

Knowledge of Legal Liability in Sports Among Sports Council Personnel in South-South, Nigeria.

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ABSTRACT

A study on knowledge of legal liability in sports, among male athletes in sport councils in South-South Nigeria. Nine research questions and six null hypotheses were tested at 0.05 alpha levels. The population for this study comprised of all the 3,321 athletes and coaches in south south Nigeria with a sample size of 645 respondents (140 coaches and 505 athletes). The study adopted the cross-sectional survey design. The sampling technique used was multi stage sampling procedure. The research instrument was subject to both face and content validation by the researcher's supervisor and two experts in the field of measurement and evaluation. The reliability coefficient of 0.78 was obtained using the Pearson Product Moment Correlation statistical analysis. The collected data were analyzed using frequency, percentage, mean and standard deviation for the research questions, while multiple regression was used for the testing of the null hypotheses at 0.05 alpha level of significance. The findings established that: 401 (62.2%) Sport personnel in South-South Nigeria possessed good knowledge of legal liability in sports while 244 (37.8%) do not. Based on these findings, it was recommended among others that: Ministry of sport should introduce sporting activities, training and retraining from time to time in order to improve the knowledge of Sports personnel with issues relating to legal liability in sport.

Knowledge of legal liability in sports among sports council personnel is very important to sport development. Consequently, coaches should be involved in studying laws that relates to sports in the course of their professional preparation. (Babalola and Alayode, 2012) stated that, it is worth noting today that, people are becoming more aware of their rights under the law. This has awakened the need to ensure that coaches are made to know the legal implications of negligent caused injuries in class or field of play. It is imperative that, when dealing with various types of physical education programmes, coaches must learn to protect themselves from any tortuous liability. To be able to do this, they must have knowledge on matters that can make them vulnerable to legal liability in sports. Knowledge of legal liability in sports possessed by Sport personnel has become imperative with the rate of development and mass participation in sports by all and sundry. This can be seen in the Olympic and the Paralympic games of London 2012.

Therefore, knowledge of legal liability in sports among sports council personnel in south-south, Nigeria will enhance the proper handling of athletes to prevent minor or major injuries or even death which may bring about law suit against the offender or the council as a whole. Due to this, coaches should see himself or herself as the most important manager in conducting programs within the standard of cares as required in sports profession.

The standard of care of sports personnel would be enhanced if the limit is known to which position allows them to operate and occupy their place of status as sports managers with their knowledge in legal suit and possess enough knowledge about it to avoid litigation for negligence. According to (Kodilinye and Aluko, 2003) they stated that negligence is the breach of legal duty to take care which results in damage, undesired by the defendant, to the plaintiff because negligence as a theory is established on the principle that any harm inflicted as a result of a breach of legal duty of care and damage must be compensated for, by the erring persons. while Kodilinye and Aluko, (2003) claim that it is a civil wrong involving a breach of duty fixed by the law, such duties being owed to persons generally and its breach being redressible primarily by an action for damages.

The exceptional magnitude and growth of almost every aspect of the sports industry today is undeniable. Ezedum, (2019) stated that sports facilitate economic development. Asagba, (2004) pointed out that sports have under gone transformation from ancient Olympic games to notable features in modern sports which includes link to technology, professional administration, athlete's socialization and sports being a business venture. Chappelet, (2008) identified several ways sports have been of economic value to developed nations. These areas were sports activities, sport events and sports equipment. Such development has not come without its share of growing pains. One such dilemma that has accompanied the growth of the sports industry has been the dramatic increase in sports related litigation over the past 30 years (Hronek and Spengler's 2000). Trojian, (2017) indicated that the average injury award is now over \$1.5 million There is considerable disagreement regarding litigation in sports and the effect it has on the sport industry. Critics of sport-related litigation condemn the continuous rise in the number of law suits filed and the enormous amounts of monetary damages that have become commonplace today. They claim that lawsuits are out of control, and if allowed to continue, will inevitably change the nature of sports as we know it, and eventually destroy sports. (Appenzeller and Lewis, 2000).

