

Health and Safety at Sports and Major Events

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With the number of sports and major events taking place across the GCC on the increase (not least the FIFA 2022 World Cup, the annual Formula 1 in Abu Dhabi and Bahrain, and many international rock bands attracting large crowds) the international spotlight turns on whether health and safety management at major events has been afforded a sufficiently high priority, and whether applicable standards are being maintained.

Regional laws

The GCC countries have implemented laws to ensure the health and safety of workers and the public, which provide a certain level of protection. The standards vary across the region. While a detailed examination of the differences is beyond the scope of this article, we use the developments in the Emirate of Abu Dhabi as an indicator of the pattern of improvements taking place across the region. In the Emirate of Abu Dhabi, Executive Council Resolution No. 42 of 2009 (concerning the system of environmental, health and safety management for the Emirate) establishes mandatory laws through partnership between all government and private sectors, to ensure that activities within the Abu Dhabi are undertaken in a responsible, safe and sustainable manner.

Health and Safety: not just about slips, trips and falls

Health and safety management of sports and major events goes beyond the obvious protection of crowds against slips, trips and falls. There are a multitude of risks which require consideration, risk management analysis, control and mitigation measures, including fire safety, security, crowd control, public hygiene, food safety, and controls against prohibited items or hazardous substances entering the stadium.

The control of fire risks is crucial to the safe management of sports and major events. New buildings and stadiums in the region are built to international standards, such as the International Building Code (edition 2009) and International Fire Code (edition 2009). Older buildings are subject to the requirement to bring fire safety equipment up to date. In Abu Dhabi, additional instruments requiring compliance are in force, including a Code of Practice relating to Fire Prevention, Planning and Control (AD EHS RI Code of Practice 7.0 Version 2), and the UAE Fire Code. Depending upon the date of construction of the building, the owner or lessee must either comply with the international requirements, or local requirements to retro-fit updated fire-fighting equipment.

Fire safety codes typically cover general issues of fire safety, such as the requirement to implement a Fire Safety Management Plan to plan, organise, control, monitor and review the risks. There are also further requirements which relate to ensuring that there are adequate emergency escape routes and maintenance requirements. Buildings in Abu Dhabi are inspected annually by the Civil Defence Authority, who must be satisfied that the aforementioned laws, codes of practice and international codes are met. Similar arrangements are in place across the region.

International Standards

Best practice entails drawing from existing international standards in developing a risk management strategy alongside the business continuity strategy for the successful management of a major event. Examples of relevant international standards include ISO 14001 and OHSAS 18001, Quality Standard ISO 9001, Auditing Standard ISO 1901, Risk Management Standard ISO 31000, and the new ISO 20121 standard for sustainable events management.

ISO 20121 was developed by participating 'standards bodies' from countries across the globe to agree a framework to implement a system to manage an event's sustainable development issues and requires a systematic approach to addressing sustainable development issues in relation to event planning.

Compliance with ISO and similar standards is not always a strict legal requirement, however many governments in the region stipulate adherence to such standards at the contract procurement stage so that to get pre-approval, contractors must demonstrate that they achieve these or equivalent safety and quality standards. The benefits of ISO certification are wide-ranging and assist companies in demonstrating good governance, processes and systems, which are central to the management of corporate risk and liability. At the recent GCC Regulators Conference in Dubai, the regulators were in broad agreement that governance and quality systems which met international standards would be considered in mitigation against non-compliance with local regulations and result in reduced penalties for breach of applicable laws.

Food Safety

Safety and hygiene are critical risk issues where food and beverages are available for consumption at sports and major events. Food safety is regulated at regional level by the GCC Standards Organisation (GSO), with in-country regulators responsible for local compliance, regulation and enforcement. In the UAE, the Emirates Authority for Standardization and Metrology (ESMA) is the responsible body, in cooperation with other members of the GSO, for developing and adopting all standards, and to date has approved more than 700 food standards.

Establishments selling food at major events require a licence, and are required to meet stringent food safety standards. In the UAE, food safety law is currently organised on an Emirate level (in consultation with ESMA and GSO) and have their own enforcement regime. However, in a new UAE federal food law, expected to be published imminently, tougher penalties will be introduced for those found to be endangering food safety across the UAE. The bill suggests a jail term of up to three years and a fine of up to AED 2 million for food safety offenders. The legislation also outlines the key requirements for the establishment of a system of effective regulatory and oversight services to ensure the protection of public health and provides for a prison term of not less than a month and a fine of up to AED 500,000 for those who deal in food or products that contain pork or alcohol, or any of their by-products, without permission.

The importance of 'competency' of individuals undertaking health and safety functions

Event management companies should ensure that those assigned specific health and safety duties and responsibilities within their job description have the requisite competency to carry out their functions. Some GCC countries have created registration or licensing schemes whereby the qualifications and level of competencies of companies and individuals working in occupational health and safety roles are assessed and 'approved'. In Abu Dhabi, the "Qudorat" scheme is a national program for the qualification and competency development of establishments and individuals working in the field of safety, occupational health and work environment. The aim of such schemes is to improve quality in the performance of individuals and companies so that they can achieve better health and safety outcomes.

Enforcement

The regulatory framework of GCC countries typically establishes a series of regulators responsible for certain industry sectors, with powers to implement laws and regulations, and to take enforcement action in

the event of non-compliance. In Abu Dhabi, the Environment Health and Safety Center regulates matters concerning safety, and has delegated authority to Sector Regulatory Authorities to govern specific sectors. The construction and management of stadiums (for sports or other events) falls under the joint management of the Department of Municipal Affairs and the Abu Dhabi Tourism and Culture Authority. The relevant regulator will carry out inspections of the health and safety policies and procedures, and depending on the nature of the event, may take an active role in closely supervising its management.

Penalties

The penalties for failure to comply with health and safety laws are typically wide ranging and will depend on the facts of the matter, the seriousness of the breach, and nature of the damage or outcome. A major incident (or fire) at a large stadium which causes (or has the potential to cause) serious injury or fatalities could lead to both criminal and civil sanctions, commercial implications, and suspension or revocation of a trade licence.

Criminal sanctions can be very severe. Pending an investigation by the regulators or police, a director or senior manager may be detained while enquiries are made, or have their passport taken to prevent them from leaving the jurisdiction of the court. The courts have power to impose lengthy prison sentences. In the case of injury or fatality, there is an entitlement to compensatory damages, and the payment of blood money.

Conclusion

Companies with responsibility for managing major events would be well advised to understand their obligations in order to meet regulatory expectations. We recommend having in place a robust corporate governance framework, supported with a business continuity policy, risk management strategy, and policies and procedures to address all safety and hygiene related risks. A crisis management policy is essential, as is a pre-determined strategy for dealing with the regulators.

The Regulatory Practice Group at Al Tamimi & Company leads the region on regulatory issues and is ranked by Chambers and Partners for our experience in advising on all aspects of health and safety management. The Regulatory Practice and Sports Law group routinely work together in connection with major events.