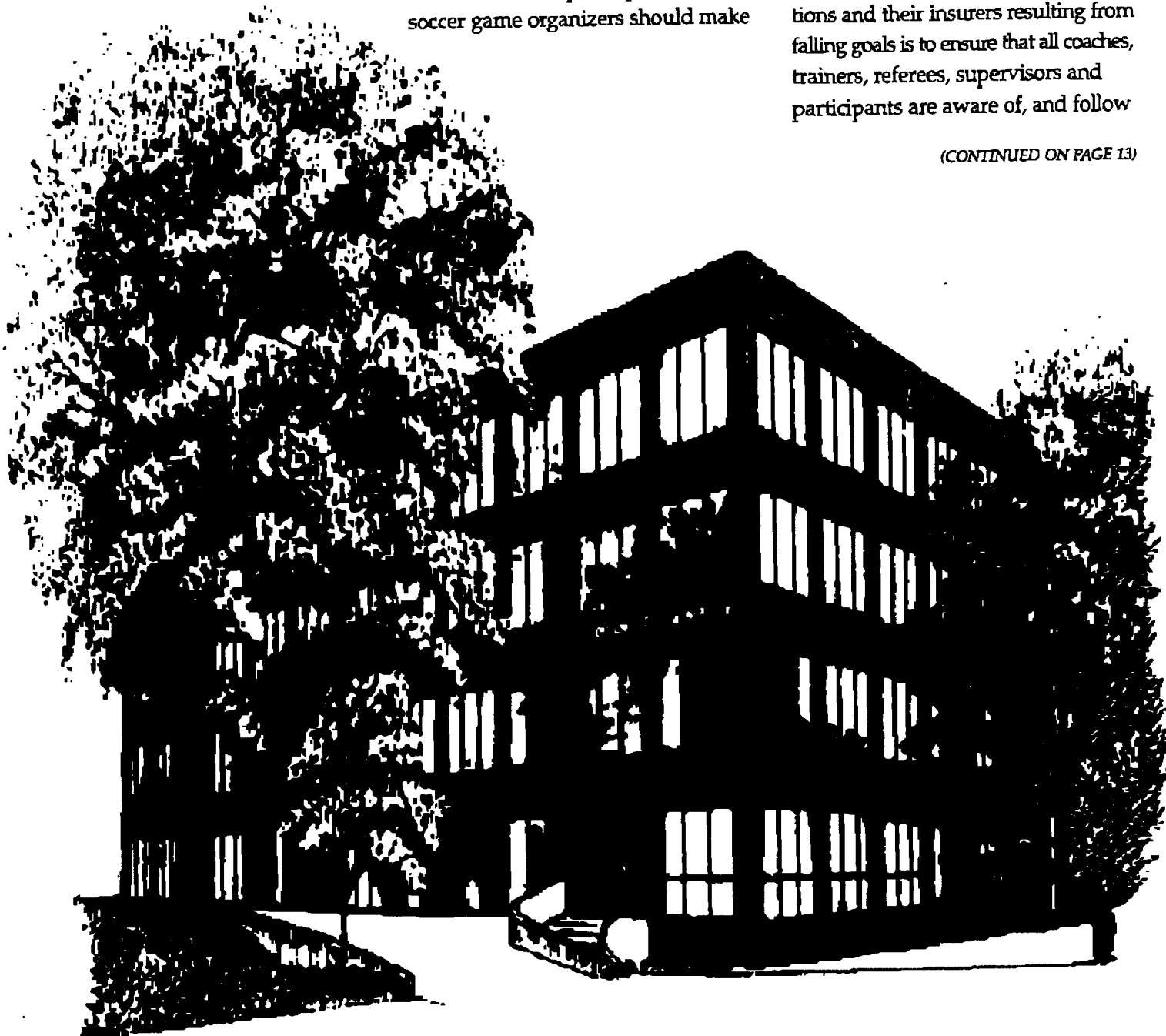
from un-anchored or improperly fastened goals tipping over onto soccer participants, this unanticipated and rare, but sometimes fatal tragedy continues to occur. These types of injuries have been the basis of many personal injury claims and lawsuits

throughout the country. To prevent injuries and limit exposure to liability, goal safety standards should be implemented by soccer game supervisors, liability releases containing indemnity agreements should be signed by each participant's parent or guardian acknowledging the risk as a condition of participation, and soccer game organizers should make

efforts to structure their affairs in a manner which may entitle them to statutory or other immunity for injuries soccer participants receive while on the organizer's property.

First, the most effective method of avoiding injury to soccer participants and the consequential exposure to liability on behalf of soccer organizations and their insurers resulting from falling goals is to ensure that all coaches, trainers, referees, supervisors and participants are aware of, and follow

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published safety guidelines. By taking a more active role when negotiating and issuing liability coverage, the insurance industry can both influence its insureds to create a safer environment for soccer participants, and limit its potential exposure to liability for accidents involving un-anchored or improperly secured goals accidentally tipping over and injuring soccer participants. When issuing a general

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liability policy to a youth soccer organization, the insurer may wish to take measures to obtain assurances that all personnel whose negligence could subject the insured to liability acknowledge receipt of, and agree to follow the guidelines published by the United States Consumer Product Safety Commission. Often times, the insured organization

will allow volunteer workers or contractors to provide coaching, training and referee services. It should be noted that the fact that these individuals are not actual employees of the insured does not necessarily prevent their negligence from being imputed

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to the insured organization for liability purposes. The insured must apprise these individuals of, and require them to follow the safety policies.

A second step the insurer may wish to take is to determine whether parental waivers are enforceable in the insured's jurisdiction. The states are currently divided on this issue; however, in those jurisdictions which enforce such waivers, the insurer may require the insured to condition youth participation in the soccer organization upon the production of a waiver of liability and indemnity agreement signed by the participant's parent or guardian releasing the organization and all of its agents and employees from liability for injury to the participant. Along similar lines, the various jurisdictions' application of the "assumption of risk" defense where the plaintiff is a minor differ;

however, in states that allow defendants to avoid liability on this defense, a signed waiver acknowledging the potential risk of injury caused by a falling goal may be useful at trial to show that the soccer organization exercised its duty of care, and disclosed to the plaintiff and her parents this known potential risk of injury. As a general rule, courts

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will not enforce a waiver where evidence shows a defendant acted with "gross negligence," and the "assumption of risk" defense may be unavailable if the soccer organization shirks its duty to provide safe goals. Therefore, it is imperative that soccer organizations exercise due care by implementing safety standards to prevent goals from falling in order to posture themselves to seek enforcement of parental waivers in those rare cases where goalpost injuries occur.

A third step insurers may wish to take is to inquire as to whether the jurisdiction in which their insured is

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