

As Covid-19 hit our shores in mid-March 2020 the South African Wrestling Federation (SAWF) acted swiftly to put all wrestling activities on hold for the safety of all of our athletes and personnel. As the National government has started to discuss plans on easing restrictions on sporting federations the SAWF has implemented a risk adjusted approach to a safe return to the mat. However, while we are preparing for a return to the mat at Alert Level 2 Covid-19 will continue to pose a risk to athletes and support staff alike. This article is intended to advise you on the use of waivers as a mechanism for protecting against liability for the transmission of Covid-19 during participation in sporting activities.

In sport three broad avenues exist for limiting liability:

1. Voluntary assumption of risk: this applies where a party agrees to assume risk inherent to the sporting activities. This applies where there is a clear understanding from the participant of the risks involved in the sporting activity. The limitation applies only to risks inherent to the activity in which the athlete agrees to partake.
2. A Waiver: this is an agreement between the participant and the sporting organisation in which the participant agrees not to hold the organisation liable for injuries that he/she may sustain as a result of his/her participation. This can include injuries that were caused by the organisation's negligence.
3. Consent to injury: some sporting activities, by their very nature, expose participant to certain loss, damages or injury. Contact sports invariably fall in this category. When an athlete chooses to participate in such an activity, he/she expressly or tacitly consents to such loss, damage or injury which may be expected from his/her participation.

Properly drafted and executed waivers result in a participant's abandonment of the right to any future claim. Waivers may be extended to exclude liability for Covid-19 transmission as well. As Covid-19 is a novel risk, sporting organisations should not assume that existing waivers will limit liability for Covid-19 transmission. It is strongly recommended that organisations develop a new waiver addressing Covid-19 transmissions. Most importantly the participant **MUST** sign the waiver voluntarily **BEFORE THEY AGREE TO PARTICIPATE**.

As such the SAWF has created an additional waiver for all participants to agree to should they wish to return to the mat during the Covid-19 pandemic. These must be completed before the participant arrives at his/her club for any wrestling activity.

