

Ajeigbe, Yaqub Issa, 2016

Volume 2 Issue 1, pp. 850-859

Year of Publication: 2016

DOI- <http://dx.doi.org/10.20319/pijss.2016.s21.14101419>

This paper can be cited as Ajeigbe, Y. I. (2016). Legal Responsibilities and Accidents in Physical Activities, Implications for Physical Education Teachers and Coaches in Ilorin Metropolis. PEOPLE: International Journal of Social Sciences, 2(1), 850-859.

This work is licensed under the Creative Commons Attribution-Non-commercial 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

LEGAL RESPONSIBILITIES AND ACCIDENTS IN PHYSICAL ACTIVITIES, IMPLICATIONS FOR PHYSICAL EDUCATION TEACHERS AND COACHES IN ILORIN METROPOLIS

Ajeigbe, Yaqub Issa

Kwara State University, Malete, Nigeria

ajeigbe30@gmail.com

Abstract

Laws are made for the general public in order to guide the people in their general behavior and attitude. When laws are enacted, they become the guiding principles that regulate our daily activities. Without the law there can't be sin or sanctions. Therefore, in every aspects of our daily life there are implications guided by law. However, physical educators, sports coaches and administrators have become increasingly concerned about the legal implication of injuries that occur while students are receiving instructions during physical activities or sports programmes. Therefore, physical educators and coaches are subject to suit and may possibly have to pay damages when they have acted imprudently or unreasonably. They may also be vulnerable to suit when they fail to act in a situation where action could reasonably have been expected and where appropriate action probably would have prevented injury. Attention was given to probable causes of accidents during physical education lesson. The study is a descriptive survey and the population for the study comprised all the physical educators and coaches in Ilorin metropolis. Purposive sampling technique was employed to select 40% of the respondents and a

total 100 male and female respondents out of 250 physical educators and coaches in the study area were used. Three research hypotheses were generated and structured questionnaire were used to collect data from the respondents. Inferential statistic of t-test was used to determine the significant factors of independent variables. The result shows that when physical educators/coaches are negligent in the performance of their duties or assumption of risk can make them to be held liable for any injury. Among the recommendation suggested include; physical education teachers, and coaches should be knowledgeable about the legal responsibility for students injures that will guide them in planning and execution of their daily duties among others.

Keywords

Legal Responsibility, Accidents, Physical Education Teachers & Coaches and Physical Activities

1. Introduction

Laws are made for the general public in order to guide the people in their general behavior and attitude. When laws are enacted, they become the guiding principles that regulate our daily activities. Without the law there can't be sin or sanctions. Therefore, in every aspects of our daily life there are legal implications guided by law.

Children are by law made to attend schools to receive instructions in their various fields. It is therefore the responsibility of the schools to act as "in-loco-parentis" and see that the rights of every child are protected while in school. When acting in this capacity, the school becomes legally liable for such art(s) that may be proved negligent. Physical educators, sports coaches and administrators have become increasingly concerned about the legal implications of injuries that occur while students are receiving instructions during physical activities or sports programmes. It is well established that more injuries occur in physical education classes and during intramural and extramural sports programmes than anywhere else (Chambless & Margin, 1996). However, physical educators including coaches and sports administrators are subject to suit and may possibly have to pay damages when they have acted imprudently or unreasonably. They may also be vulnerable to suit when they fail to act in a situation where action could reasonably have been expected and where appropriate action probably would have prevented injury (Arnold & Donald, 2003).

