Sport coaches: legal duties and responsibilities (case study of law of Iran)

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Abstract

There are two types of liabilities for coaches regarding responsibilities arising from sport activities: a) Criminal liability, and b) Civil liability. In lawsuit of civil and criminal liability for sport, fault is the basis of most lawsuits and complains for receiving compensation. Violation occurs only when a person has a duty for another person but violates it; in addition to compensating damage arising from such fault, the person injured must prove that: 1. there is a causation relationship between failure in duty and injuries. 2. The fault led to loss of them. Therefore, traceable error must be based on failure in doing duty and violating regulations.

Keywords: sport, sport rights, coach liability, athlete, criminal liability, civil responsibility.
Introduction

Sport in our times is one of necessities of life for people, especially for youth and it is a key training tool. Lack of caring about sports and physical training can lead to a wide damage for each society. It is evident that with improvement and growth of youths, sports becomes more advanced and that rules of every country across the globe has a key role in sport and physical training. Constitution of I.R. of Iran regards sport the most important tool for training human, which has a great value. The government is obliged to provide all the facilities for reaching those goals\(^1\). Aside from significance of sport and physical training, sometimes we see bad things happen in sport events which reveals the need to be aware of sport rules and regulations for recognizing fault and duties of different sport races (athletes, referees, coaches, sport manufactures and so on). Current research reviews level of liability of sport coaches in establishment of such events and risks. This type of responsibility has various forms and raised new lawsuit in courts.

Sport coach is a person who is active in one of sport majors without considering coach certificate and does training and exercises. Among the most important duties of a coach, we can mention caring about physical, psychological and reputational integrity of the athletes. Whenever coach fault in doing duty is revealed, they will be liable to compensate it. Since accident is avoidable in sport, it is necessary for all the athletes to have information about legal rules in order to make the right measures for preventing from possible accidents (Aghaeinia, 2007, p.95). Understanding roles and duties of coaches, responsibilities, and moral criteria is important for recognizing responsibility generally. In order to determine liability for sport coaches, first we need to deal with duties of them in terms of sport rights.

Commitments and duties of sport coaches

Sport coaches have many duties in line with managing their own athletes and for keeping athletes healthy. In spite of lack of doing their duties, the condition will be provided for rising their liabilities. The most important of which are as follows:

1. Appropriate training

Training, as one of the most important tools in sport, is not considered important by the law in terms of determining legal liabilities. Whenever inappropriate training leads to a sport accident, there will be no doubt in liability of a person who does not do their duty.

Therefore, weakness in training cannot be mentioned in criminal and civil regulations, if it is not followed by an accident. Unless a coach breaks their commitment in training, in which law makes them do their commitment or compensate for damages. For example, a swimming coach is committed to teach in specified time in return for receiving some amount of money. After receiving wage, they may refrain from doing their commitment. Therefore refraining from training skills can lead to liability and negligence is due to unawareness of coach or their awareness but negligence in training may lead to an accident (Haji Marzdarni, 2004, p.142).

\(^1\) Clause 3 in Article 3 of constitution
2. Continuous presence of coach in sport activity

Presence of coach in sport activity is an undeniable necessity in line with conducting duty of caring an athlete. We need to notice that presence is necessary but it is never enough. Presence must be accurate and if a coach does not do their duty correctly, he/she will be liable (Chalbi, 2007, p.248). If a coach leaves his working place for any reason and if something does happen at the time there will be no need to prove their fault and only their absenteeism must be proved.

It is necessary for coaches to continuously be in their working place or in class, which is a sport rule. In this regard, we can suggest Clause J in Article 67 of safety affair regulation as an example:

If they avoid doing their duty in all working hours.

Notice: if savor has to leave their working place in order to help another person, he/she must make other savors aware of their leaving so that another colleague can deal with possible accidents.

3. Awareness of athletes` health

Direct sport managers such as coaches should make sure of athletes` public health before allowing others to do sport activity. If they don`t make sure of their health and do register them and an accident occurs, then obviously the coach will be responsible from aspect of legal point of Iran, since they did not make sure of the athlete`s health. If they checked athlete`s health and do allow them to start a sport activity in spite of not being healthy, in this situation the coach will be liable like the first situation if an accident occurs. Criminal liability, which is the most intense punishment, will be considered for the coach (Forughi, 2005, p.120).