Studies have revealed that various sporting activities and recreation programme are prone to injuries. During a sixth school year period in Wloclawek region in Poland, in the year 2003, the study revealed accidents during break were 36.6% and out of that percentage physical education activity had 33.2%. 20.2% of the accidents were at the gymnasium (Sosnowska and Kostka, 2003). So many cases are coming out of sports due to mass participation, and hence, the need for the knowledge of legal liability in sport. Legal liability therefore, is the legal bond obligation to pay debts Mannig (2019), the researcher also added "to pay damages". He further stated that legal liability could be imposed by law on individuals or corporation to pay for harm done to others. Such laws may be common laws, statute law or customs which over a period of time have taken on the same status as law. There are basically two major categories of laws: criminal laws and civil laws. Criminal laws regulate public conduct and are enforced by the government body that enacted them. Violation of criminal laws result in action by the government aimed at imposing some form of punishment. Various responsibilities are placed

on the coaches by law to minimize injuries to athletes, if certain requirements are not met, the coach may be held financially, or even criminally liable Hamidreza, (2016). Also, Apenzeller (2000) described legal liability as the condition of affairs that gives rise to an obligation to do a particular thing to be enforced by court action, which shows that the laws of a society dictates the rights and responsibilities of individuals as well as procedures for redress when the actions or inactions of others infringe upon those rights.

Sports personnel are those involved directly in the business of sports administration. They could be manager, coach, trainer, team official, agent, doctor, therapist employed by, or representing or otherwise but in this context, the researcher views Sport personnel as sports personnel for the purpose of this study. Subba (2014) opined that and coaches also occupy an important position in the socio-political system of a country. Also, coaches perform a role which is generally known to be indispensable in any modern community which is the development of human resources. In the context of this study, a coach is therefore the one who develops human resources by maximizing the potential of athletes through sport. There are six components that can assist a coach to function better in his/her carrier and they are: risk management, injury prevention, communication, nutrition, goal setting, and athlete development. Training the athlete has become wholistic activity focusing on the entire athlete, i.e mental and physical aspect Glover, (2007). Athletes on the other hand are those trained under a coach to perform optimally, those proficient in sports and other physical exercise. An athlete is a person who competes in one or more sports that involves physical strength, speed, or endurance. They may be professionals or amateur.

Correlates have a mutual relationship (r) connection, in which one thing affects or depends on the other. It could be two or more related or complementary things. According to Merriam Webster dictionary (2020), explains correlate as reciprocal or mutual relations, which is to correspond. If two things correlate, a change in one thing results in a similar or opposite change of the other. This could also be to set forth so as to show relationship. For the purpose of this study three variables were considered as correlates of legal liability and they are proper instruction, adequate supervision and proper maintenance of facilities/equipment and equipment. These were established by the study from Alberta schools, (2008)

Legal liability in sport has a more in-depth area which is known as law of tort. (Babalola and Alayande, 2012) noted that a tort is a legal injury or wrong committed upon a person or property. Which are into three structures as: intentional torts; strict torts, and most common, negligence tort. Negligence is the most common tort suit filed against coaches. It occurs when a coach fails to act as a reasonable and prudent person would act in a similar situation Manning, (2019).). An important element in determining negligence is failing to anticipate and eliminate unreasonable risks of injuries that a reasonably prudent person would have anticipated and eliminated. This has been termed the doctrine of foreseeability. Negligence is a tort that is often used to implicate coaches. It is very important that they understand the nuisances of tortious liability and its relationship to sport as a profession. They should also be aware of the legal defenses available to them if, despite all precautions, they are accused for negligence (Babalola and Alayode, 2012). To determine negligence in the case of a sports personnel, four basic questions will be asked: Do you owe the players a duty? Was the duty breached? Was your breach of duty responsible for the player's injuries? What is the extent of the actual injury or

damage? For negligence to be established, all four of these questions must be answered in the affirmative Manning, (2019).