Therefore, physical educators, coaches and sports administrators should be more knowledgeable about the many ramifications of legal responsibility for students' injuries than any other administrators or teachers. They must understand the legal framework within which they plan and conduct their programmes. Bucher, (2000) defined legal responsibility as a condition of affairs that give rise to an obligation to do a particular thing to be enforced by court actions. Arnold & Donald, (2003) described legal responsibility as an obligation between parties which the courts recognize and enforce. They further contend that legal responsibility differs from moral responsibility for example, a person qualified to render aid may feel a moral responsibility for the welfare of an injured participant in athletic contest he/she is watching as spectator but, unless an individual has some relationship to the injured, there is no legal responsibility to give aid. However, a spectator or anyone else who voluntarily render aids becomes legally liable for his or her actions. While accident is defined as a mishap that happens and it may injure us or cause death or if we are lucky we escape them. From this statement, one could deduce that in some cases, accident can be avoided if care is taken (king & Madid, 2004). Rospa, (2004) described accident as an unexpected, unplanned event in the sequence of events that result to property damage or death. Therefore Adesoye, (2001) stated that accident can be caused by unsafe behavior and unsafe environment.

Unsafe behavior is considered by many people to be the basic cause of about 80 percent of all accidents on the field and this can be divided into several classes;

- **Physical limitation:** Many accidents are the result of persons attempting to perform acts for which they lack the physical capabilities. This accident cause can be controlled by educating the individual to the extents of his physical limitations and showing him how to work within them. For example, when the handicapped worker is familiar with his limitation, he is properly equipped to do the job. It is important especially in sports to determine the physical needs of the particular sports and to select only those persons with the physical capacity to perform the sports.
- **Knowledge:** Lack of knowledge of performance of the task or the hazards involved is another cause of accidents. Thorough understanding of proper performance of the activities to be done and knowledge of the hazards attendant on its performance will eliminate many accidents.

- **Habits:** Actions that are repeated over and over becomes habits. It is like “practice makes perfection” and individual tend to respond to given situations more or less automatically. This is true whether the habit is correct or incorrect responses. It is apparent that proper habits lead to safe practice while improper habits lead to accident. Therefore, it is pertinent to educate the young ones in safe practices so that they will develop habits of safe performance.
- **Attitude:** The attitudes of an individual can also be a cause of accident. Nonchalant attitudes of a person may inhibit him from taking necessary precaution while taking part in activities or sports programmes. Therefore, the development of positive attitudes towards the performance of task is a most effective safety measures.

Unsafe Environment may be the basic cause of at least 15 percent of all accident on the field. Thus education in the proper selection, care and use of machines and equipment and the control conditions of the environment can be effective means of preventing accident, unsafe equipment. Unsafe environment may include unsafe or hazardous playing area, unsafe equipment.

However, physical educators have the obligations to conduct physical education and sports programmes in such a way as to protect the welfare of their students and athletes. They should be sensitive to their responsibilities and devise a method that would prevent or at least reduce the frequency of accidents on the field. Consequently, the following conditions can warrant holding physical educators and sports teachers liable for the occurrence of accidents during physical education lessons.

- **Negligence:** The National Education Association’s Report, (2004) defined negligence as any conduct which falls below the standard established by law for the protection of others against unreasonable risk or harm. Rosen field, (2004) described negligence as consisting failure to act as a reasonably prudent and careful person would under the circumstance involved. Negligence is concerned with conduct and whenever individual action violate the standard of conduct expected of a member of society, he/she is legally liable upon the principle of harm that is inflicted as a result of carelessness (Arnold & Donald, 2003). Prosser, (1999) defined negligence as an unintentional breach of a legal duty causing damage reasonably foreseeable and that without the breach, the damage wouldn’t have occurred. For example, failure of a physical education teacher to provide spotter(s) for a

performer in gymnastic activities that requires its assistance for which if such spotter is provided would have prevented the occurrence of accident or for a physical education teacher or coach to have allowed the students to perform activities when he/she is not there to supervise them.