However, it is necessary that coaches under supervision of sport managers prepare a form including all the information necessary on health of people in line with qualifying athletes` health who refer to sport clubs and on the eve of their arrival athletes must fill in the form and sign it. If they are under the legal age, their parents must sign it. This way, receiving completed form and reviewing its information will specify condition of the person who refers to the coach. If opposite of information is proved or an athlete suffers from a disease but does not reveal it, the coach will not be liable if an accident happen. In this situation, the athlete themselves will be responsible for the accident, since he/she hid the disease.

4. Visiting and checking sport instruments

In most sports, athletes must use tools which are determined in the regulations. The tools are sometimes personal and some other times public. Faults, inappropriate or illegal tools may damage athletes. Design and manufacturing of the tools are important in terms of security. Therefore, it is duty of coaches to make sure of safety of the tools. Such a certainty is achievable only through visiting and any failure in this regard will cause big problems. (Article of association of security and equipment of sports).
In sports like gymnastics in which an equipment has key roles and every kind of technical failure can lead to irreparable injuries, it is up to sport coaches to be more cautious so that possible accident can be prevented. (Legal liability of sport coaches).

In the fourth rule of football called athlete equipment, it argues that shoe should be leather or plastic, rubber or aluminum or similar materials with width less than 12/7 millimeters. Generally, height of heel should not be more than 19 millimeters.

Therefore, if metal shoes have more height and less diameters and lead to injury, coaches will be held liable.

5. Recognizing capabilities by coaches

Since they passed different specialized courses, obtained sufficient experience, and have official authorization, coaches have power of recognition in order to identify power of athletes. Therefore, it is up to them to recognize athletes’ capabilities. By sport capabilities, we mean identifying physical power, technical skills, experience, appearance of them such as weight, height, age and so on. If above points are not abided by, then coach will be liable. For example, if a coach chooses an experienced taekwondo athlete with heavy weight and an inexperienced one with low weight for practicing together, the coach will be liable for possible injuries.

6. Coach familiarity with primary support

Sometimes injuries to athletes are not heavy such as injury and breakage of bones, which may occur in martial majors and wrestling. Then, coaches must have sufficient information about primary first aid so that they can have a positive role in emergency cases.

Also avoiding primary first aid can lead to legal liabilities for coaches. E.g. allowing an athlete with head injuries to return to game is an example of preventing form primary first aid by coaches (Shadrouh, 1994).

Transferring the injured athlete could be regarded as first aid violation, since it is a key issue and not caring about it can lead to bad consequences. We repeatedly observed that people whose spinal cords were injured were not transferred appropriately correctly and their injuries were intensified.

7. Number of athletes

Accepting athletes more than specified number in a course or class is a key issue, which should be noticed by coaches. In this state, the issue of supervision and caring becomes less important and possibility of occurrence of an accident increases. Number of athletes is different in terms of sport major and sport site and number of coaches. And coaches can prevent an accident or reduce it by abiding by standards.

In wrestling, in one standard carpet and with one coach, nearly 30 to 40 athletes can be placed. In swimming based on Article 64 of safety federation in a swimming pool with 15 X 8 dimensions and 50 swimmers, two saviors are required.
8. Caring about climate condition

Sports which are done in open space are always facing inappropriate climate condition. For example, we repeatedly hear that thunder and lightning led to death of football players and other cases such as heavy rainfall and cold weather condition repeatedly led to accidents and injuries of athletes.

If a coach forces athletes to do their activities in bad weather condition, which is against health of them, he/she will be liable if athletes are injured. It is worth to mention that in legal terms, expressing or lack of expressing necessity of caring about climate condition in sport regulations does not have any effect in legal liability of coaches. Since caring about unpredictable accidents is duty of every coach or teacher.

Based on these duties, sport coaches are considered liable due to fault in doing some duties related to sport during teaching athletes.

