

The Responsibilities of Supervision

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Many coaches engage in instructional activities as part of their coaching position. No one will dispute that part of the responsibility of the coach/instructor is to supervise athletes and activities going on within sport facilities. The safety of athletes and other participants must always be a paramount consideration.

A recent Canadian case involving a serious sport injury emphasizes the importance of such supervision. It also highlights some of the issues surrounding such supervision—specifically, whose responsibility is it, and when does that responsibility begin and end?

The case in question is *Lam v. University of Windsor et al.*¹ Chester Lam was an experienced judo athlete and had been a member of the University of Windsor Judo Club for three years. The club ran its activities out of a multi-purpose room in a sport complex owned and operated by the University of Windsor. These activities included instructional classes. On the evening in question, class instructor Ron Hamel (a third degree black belt) was ill and had asked Jason Temple to lead the class for him. Temple had substituted as an instructor on previous occasions. While Temple had no coaching certification, he was a brown belt and had considerable experience.

The class ran for an hour and a half, at which point Temple “bowed out.” In judo, the sensei’s “bowing out” indicates that the instructional session has concluded. Temple told the participants that they could stay and practise if they wished, as the club had the room booked for another half hour. He then left the room. On occasion, Hamel had also done this. As both men later explained, the unsupervised multi-purpose room was accessible to any student, and they were of the view that as the room was open to club members at any time, they were hardly in a position to require them to leave.

After the class was “bowed out” Lam asked Jeffrey Piescic, another student who was about to leave, to spar with him. Except for the class that he had just taken, Piescic had no judo experience. He outweighed Lam by 40 to 50 pounds. During the course of sparring an accident occurred, rendering Lam a quadriplegic.

The defendants in this case were Temple, Hamel, the University of Windsor, Judo Ontario, and Piescic. The issue at trial was the apportionment of liability, or responsibility, for the accident among the defendants. This determination revolved around the issue of supervision. Who was responsible to ensure that there was appropriate supervision, who was responsible to actually supervise the class, and when did this responsibility begin and end?

The court found that the incident leading to Lam’s injuries was a tragic accident. However, the court accepted expert evidence that had the two sparring individuals been supervised, the accident would likely not have occurred. The court concluded that Temple ought to have known that it was inappropriate to leave the class

unsupervised, notwithstanding the nature of the venue in which the class took place. In leaving the class unsupervised, the court found Temple to be negligent. As well, the court found that Hamel had a duty to inform Temple that he was not to leave the class unsupervised, and in this respect found Hamel negligent for not having given proper instructions to his alternate instructor.

The court also found that the University of Windsor failed in its duties as an occupier. An occupier is that entity having responsibility and control over the condition of a premises, the activities conducted there, and the persons allowed to use the premises. The court found that the university had taken no steps to monitor the activities of the judo club. Specifically, the university had set out no requirements that supervisors or instructors be present for the duration of activities.

The court noted that the operation of student clubs was left entirely to the discretion of those clubs themselves. The court said: “clearly, as the occupier of the premises they [the University] were in a position to insist that the activities of the judo club be supervised by competent personnel as a condition of use. Their failure to do so is negligent in my view.”

This case is interesting from two perspectives.

First, instructors should ask themselves, When does the practice session or instructional class end? For the coach, the line between formal practice and informal training or “cooling down” is not often clear. It is not unusual for athletes to continue personal training after an instructional or coaching session has ended. If the session has officially ended, does the instructor have a responsibility to ensure that athletes cease all activity and leave the field, gym, or pool? If it is reasonably foreseeable that athletes will continue the activity and there is a reasonable risk of injury occurring, then the instructor must either ensure there is appropriate supervision or formally terminate the activity.

This was the basis of the court’s view that the judo class should not have been left unattended after the “bow out.” The court said: “It isn’t necessary to have years of experience in judo to appreciate that when young men between the ages of 20 and 25 are left to spar on their own and they have varying levels of experience from virtually none to several years that the situation is ripe for injury.”

Second, those entities that own and operate multi-purpose sport facilities that rent to or admit outside users may gain insight from this case. Occupiers of multi-sport facilities have a legal duty to ensure that the activities carried out by such outside users on their premises are supervised, either by doing the supervision themselves or by putting in place systems to ensure that proper supervision is carried out by others.

1. Ontario Superior Court, unreported decision, March 9, 2001 (File No. 97-GD-39502)