

As a result of developments in sport involving women who are pregnant, Football NSW has recognized the need to develop a consistent policy concerning females wishing to continue playing football or football related activities whilst pregnant.

All sporting organisations owe a duty of care to pregnant players participating in their sport. A document formulated by the Australian Sports Commission (ASC) (now Sport Australia) entitled 'Pregnancy in Sport – Guidelines for the Australian Sporting Industry', together with independent legal advice, has been adopted by Football NSW.

The Guidelines support the position that any pregnant player should be given the opportunity to decide for herself, in consultation with her medical advisers, whether or not to participate whilst pregnant. Football NSW supports the Guidelines in relation to football or football related activities.

The Guidelines state that "Sporting organisations may owe a duty of care to pregnant players to advise them that there are theoretical risks involved in participating while pregnant, and to advise them that they should obtain medical advice about whether to participate and for how long."

"Sports administrators' duty of care to pregnant players does not require them to place a blanket ban on the player's participation in a particular sport from a specific stage of pregnancy (emphasis added)."

The Guidelines advocate this position on the basis of medical evidence and legal advice as to the risks and potential liability surrounding the issue.

In this regard, please find attached a pregnancy checklist, which has been developed to assist all clubs and associations in dealing with the issue prior to, and post notification of player pregnancy.

The checklist advises that:

- Continued participation in football during pregnancy poses theoretical risks to them and to their unborn child. Under no circumstances should you advise, issue guidelines or discuss those theoretical health risks of continued participation in football, but rather direct the player to the general concept. Providing advice or issuing guidelines of this type is potentially dangerous, as you then become potentially liable for their correctness.

- Pregnant players should always seek advice from an appropriately qualified medical practitioner as to the risks involved in participating in football and related activities while pregnant and whether it is safe for them to continue participating in football while pregnant and, if so, for how long should they continue to participate. This advice should be given by the player's own doctor to avoid further liability.

Obtaining this advice will allow the player to make an informed decision on medical grounds whether or not she continues to participate in the sport and related activities and, if so, for how long.

Whilst you are able to enquire as to whether or not the player has sought appropriate medical advice, you cannot request details. The player is not obliged to provide a medical certificate however, if one is presented it is beneficial.

It is essential that the steps within the checklist are followed and that the document is appropriately distributed to all your members.

If you are aware that the player either has not obtained appropriate medical advice or is ignoring such medical advice, there is a duty of care to take positive steps to protect both the mother and the unborn child. These steps may include arranging for the player to see an appropriately qualified medical practitioner (not associated to the club or association) or to provide counselling to cease competing of her own accord, or out of regard to the unborn child.

Please ensure that your players are directed to the relevant insurance policy (located on the Football NSW website) and that they pay particular attention to the exclusions contained therein.

Should you have any queries regarding this policy, please contact Michelle Hanley, Risk Manager and State Member Protection Information Officer at Football NSW.

Bibliography: 1. Australian Sports Commission, Pregnancy in Sport – Guidelines for the Australian Sporting Industry