Legal liability of sport coaches:

Liability means being responsible to do something. (Mohammad Moein, Persian Dictionary). Liable is a person who is responsible to do something and if they refrain from doing, they will be challenged.

Therefore, responsibility is always followed by obligation. Whenever a person challenges legal rights of a person with their behavior, it is called legal liability. If in any case a person has to compensate for a damage or injury, he/she will have civil liability for it. (Katouzian, 1995, p. 48)

Civil liability of sport coaches:

Civil liability means that a person obliged to compensate for what they did against another person. It happens when a person violates another person’s rights without legal authorization by which he/she is injured. No matter it is a crime or something like crime. (Emami, 1973, p.9)

In any case where a person is obliged to compensate for a damage, it is argued that he/she has civil liability. It also has a key role as a guarantee for enforcing civil rights in receiving rights of persons and in adjusting social relations and it has an intellectual aspect (Vishteh, 2004, p.141)

In Iran’s law there is no vivid verdict for civil liability of coaches, if they make a mistake. This makes judges frustrated when facing such cases and they cannot achieve a single solution. Regarding civil liability, duties are determined based on public rules, since there is not any certain rule (Aleshi, 2004, p.75). At this moment in time, the law enforced for guilty persons in sport operation is civil rule where courts issue verdict according to general legal principles and by considering rules and regulations of sport majors.

According to Article 1 of civil liability rule, if someone injures another a person, violates their freedom or takes their life intentionally or unintentionally leading to financial loss, he/she will be liable for it.
In Article 1, civil liability law considers liability violation. Based on this Article, if a person injures another person, he/she will be liable for it. In fault, there is not a need for recognition or lack of recognition of persons. Their behavior must be reviewed. Hence for recognizing fault, logical human behavior must be taken into account and following human behavior is necessary (Ghasem Zadeh, 2007, 112).

Therefore, when a person or a property is injured or damaged during a sport activity, according to civil liability we need to determine the person who was guilty. Was the measure led to loss against the law or lawmaker ordered so? At last if in spite of violating the law, cause of the damage must be proved.

This cause, which is sometimes due to carelessness, leads to damages in various forms in sports such as weakness in training skills, hesitation in visiting sport tools, negligence in inspections and ensuring accuracy of instruments and equipment, applying athletes in dangerous climates and tens of other cases.

Totally, according to public rules, obtaining civil liability needs following condition:

1. Committing harmful action: based on this, doer is liable to the harmful action which is attributed to him/her. The person is liable for their harmful action only when their action is without legal authorization (Sepahvand, 1974, 147). It is worth to mention that violating others rights can be in form of act or omission of act. Act means doing something that is visible and is a tangible manifestation. (Hossaini Nejad, p.30). According to above Article, at first we may think that only doing something is a clear example of civil liability while omission of act is relevant. Omission of act includes avoiding from doing something certain where lawmaker in a certain condition makes a person do something (Validi, 2009, p. 200). Hence, coaches, presidents and referees who are obliged to care about athletes will be liable if an accident occurs.

For example, the coach who refrains inspecting gymnastic equipment will be liable and if an athlete is injured during workout or the coach will be liable if he/she avoiding from helping an athlete who drowned.

In addition, the coach will be liable for immature athletes. As Article 7 for civil liability indicates “a person who is liable for caring about a disabled person will be responsible if their athlete is injured”.

Wrestling coach who supervises two teenagers practicing, if he/she avoids announcing fault against another athlete, then he will be liable and in other cases and he will be treated under civil liability. In addition, if a school makes a mistake in doing their duty, they will be liable, too.

2. Existence of loss: loss can be in various forms. Subject of loss in Article one for civil liability is when a person dies due to an injury; weakness of body under which may lead to bone fracture, injury of body, weakness of interest and so on. Property with minor or major loss, lack of freedom due to illegal arrest, undermining prestige that can be in form of disrespecting, business fame that can be undermined in various forms and through different tools and at last undermining any right which are determined in constitution, are all examples of loss (Parvin, 2003, p.211).
Loss must be definite. In order to demand for compensation of the damage, it must be proved since according to principle of deficiency and possibility no one can be held responsible and one of the conditions of loss is that it must be definite (Shahidi, 2003, 79).

