

# Technique Matters – In Risk Management Too

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As a certified coach, you appreciate the importance of technique. Every day, you emphasize to your athletes the need for proper technique in order to achieve specific athletic results.

As professional risk managers, we share your commitment to technique. In the risk management world, proper technique is about mitigating and responding to risk to protect the bottom line. Here are some fundamental risk management techniques that will serve every USA Weightlifting coach well.

**1. Understand What Is At Risk.** Your livelihood is on the line. It only takes a single lawsuit or claim to bankrupt you. We live in a litigious society. You are a professional with specialized training and certification. Though you may not be ultimately responsible for an injury or damages, your role makes you a target. Even baseless claims require you to defend yourself. Legal defense can be costly. Here are examples of claims we've seen in your profession recently:

- An athlete alleged that the training program designed for him by his coach was not appropriate for his fitness level, resulting in bodily injury.
- An athlete alleged that her trainer did not properly instruct her on the use of specific training equipment. She suffered severe injuries when she fell after inadvertently increasing the speed on the equipment. The claim was settled for a six figure dollar amount.
- A facility filed a claim after a coach moved a piece of equipment and damaged the facility's mirrors to a tune of \$1,000.
- An athlete alleged that her coach was negligent in not inspecting the training equipment he instructed her to use. The athlete was injured when the equipment failed.

**2. Identify Your Risks.** All coaches have risks. Inventory yours. They may include:

- Athletes pushing themselves to – and past – physical limits under your guidance
- Supervising athletes performing challenging athletic movements
- Use of specialized equipment
- Use of facilities owned/operated/maintained by someone else
- Providing programs for athletes to perform unsupervised activities
- Opportunity for misunderstanding about the intent of physical contact with an athlete
- Athlete's pre-existing and unreported medical condition that manifests during training

**3. Be An Educated Insurance Consumer.** A little insurance knowledge can empower you as a consumer and give you peace of mind that you have solutions that respond to your risks. Here is a start:

*General liability insurance* is designed to respond to claims brought by third parties (e.g., athletes, facility owners, etc.) alleging bodily injury, property damage, or personal or advertising injury in connection with covered activities (in your case, athlete-training activities).

*Professional liability insurance* is designed to protect professionals from claims arising from errors or omissions in the performance of their professional services (in your case, coaching services).

An insurance *limit* is the total amount the insurance carrier will pay for a particular type of claim, usually expressed as “per occurrence” (e.g., per accident) or “in the aggregate” (e.g., all claims occurring during the insurance term).

ESIX has partnered with USA Weightlifting to offer a custom solution that represents a combination of general and professional liability insurance. The limits and coverage are designed to respond to the likely claims given the position you hold as a certified coach in your sport. To learn more, visit <http://www.teamusa.org/usa-weightlifting/coaching/general-liability-insurance>.

- 4. Don't Assume That Your Local Retail Broker Has You Covered.** Many local retail insurance brokers (often affiliated with national brands using athletes and actors as spokespeople) sell insurance products for small businesses. Most are not versed in the nuances of protecting a sports or fitness-related business.

We regularly see general liability policies that have been placed by a retail broker (often a friend or relative of the insured) and are intended for a sports or fitness business but include a “Participant Legal Liability exclusion” for athletic activities. This common exclusion means that the insurance carrier will deny claims that allege injury from participation in an athletic activity. This is wholly inappropriate for your coaching activities, in which athletic activity is a core element.

USA Weightlifting partners with ESIX because we specialize in sports. We have the expertise and relationships with insurance carriers to design an effective solution for USA Weightlifting coaches.

- 5. Don't Rely on Insurance Alone.** There are a number of risk management techniques that can help prevent insurance claims before they occur. Here are a few examples:
  - Require athletes to execute a waiver and release form that articulates the risk assumed by participating in training and releases you from claims arising from your role as their coach.
  - Read contracts that facilities ask you to execute. Many will allocate all risk to you, including for things out of your control (e.g., facility condition, actions of a facility employee) under the assumption that you won't read or negotiate the contract. Push back. Demand that the facility take responsibility for those risks under its control.
  - Commit to documentation. Record details of your sessions with athletes and immediately document any incidents that you believe may result in a claim or lawsuit. Claims may arise years after an incident, when your memory of the details has faded.
  - Protect yourself from potential misunderstandings about physical contact. Ask athletes for permission to use tactile spotting. Avoid one-on-one situations behind closed doors - work in a setting where others are present.
  - Conduct pre-screenings and thorough health histories. Consider requiring written medical clearance to participate in fitness training from the athlete's primary care doctor.
- 6. Reevaluate Periodically.** Your coaching activities change over time. Build into your planning cycle, at least annually, a fresh look at your risks and risk management techniques.

**About ESIX**

Entertainment and Sports Insurance eXperts (ESIX) is a global leader in risk management and insurance services for the sports and entertainment industries. ESIX serves more than 200 sports businesses and 1,000 individual athletes, and insures more than 100,000 events per year. Learn more at [www.esixglobal.com](http://www.esixglobal.com).

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