Sports personnel should have knowledge of the four questions that arise from being negligent and also have answers. Therefore, the needs to know how to handle athletes that have been entrusted in to their care as 'loco parentis' that is, one acting in place of the parent in the absence of the biological parent during school hours is of top most importance, hence, the need for knowledge of legal liability in sports in handling athletes. It is therefore important for sports personnel to possess adequate knowledge of legal liability matters concerning the athletes they train and coach in sports. It is therefore important to know how to take care of athletes whether male or female to avoid liability that may ultimately cause the coach loss of job due to negligence of duty or any other legal suit in the court of law. It is important to be equipped accordingly to avoid been dragged to court unnecessarily. The coach should know that in a case or any case that results to personal injuries during sports they may be prima facie liable for faults resulting from negligence that causes bodily harm, especially injuries occurring on playground or sports field where sports programme is conducted Manning, (2019). This is so because coaches have a legal duty to as much as they can prevent injuries or bodily harm to those under their care. In the sports profession, it can be assumed that, yes, the coaches do owe the athletes a duty.

PROPER MAINTENANCE: KNOWLEDGE OF COACHES ABOUT CARE OF EQUIPMENT AND FACILITIES/EQUIPMENT IN SPORT

The lack of knowledge about care of equipment and facilities/equipment in sport can be a major set-back to a coach's success in the chosen carrier. It could bring about legal issues which can implicate the coach and thereby result to tort. If the coach fails to act as a reasonable person should by constantly checking the equipment and facilities/equipment to be used by the student athletes, this can be termed negligence on the part of the coach. All activities, regardless of the complexity or simplicity of the action, have an inherent level of risk. Variable factors such as cognitive ability and developmental maturity, skill level, previous experience of the athletes and coach, weather conditions, facilities/equipment, and available equipment may all affect the level of risk of any activity, Safety Guidelines for Physical Activity in Alberta Schools (2008). Alberta school safety guideline went further to state that well-planned physical activity programs reduce the frequency and severity of injuries. By implementing safe instructional practices, such as use of sequential teaching progressions, as well as the inclusion of developmentally appropriate activities in program preparations, planning and daily teaching, the coach guards against foreseeable risks.

ADEQUATE SUPERVISION: KNOWLEDGE OF COACHES ON SKILLS AND SUPERVISION OF ATHLETES - LITIGATION

Negligence is the failure to exercise due care when carrying out a duty or subjecting another to a risk that causes harm McCarthy and Cambron- McCabe (1992). A negligent tort is a tort that, although not intended, was committed in disregard of the rights or reasonable expectations of another person. This is the area of tort law that has given rise to the most litigation. Club and their employees are not automatically responsible for every injury that may occur within the play arena. There is a duty of due care that the law recognizes one person owes to another. This duty may arise from a contract, a statute, common sense, or a special relationship the parties have to one another Underwood (2000). Regarding athletes, the courts have found that schools

and their employees(coaches) have the duty to supervise athletes, provide adequate and appropriate instruction prior to commencing an activity that may pose a risk of harm, and provide a safe environment. Usually, that duty extends to athletes while they are in the custody or control of the coach (Alexandra & Alexandra 2001).

Coaches may have a duty to supervise athletes off school grounds when they have caused them to be there such as while on extracurricular activities. The coach also has a duty to warn of known dangers and ultimately the company is responsible for the negligent acts of employees under the doctrine of respondeat superior. However, in education, generally no one is automatically responsible for the acts of another. Clubs are not automatically responsible for the negligent acts of coaches. In school situations, usually a plaintiff must find a separate duty on the part of each defendant. Once a duty has been established, the injured individual must show that the duty was breached. The duty has been breached when the individual unreasonably fails to carry out the duty Underwood (2000).

OBJECTIVES

1. determine the knowledge of legal liability in sports among sports council personnel in south-south Nigeria;
2. determine the extent of relationship between gender, age, marital status, level of education and years of service in relation to knowledge of legal liability in sports among sports council personnel in south-south Nigeria;

METHODOLOGY

The population for this study comprised of all the 3,321 athletes and coaches in south south Nigeria with a sample size of 645 respondents (140 coaches and 505 athletes). The study adopted the cross-sectional survey design. The sampling technique used was multi stage sampling procedure. The research instrument was subject to both face and content validation by the researcher's supervisor and two experts in the field of measurement and evaluation. The reliability coefficient of 0.78 was obtained using the Pearson Product Moment Correlation statistical analysis. The collected data were analyzed using frequency, percentage, mean and standard deviation for the research questions, while multiple regression was used for the testing of the null hypotheses at 0.05 alpha level of significance.