3. Being against the law: it can be argued that only action leading to loss for others does not lead to civil liability and it must be against the law and without legal authorization (Badini, 2005, p.76)

By being against the law, we mean that the loss arising from imposing law does not lead to civil liability. E.g. if a coach causes loss to someone despite abiding by all the rules, he/she will not be liable, since his action was legal.

4. Causality relation: there must be causality relation between two factors of loss and adverse action, if the loss arises from the act. (Katouzian, 1995, p.4) Weakness in training skills, tolerance in inspecting sport tools, lack of caring about in inspecting and confidence in accuracy of tools and equipment, applying athletes in dangerous weather condition and tens of other cases can all be a factor for loss.

Hence, it can be argued that all four conditions mentioned should be abided so that we can argue that a person is liable.

Criminal liability of sport coaches:

This liability, guarantying big risks for individuals’ freedom, is obtained when a person commits a crime which is expressed in the law with a certain title, especially if civil liability is obtained with any action leading to another loss (Shahidi, 2003, p.3)

Above cases were obtained after sport was considered a certain issue widely and under the new condition those injured to courts made it clear that there must be a difference between sport accidents and other accidents. But despite expansion of sport domain in different fields of human community and the necessity of growth of regulations for rights of people in sport occasions, unfortunately in Iran there is only one rule allocated for sport which was redefined after primary approval and finally it was accepted under Article c in Article 158 of Penal code.

Based on Article 158 of Penal code, following actions are not considered crime:

A……B……C are for accidents arising from sport events on the condition that the cause of accident does not violate regulations related to that sport and the regulations should not be against Sharia rules.

Reviewing Clause c in Article 158 we need to notice that the reasons that sport accidents are not considered crime is that in all crimes the main reason is motivation and intention, which make act move toward crime intentionally or intentionally. Finally, the act, which conducted with awareness and intentionally, is considered crime. Actions whose basis is not intentionally or is not done with satisfaction is not considered crime on behalf of lawmaker. In criminal rules, they are considered factors for removing liability and factors of facing crime. Regarding sport
accidents satisfaction of society made lawmaker not consider such accidents crime (Mohseni, 1997, p. 231).

If the accident has following factors, it is not considered a crime and the guilty person is acquitted due to following rules:

1. If an accident arises from sports accidents.
2. If an accident is not due to certain regulations of that sport.
3. If certain regulations are not against Sharia.
4. If an accident occurs during a sport operation.
5. If the accident occurs in sport site.
6. If accident occurs among athletes.
7. If the action leading to accident is part of sport movements.
8. If the sport and its matches have legal authorizations.

Hence, it can be argued that the accidents arising from sport operations especially violent sports in which level of injuries are high are clear examples of the reasons for crime, providing that they do follow regulations. (Safaei, 2001, p.324).

In Clause C there is not a clear view about the guilty person and accident and only so-called “sport operation” is used where only the athlete is guilty and in fact, doer of sport operation is the one who is called athlete. Athlete in its special concept is a person who has high physical abilities or sport skills (Hossain Aghaeeinia, sports law, p.5). However, it seems that legislators do not address athlete, since they did not they use the word “athlete”. It focuses on general concept of athlete; hence, every person who does sport activities can take advantage of such rule by abiding by other condition (Pishin, p.31). Therefore, Legally “justified sporting events resulting from operations”, in spite of appearance of Section C, article 158 of the Penal Code, in addition to injured athletes includes referees, coaches and other people who are engaged in other services

In addition, accidents caused by operation sport are not considered crime and the coach will be held responsible whenever he/she is guilty.

From this Clause, it can be inferred that violating sport regulations is regarded fault. Sport regulations supervising sport operation in each sport are provided for coaches and referees. Referring to such regulations, they recognize error. In cases where there is not any certain rule, judges vote according to custom of society and opinions of experts. This Clause approves validities of sport regulations in actions which are considered crime according to public rules and
it can be understood that violating regulations is followed by public rules, hence they can not be applied in legal affairs.