- **Contributory Negligence:** is negligence on the part of the plaintiff which joins simultaneously or successively with the negligence of the defendant. Vander Simseen, (2002) defined contributory negligence as conduct on the part of the plaintiff (sufferer) contributing as a legal cause to the harm he had suffered which falls below the standard to which he is required to conform for his own protection. In this case, he has sustained injury as a result of negligence. He may therefore, be denied recovery even though the defendant's negligence may also have played a substantial role in causing the injury for example, a girl in physical education class failed to do an exercise as she had been taught and was thereby injured.
- **Assumption of Risk:** This legal defense is especially pertinent to games, sports and other phases of the physical education programmes. It is assumed that an individual takes a certain risk when engaging in physical activities. Participation indicates that the person assumes a normal risk. In other words, this defense is based upon the legal theory of "volenti non fit injuria" that is, no harm is done to one who consents. However, a limitation on a child's right to assume a risk is the role of "in-loco-parentis" that is, the role of being a parent, guardian, and protector which a teacher has assumed to play for the children in the school. Therefore, the teacher must not let the students/athletes decide to involve themselves in a considerable risk; if he does he can be held liable (Arnold & Donald, 2003).

2. Research Hypotheses

The following research hypotheses were formulated to guide the study:

- Negligence will not be a significant factor that can make physical educators/coaches held liable for students' injury during physical activities.
- Contributory negligence of students will not be a significant factor that can make physical educators/coaches held liable for students' injury during physical activities.

- Assumption of risk will not be a significant factor that can make physical educators/coaches held liable for students’ injury during physical activities.

3. Methodology

The study is a descriptive survey study and the population for the study comprised all the physical educators and sports coaches in Ilorin Metropolis. Purposive sampling technique was employed to select 40% of the respondents and a total of 100 male and female respondents out of 250 physical educators and coaches in the study area were used for the study. The structured questionnaire designed by the researcher in a four points likert rating scale was used to elicit or collect data from the respondents and the data gathered were analyzed using inferential statistic of t-Test to determine the significant factors of independent variables on dependent variables. All hypotheses were tested at 0.05 level of significance.

HO₁: Negligence will not be a significant factor that can make physical educators/ coaches to be held liable for students’ injury during physical activities.

Table 1.1: *t-test statistic of negligence and physical educator/Coaches being held liable*

Variables	No	Mean	SD	DF	Cal.t-val	Crit t-val	Decision
Negligence	100	23.57	3.85	98	2.07	1.96	HO ₁ is rejected
Physical Educators/Coaches held liable	100	28.45	3.69				

A 0.05

Table 1.1 revealed that the cal.t-val of 2.07 was obtained against the crit. t-val of 1.96 with the degree of freedom of 98. Therefore, since crit. t-val. is less than the cal. t-val. The hypothesis one (HO₁) is hereby rejected at 0.05 level of significance. This means that when physical educators/coaches are negligent in the performance of their duties, they can be held liable for any injury that occurs to the students while participating in physical activities or sports programmes.

HO₂: Contributory negligence of students will not be a significant factor that can make physical educator/coaches to be held liable for students' injury during physical activities.

Table 1.2: *t-test statistic of contributory negligence and physical educators/Coaches being held liable*

Variables	No	Mean	SD	Df	Cal.t-val	Crit. t-val	Decision
Contributory Negligence	100	30.65	3.95	98	1.07	1.96	HO ₁ is accepted
Physical Educators/Coaches held liable	100	27.32	4.15				

A 0.05

The result in table 1.2 shows that the cal. t-val of 1.07 was obtained against the crit. t-val of 1.96 with 98 degree of freedom. However, since the cal. t-val is less than the crit. t-val, the hypothesis two (HO₂) which says contributory negligence will not be a significant factor that can make physical educators/coaches to be held liable is hereby accepted. That means that contributory negligence of the students cannot make coaches and physical educators to be held liable for any injury that occur to the students during physical activities or sports programmes.

HO₃: Assumption of risk will not be a significant factor that can make physical educators/coaches held liable for students' injury during physical activities.

Table 1.3: *t-test statistic of assumption of risk and physical educators/Coaches being held liable.*

Variables	No	Mean	SD	DF	Cal.t-val	Crit t-val	Decision
Assumption of risk	100	34.10	5.66	98	3.07	1.96	HO ₃ is rejected
Physical Educators/Coaches held liable	100	31.25	4.38				

A 0.05

The result in table 1.3 revealed that the cal. t-val of 3.07 was obtained against the crit.t-val of 1.96 with the degree of freedom of 98. Therefore, since the crit.t-val is less than cal.t-val. the hypothesis three (HO₃) is hereby rejected. This means that assumption of risk by coaches/physical educators can make them to be held liable for any injury that occurs to students during physical activities or sports programmes.

