

Baseball Diamonds & Soccer Fields - What is Your Duty of Care?

In the springtime, children are eager to hit the baseball diamonds and soccer fields – and get out all of the pent up winter energy. If the playing surfaces and surrounding fences aren't ready, it could lead to serious injury as in the following claims situation.

Two public school students were hanging out at a near-by baseball diamond during their lunch hours. One student was standing inside the baseball diamond while the other student was standing on the other side of the fence. While they were talking, one of the boys leaned against the fence. The pressure of his weight caused a piece of fencing to jut out piercing the other boy's eye. This unfortunate accident resulted in the loss of sight in the boy's eye.

The boys didn't know it at the time, but a large hole had been cut into the fence. The municipality had prior knowledge of this hazard and failed to repair the fence in a timely manner.

Your Duty of Care

Most municipalities have a large number of baseball diamonds and soccer fields that are open for free play. They are often located near school properties and parks and easily accessible by the public. Baseball diamonds and soccer fields are often an unsupervised allurements for children who are eager to get back to their summer sports. Under Statutory and/or Common Law you have a duty to keep your property and any equipment located on your property in a safe condition to accommodate its intended purpose.

Meeting Your Duty of Care

1. Inspections

- Perform comprehensive spring inspections of all baseball diamonds and soccer fields in your community
- Establish a comprehensive policy regarding seasonal inspections including regular inspection frequency and maintenance timelines
- Create a standard inspection checklist to guide staff
- Create a work order form that allows staff to record the description of a hazard, the exact location of the hazard and its severity

2. Maintenance

- Create a work flow process that addresses timely maintenance of identified hazards as per the work order form
- If repairs can't be effected immediately consider posting a sign warning the public and giving an approximate timeline
- If necessary, close the area until repairs can be completed

3. Documentation

- Document all inspections, work orders and maintenance performed
- Remember to date and sign all documents
- Keep all inspection and maintenance documents on file
- Do not discard any inspection checklists or maintenance records – they may be needed at some point in the future to prove you met a reasonable standard of care

4. Contract with Third Parties

- If the maintenance of the soccer field or baseball diamond is outsourced to a third party, enter into a formalized contract
- Within the contract address the roles and responsibilities of the contracting parties for the contracted period
- Include within the contract a Hold Harmless and Indemnification Clause and insurance requirements
- Request that they add the municipality as an additional insured to their liability policy
- Request a Certificate of Insurance prior to executing the contract
- Provide all contracted parties with your policies and procedures, inspection checklists, maintenance procedures and documentation methods and forms
- If you rent your playing fields to a soccer association or baseball league, enter into a formal rental agreement that clearly outlines the rental terms

5. Signage

- Signs are a means of transferring risk. They should be posted in all fields.
- Include information such as:
 - This is an UNSUPERVISED FIELD
 - Rules of Conduct
 - Location of nearest telephone
 - Municipal contact numbers to report unsafe conditions
 - Hours of operation
 - Warnings of hazardous conditions

Children will never take the time to inspect playing surfaces and fencing before they get down to the serious business of play. They leave that part of the game to you.

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