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## **INSIGHT: Getting Back in the Game—Health, Safety for Live Sports**

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Several sports leagues in the U.S. and Europe have successfully reopened following Covid-19 closures, and the central focus has been on health and safety. Morgan, Lewis & Bockius LLP attorneys discuss best practices in reopening plans for sports to protect the health and safety of players, staff, and fans, as well as what to do if someone tests positive at an event.

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Following the global shutdown of sports in response to Covid-19 in early 2020, sports organizations are gradually returning to action.

Recent sporting events—such as German soccer league Bundesliga’s opening matches and Capital One’s charity golf match—saw record numbers of viewers. Similarly, the opening Ultimate Fighting Championship (UFC) event reinvigorated the U.S. sports betting market and became the most-bet UFC event ever.

On the heels of these successful early reopenings, many sports organizations across the globe are developing their own plans for resuming live events. Though the approaches differ, the central focus is on health and safety.

### **1. Policies Tailored to Each Sport**

First, like other employers, most sports organizations are implementing detailed policies on social distancing and personal protective equipment that are tailored to the sport, jurisdiction, and how far along they are in the reopening process.

The National Basketball Association and National Hockey League, for instance, are permitting non-contact trainings with restrictions on the number of players allowed in the facility at one time.

In addition to social distancing requirements, the NHL and Major League Soccer require face masks except while playing. Meanwhile, the Bundesliga recently relaxed its rules requiring substitutes to wear face masks on the sidelines.

### **2. Testing and Screening Protocols**

Second, sports organizations are relying heavily on comprehensive testing and screening protocols, which require broad and reliable access to testing. This is particularly important for contact or team sports as social distancing and personal protective equipment may not be as practical or effective.

The NBA, for example, intends to test players daily. The Bundesliga tests twice per week, and the English Premier League intends to test players and certain staff several times per week with a daily questionnaire and temperature check.

### **3. Virus-Free 'Bubbles'**

Third, in conjunction with testing and screening protocols, sports organizations are grappling with whether and how to confine players and staff so they do not contract coronavirus when they are not playing. Sports organizations have taken different, and often creative approaches to keeping their athletes and staff in a virus-free "bubble."

For example, the NBA is finishing its season in a "campus"-like part of Disney World and the NHL plans to resume play in a few "hub" cities. The English Premier League will play the remainder of the season at clubs' own stadiums but neutral venues may be used for certain "key matches" where it is considered necessary by emergency services and safety advisory groups, or where games have to be switched due to a localized lockdown.

### **Have a Plan to Prevent Virus Spread**

Even with preventive health and safety measures, some players and staff will inevitably test positive and sports organizations must ensure that they have a comprehensive plan in place to continue operations and prevent further spread of the virus. The impact of any positive test will vary enormously depending on the significance of the person's role to the sporting event and the degree of contact that they had with others.

Again, it may be more difficult for team sports—where there is ordinarily a high degree of interaction between teammates—to mitigate the impact and potential spread of the virus, compared to predominantly individual sports. While practices vary by sport, jurisdiction and applicable law, most organizations are taking a similar approach that involves self-isolation, contact tracing, and communication with employees and relevant agencies.

For example, in an effort to help kick-off play in the German domestic soccer leagues, the Deutsche Fussball Liga (DFL) introduced a detailed hygiene road map, which includes recommended procedures following positive test results. If a player tests positive, the player must immediately self-isolate and (if ill) avoid physically strenuous activities.

The road map also requires contact tracing and observation and testing of the player's teammates. Positive tests must be reported to local health authorities pursuant to local notification requirements, though there are restrictions on automatic reporting to the press.

The NHL similarly released a detailed “Phased Return to Sport Protocol” on May 24, which sets out the NHL’s first steps towards resuming league activities. Under the protocol, if a player tests positive, the player must self-isolate, contact tracing must be conducted immediately, and if necessary, other players and staff may be tested.

Developing clear health and safety policies and protocols is an important first step in reopening live sports. It is also vital, from a safety, litigation risk and reputational perspective, that sports organizations consistently and rigorously implement, enforce and uphold these protocols.

It may be some time before players can compete in packed stadiums, but for now, the focus is on getting back in the game while keeping players and other employees safe.

*This column does not necessarily reflect the opinion of The Bureau of National Affairs, Inc. or its owners.*

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