



RUGBY FOOTBALL UNION

IT PAYS TO KNOW THE SCORE IF YOU PAY YOUR PLAYERS

Essential information for all club Secretaries and Chairmen

Any organisation which pays staff, even a minimal amount and on an informal, part time basis, takes on liabilities. If your club is not incorporated and you are paying players or other staff this could result in civil or criminal liability for club members.

VICARIOUS LIABILITY

Every employer is liable for the acts of their employees committed during the normal course of their employment, whether the employee has a formal contract of employment or not. Clubs who pay players even relatively small sums may be held vicariously liable for their actions.

ALREADY AN ISSUE

One of our member clubs has already been held liable for an injury caused when a player punched and broke the eye socket of one of the opposition team during the course of play. It was reported as a landmark ruling because whether vicarious liability applies is judged on whether an act is so closely connected with the particular employment that it would be fair and just to hold the employer liable. What was new in this case was that punching someone was held to be so closely connected with the player's employment. Although that is outside rugby's Laws and contrary to both our clubs' and the Union's stance, it was judged according to case law on the subject.

COULD THIS AFFECT YOU?

The Judge who heard the case did not hold the club liable because he felt the player was only semi-professional and this was a non profit making community sports club. However, the appeal court determined that the club was vicariously liable and ordered it to pay damages for personal injury. The impact of this judgement is that clubs will be



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judged vicariously liable for any players paid to play. Even if it does not employ them in any formal sense, if they are paid they will be deemed to be an employee of the club.

HOW TO PROTECT YOUR CLUB

The acts of true amateurs who don't receive any reward for playing are unlikely to render a club vicariously liable.

- Make sure all your coaches and players are aware that any deliberate acts of wrongdoing are likely to have wide-ranging consequences. Not only might a player be criminally liable for injuring an opposition player, but they may be sued as a result of their actions and the club may well be liable for their actions.
- A player, coach or club judged to have condoned a deliberate act of violence may render themselves uninsured as deliberate acts are excluded from the public liability insurance provided by the RFU for clubs at level 3 and below.
- Your players are the club's employees even if you are not deducting PAYE and National Insurance (please be aware that "boot money" is in itself unlawful) and the club will be liable for their actions.

If your club is unincorporated, the Committee Members may find themselves personally liable if the Club's debts exceed its assets.



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HEALTH AND SAFETY

Your club may become the focus of attention for local authority health and safety inspectors and volunteer administrators dealing with the trauma of a tragic accident at their club need to know that they have done all they can to comply with current legislation.

Health and safety legislation applies to all sports clubs which have employees whether run as private clubs or limited companies and the club or premises holder has a duty to everyone on site.

If your club has employees or pays people to play, regardless of whether it is incorporated as a company or is an industrial and provident society, it is bound by health and safety legislation and required to comply with regulations such as Reporting of Injuries, Diseases and Dangerous Occurrences Regulations and the Management of Health and Safety at Work Regulations.

For more information please see the RFU's website
<http://www.rfu.com/ManagingRugby/ClubDevelopment/LegalAndAdmin/HealthAndSafety.aspx>

PAYE, NATIONAL INSURANCE AND NATIONAL MINIMUM WAGE

If you have employees, including paid players, you must comply with employment law, discrimination legislation and other legal obligations and need to know whether they are categorised as employees for tax and national insurance purposes. You will also be governed by the National Minimum Wage legislation.



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For more information please see the RFU's website
<http://www.rfu.com/ManagingRugby/ClubDevelopment/FinanceAndFunding/FinancialManagement/PAYE.aspx>

If you have any further questions or concerns you should address them to one of the RFU's Legal Officers, Karena Vleck (karenavleck@rfu.com) or Karen Neale (karenneale@rfu.com).