Table 1: Sampled Coaches and Athletes according to their States.

S/N	STATE	COACHES		ATHLETES		TOTAL
		MALE	FEMALE	MALE	FEMALE	
1	AKWA-IBOM	5	2	80	20	107
2	BAYELSA	5	2	80	20	107
3	CROSS RIVER	5	2	80	20	107
4	DELTA	6	2	80	20	108
5	EDO	6	2	80	20	108
6	RIVERS	6	2	80	20	108
TOTAL						645

RESULTS

Table 2: Analysis of Average Knowledge of Legal Liability in Sports among Coaches and Athletes in South-South Nigeria

S/N	Items	True Frequency (%)	False Frequency (%)
1.	Legal liability exists in sports	500 (77.5%)	145 (22.5%)
2.	Ignorance is not an excuse in law	600 (93.0%)	45 (7.0%)
3.	Wrong performance of duty is an offence	550 (85.3%)	95 (14.7%)
4.	Justice can be obtained in court	445 (69.0%)	200 (31.0%)
5.	Fighting in the field of play is an offence	550 (85.3%)	95 (14.7%)
6.	Cheating is a punishable crime	595 (92.2%)	50 (7.8%)
7.	Poor officiating is an offence	630 (97.7%)	15 (2.3%)
8.	A coach can be sued to court	345 (53.5%)	300 (46.5%)
9.	Athletes can seek redress in court	350 (54.3%)	295 (45.7%)
10	A coach can be sued for damages due to improper instruction	625 (96.9%)	20 (3.1%)
11	Athletes can contribute to negligence	400 (62.0%)	245 (38.0%)
12	Only coaches can be sued for damages	445 (69.0%)	200 (31.0%)
13	Athletes are the only ones that can seek redress in court	300 (46.5%)	345 (53.5%)
14	Both athletes and coaches can be sued	500 (77.5%)	145 (22.5%)
15	Any accident on the field of play is the coaches' fault	200 (31.0%)	445 (69.0%)
16	There can be job loss of a coach due to legal issues	465 (72.1%)	180 (27.9%)
17	A coach has no defense in court	100 (15.5%)	545 (84.5%)
18	Coaches are liable for any athlete's accident	345 (53.5%)	300 (46.5%)
19	Spectators' violence that leads to the death of an athlete's is the fault of the coach	400 (62.0%)	245 (38.0%)
20	Coaches have the right to appeal a case in court	535 (82.9%)	110 (17.1%)
21	All soccer injuries are the fault of the coach and they are liable	190 (29.9%)	445 (70.1%)
22	Athletes are liable if they are the cause of their own injuries	400 (62.0%)	245 (38.0%)
23	All injuries are caused by the coaches and they are liable	200 (31.0%)	445 (69.0%)
24	A drowned athlete's family must be compensated by the coach	300 (46.5%)	345 (53.5%)
25	A careless athlete is at the expense of the coach and the coach is liable	245 (38.0%)	400 (62.0%)
26	An ignorant coach or athletes cannot be held liable for an offence committed by them.	210 (32.6%)	435 (67.4%)
Average Score		401 (62.2%)	244 (37.8%)

Table 2 above revealed the knowledge of legal liability in sports among Sport personnel in South, South Nigeria. Majority of the participants 401 (62.2%) possessed good knowledge of legal liability in sports while 244 (37.8%) do not have good knowledge of legal liability in sports. From the average percentage scores of the participants (62.2%), It can be deduced that

majority of the sports personnel in South-South Nigeria had knowledge of legal liability in sports.

CONCLUSION

This study showed that sports council personnel in south-south Nigeria possessed knowledge of legal liability in sports but have not experienced much of prevalence and litigation of legal liability in sports. It is therefore important to note that to continue the trend of less legal liability in sports in the region, care must be taken by all sports personnel in order to avoid unnecessary litigation which has taken over the developed countries of the world.

RECOMMENDATIONS

1. Ministry of sport should introduce sporting activities, training and retraining periodically in order to improve the knowledge of coaches and athletes on issues relating to legal liability.
2. Government should ensure that only qualified personnel are employed into the sports industry.

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