Another issue that should be pointed is the word “accidents”. “Accidents” is plural form of accident and suggests all titles which are considered crime by legislator. These accidents that arise from sport operation are sometimes against physical and psychological integrity of individuals and sometimes against property. This word refers to all the terms which are crime from view of lawmakers. Secondly, they are result of sport operation. By Sharia we mean rules of Islamic law based on which playing some sports is not authorized (Ardebili, 2005, p. 197)

Lawmakers in this case addressed Sharia but they did not specify its limits, therefore, they must have information about Sharia limiting the rules in sport operation and games so that they can recognize legitimate operation and in accordance with Islamic law for final verdict. (Validi, Pishin, p. 195)

In addition to identifying criminal liability of coaches according to Clause C in Article 158 in Penal code, some parts of such liabilities which may be established due to lack of supporting those injured, are identified due to general rules.

Generally, from view of law, everybody, under any circumstance, is liable for helping those injured and failing to take responsibility will be followed by penalties if conditions are met. The liability for public is moral important before we consider it a legal liability. However, it is a moral and legal liability for sport coaches and in some cases it is regarded professional liability. Hence, according to Article 1 regarding failing to help those injured, in some cases sport coach liability for helping those inured is considered aggravated responsibility.

Under this Article of the law, anyone who sees a person at risk of life and in spite of being able to help an injured person refrains from helping, he/she will be imprisoned up to one year or will be sentenced to pay 50 thousand Rials in cash as fine.

Conviction according to the second section of Clause 1 in this Article can lead to two years of imprisonment for the coach, if he/she refrains from helping an injured athlete who was exercising under his/her supervision. According to Clause One in above Article:

If a person who was able to help refrained from helping may be sentenced from three months to two years or may have to pay 10 thousand Rials to one thousand Rials in cash.

The law for the need to help the injured is for accidents in which the injured needing help is at risk of life. In sports, the focus is to keep athletes healthy and there is not any condition for this principle, and it is not an easy task to recognize if injured person is at life risk. Anyway, sport managers must consider helping the injured their legal duty in their domain of sports activities. In this respect, it is necessary for sport coaches to be well aware of medical first aids and other ways of helping those injured so that they can help them in emergency cases and this way they can stop increasing rate of injuries.

The last point is that if the cause and origin of an accident leading to injury is violation of sport regulation, then legal liability for helping inured athlete remains the same. In addition, in no way
violation of athlete removes such liability. In other words, coach or sports teacher can not and do not have the right to avoid helping an athlete with the excuse of athlete’s violating regulations. Coach or sport coach are obliged to take care of athletes, even in cases where physical injuries arise from violating regulations by athlete.

Conclusion

Law has many applications in many aspects of life affairs as a scientific fact and sport is not an exception. There are many active people in sport and each of them have certain duties and they have many liabilities. Today, those who are managers, have the duty of leading different sport institutions where they are considered as sport club manager.

Sport is becoming professional and with wide presence of people especially teenagers and youths and professional athletes in Iran, coaches will have heavy burdens, since they have to lead all the factors and sub-factors in stadiums in all different ages so that they can obtain good results.

If managers of sport clubs don’t abide by their duties or act without caution, they will be liable if something happens.

The key point on liability of the coaches is that accidents and problems arising from such sports, leading to liability of coaches, are considered important aside from criminal law. There has not been any important action regarding position of civil liability of coaches in sport and we need to refer to civil liability rule only.

In Iran and from criminal aspect, sport operation and accidents arising from it justify crime and they cancel criminal liability of coaches, providing it does not violate regulations. In this regard, legal elements of crime are removed and punishment is aborted due to lack of legal factors of the crime. In other words, it can be argued that in terms of law if action of coaches is accepted within sport regulations and leads to accident, there will not be any reliability. However, if the action is out of sport regulations domain, the regulations are not rule for sport action. In addition, civil liability of sport coaches is acceptable according to general rules of civil liability. Of course, it is worth to mention that proving liability and fault in sport is tough. In addition, civil liability of sport coaches is acceptable according to general rules.
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