

# Safety and liability—protecting yourself from lawsuits

by Greg Petry

**M**y views on liability are from my perspective as executive director of a park district with a thorough and comprehensive safety program. Waukegan Park District is self-insured through the Park District Risk Management Agency (PDRMA) pool composed of more than 100 Illinois park districts. This isn't liability insurance in the traditional sense, such as the auto or workman's compensation insurance Waukegan Park District used to purchase through insurance companies. It is a comprehensive risk management program that focuses on preventive measures to reduce risks and liability with an insurance component.

Several years ago there was a liability crisis in the Chicago area following a series of playground accidents. Park districts were looking at removing playground equipment and limiting programs, but that was contrary to our mission and purpose.

A group of Illinois park districts determined that we should be able to manage this risk. And there is risk inherent in everything—sports, driving a car, swimming, using playground equipment, etc. The districts determined the best way to manage our risk and to provide these services safely to the public was to develop a comprehensive, monitored, and accredited self insurance program. Through the program's comprehensive review process Waukegan Park District has attained (and maintains) the highest level of accreditation.

The same principles of safety and liability, and of protecting your facility and yourself from lawsuits, apply whether self-insured or insured through traditional channels.

## Set the tone

As executive director of the park district, my involvement in setting

the tone on safety is vital. To keep the highest safety record and avoid lawsuits, you must set the philosophy and practices you administer at the top level and have all levels of management and each individual within the organization "buy into it." You have to hire people that are right for the organization and make sure the organization is right for them. If each individual you have working in your organization does not totally agree with the philosophy on safety and follow the safety practices, managing risk will be a problem.

## Provide the tools

Put people in a spot where they know what is expected of them, provide them with the proper orientations and the right materials and equipment.

Federal, state, city, or other governmental agencies require some safety training programs. For example, OSHA requires communicable disease training. This is district-wide training we offer once a year dealing with interaction with bodily fluids, how to clean them up, where the gloves and antiseptic surface cleaner are kept, and all other pertinent details. Because park user groups (including athletes) come from diverse areas and backgrounds, a reminder course on this training might be repeated within a department several times during the year.

The right to know training is also mandated. A Material Safety Data Sheet (MSDS) form must be filed and cataloged in a book accessible to employees. The organization must report to the state what is contained in this book. All employees must then be trained on how to read the sheets and how to perform the procedures recommended for such action as a material spill.

Our all-employee fire training pro-

gram is conducted in conjunction with the city fire department. It covers our policies and procedures on what to do in case of a fire, the different types of fire extinguishers, and the characteristics of different types of fires. The fire department even sets up some fires in bins on our property and has everyone try using the extinguishers. Each of our facilities has a map of the building posted at the entrance with both fire and tornado procedures noted.

Every other year we provide first aid and CPR training for all full time employees so that everyone becomes certified. Sports-related and certain other part-time employees receive this training every year.

Training specific to job responsibilities is conducted by each department. For mowing the turf, an individual needs to know precisely what he or she is to do, which equipment is to be used, and the practices and procedures for proper and safe operation of that equipment. Without this basic training, he could not only produce unacceptable results, but also could do a lot of damage to himself, other people, the equipment, the facility's property, or other property.

Participation in each training session is documented in our general files and in each individual's personnel file. This includes a statement, signed by the employee, that he or she has taken part in the training and understands it.

## Inspect and document

Good communication with employees is essential to the safety and liability program. They must understand why it is important and they must recognize hazards and potentially unsafe conditions and understand how to handle these situations.

In park system and athletic field maintenance positions, employees

will interact with the public. Individuals will tell them things. The employee must listen to what they have to say and react accordingly. For example, it may be something as simple as the report of a broken bottle. The employee should thank the individual for the information, then immediately properly dispose of the broken bottle.

Other reports from the public may require inspection and documentation, with action to occur as necessary to rectify the problem. Waukegan Park District also has developed specific forms to facilitate and document scheduled inspections. Whether externally reported or noticed during a regular inspection, the employee needs to document that the problem has been discovered. If possible the condition should be corrected right away. If that is not possible, the employee needs to identify the hazard and note it and close down the area to protect the public. On a ballfield, the hazard area might be surrounded with snow fencing and a sign posted

to warn the public to keep off because of "dangerous conditions."

Employees must be able to look at the big picture as well as the small details while visually inspecting a site. The softball/baseball field inspection form (see p.18) serves as a reminder to check all the areas noted. If, for example, a piece of fence was broken at one field and could not be immediately fixed by the crew, the employee would note it on the form and call his or her supervisor to report it. The supervisor would assign someone to make the repair and document that the repair was made at a specific date and time, and by whom.

This all combines to form a reasonable, prudent, and consistent safety program. The records will state your case effectively during legal action. An individual broke his ankle while playing on one of our ballfields and filed a lawsuit charging the park district with negligence. We brought in all of our inspection records to show how the field was

maintained when this accident occurred. The judge reviewed the records, noting that the field was maintained regularly, holes had been filled in the past, baseball mix had been brought in to topdress, etc. Because our program was documented to be reasonable, prudent, and consistent, he dismissed the suit.

### Report and document

We have developed both incident and accident report forms. Copies of these are kept in all the offices and in all park district vehicles. The procedures for properly filling out these forms have been explained to all employees and are listed on the back of each form.

The incident report form is to be used when a situation arises that requires park district employee action or intervention, or when a situation occurred and is then reported to a park district employee. For example, a league may have reserved one of the park's baseball fields and been issued a permit for that use.

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