4. Discussion of Findings

The result of hypothesis one which revealed that coaches/physical educators can be held liable for negligent in the performance of their duties is supported by the Arnold & Donald, (2003) when they mentioned that negligence is concerned with conduct and that whenever individual action violate the standard of conduct expected of a member of society, he/she is legally liable upon the principle of harm that is inflicted as a result of carelessness.

The result of hypothesis two which revealed that contributory negligence of students will not be a significant factor that can make coaches/physical educators to be held liable is in line with the submission of Vander Simseen, (2002) when he mentioned that when contributory negligence on the part of the plaintiff (sufferer) contribute as a legal cause to the harm he/she has suffered which falls below the standard to which he/she is required to conform for his own protection. In this case he has sustained injury as a result of his negligence. He may therefore, be denied recovery even though the defendant's negligence may also have played a substantial role in causing the injury.

Finally, the hypothesis three result revealed that assumption of risk by coaches/physical educators can make them to be held liable for any injury that occur to students during physical activities or sports programmes is supported by Arnold & Donald, (2003) when they posited that individual takes a certain risk when engaging in physical activities. In other word, this defense is based upon the legal theory of "volenti non fit injuria" that is, no harm is done to one who consents. However, a limitation on the child's right to assume a risk is the role of "in-loco-parentis" which a teacher has assumed to play for the children in the school. Therefore, the teachers/coaches must not allow the students/athletes to decide to involve themselves in a considerable risk if he does he can be held liable.

5. Conclusion

The following conclusions were drawn from the study:

- When physical educators/coaches are negligent in the performance of their duties, they can be held liable for any injury that occurs to students while participating in physical activities.
- Contributory negligence will not be a factor that will make coaches/physical educators to be held liable for any injury that occur to students while taking part in physical activities.
- Assumption of risk by coaches/physical educators can make them to be held liable for injury that occurs to students while participating in physical activities.

6. Recommendations

The following recommendations are suggested based on the results of the study.

- Legal liability in physical education must be accorded the needed priority that is, made compulsory for physical education teachers, students as well as trainers or coaches in order to reduce the occurrence of accident while participating in physical activities.
- Physical education teachers, coaches and sport administrators should be knowledgeable about the legal responsibility for students' injuries that will guide them in the planning and execution of their daily duties.
- Physical education students must followed adequate instructions while performing physical activities or activities or sports programmes in order to prevent the occurrence of accidents on the field.
- Physical educators, coaches and sports administrators should not allow students to participate in physical activities that they lack physical capabilities.

References

- Adesoye, A.A. Accident. In Ogunsakin, E.A.; Olaitan, O.L. & Shehu, R.A. (Ed.) (2001). *A text book of first aid and safety education*. A publication of Department of Human Kinetics & Health Education, Faculty of Education, University of Ilorin .Ilorin, TIM-SAL Nig. Ent.19-22.
- Arnold, J. & Donald, E. (2003, July 10). Md. Health. Retrieved From *LHP/www.Md.Health.com/2013/03/10*

Bucher, C.A. (2000). Administration of Health and Physical Educations Programmes, including Athletics. St. Louis. The C.V. Mosby Co.

King, P. & Madrid, C. (2004). Journal of Safety research.

Prosser, W.L. (1999, March 15). American Law Firm. Retrieved from *<http://www.AmericanLawFirm/2011/11/5>*.

Rosen field, H.N. (2004, August 7). American Law Firm .Retrieved from *<http://www.AmericanLawfirm.com/2012/01/9>*

Rospa, J.P. (2004). Journal of Safety research.

The National Education Association Report (2004, September 21). Retrieved from *<http://www.AmericanEducation.com/2014/01/9>*

Vander Simseen, B. (2002, April 10). American Law Firm. Retrieved from *<http://www.AmericanLawfirm.com/2012/01/9>*