

Law or Liability? The facts about cleaning swimming pools

Many people are asking, is it law that you have to be trained to maintain a swimming pool, when the real issue is that there is a fine line between law and liability if you are a person who owns or cleans a swimming pool. Is it law? –No. Are you liable? - Yes.

Swimming has historically been associated with exercise and health. Exercise that people receive from swimming and other aquatic activities provides a tremendous public health benefit for society. The ability to swim builds self confidence and leads to a wide variety of other aquatic –related activities. **However**, the water and sometimes the air above the water can contribute to unhealthy conditions which can be dangerous for the user unless proper water quality management is maintained.

The facts surrounding cleaning swimming pool water in any country are not as clear as we all would like: many pool cleaners are not registered to work, don't pay the relevant tax so what does it mean to these people that they should be trained to maintain pools? The work of cleaning pool water properly, isn't something they pay much attention to: they purely want to make cash to live. Then again, we have a growing number of people who want to do things legally: They get registered to work, pay their taxes and see the benefit from correct training. They want to know the correct procedures: they want to protect both the swimmers and the pool/water facility owners from recreational water illness and increase the health and safety in the facilities they maintain. These people are the people who will not ask "is it legal?" but, where can I get more training to ensure I am protecting the pool owners and the people who will use the aquatic facility.

The government do have their own separate rules and regulations: They are freely available from your local health department and they will give you all the help you require but they don't have enough staff to visit and enforce standards on individual villas or complexes. The growth in the past few years, of numbers of properties with pools, has been massive. Sooner or later, things will change – not least due to European Law effecting all EU members and the implementation of the European standards document EU 15288-2 that all countries have signed and are bound by European law to enforce.

In reality, it's the responsibility of anyone who owns or cleans a pool, so find out what those rules are – and to understand the liability they hold in providing/cleaning the pool. Its not enough to point a finger at an authority and say that there is nothing obvious to work to. **You the pool owner/ operator are both responsible and liable for any accidents or illness that happen in and around the facility you maintain.**

Dangers in unclean water:

Many of us hear throughout the summer about ear infections, known as, "Otitis Externa", which is transmitted by pool water: many of us have suffered from it at some stage but this is not the biggest medical problem which comes from unclean swimming

pools . The main illness contracted from any form of aquatic facility comes from Giardia (protozoa), or Shigella, (bacteria) both of which can result in Gastroenteritis and in many cases can lead to dehydration causing hospitalisation. Sadly, few people relate such illnesses back to poorly cleaned pool water and believe they've eaten something which didn't agree with them or have had too much sun. So, for obvious reasons, it is vital for anyone who is going to clean a pool, to be trained FULLY and PROPERLY in how to clean water or pool operators /owners are risking the health and, worst case, the life, of anyone who uses that water. Its not enough to have a test kit and simply keep adding chlorine: water may be clear but it may NOT be clean.

Why have training?

The main reason for pool operators to be trained is for the health and safety and protection of the users:

Protections for the patrons who use the facility !

Protection for the owners who employ you !

Protection for yourself from the potential of a huge damage and compensation claim !

Unfortunately, we now live in a society of compensation seekers , some even professional though the majority are genuine. The advent of the “ no win - no fee solicitors “ actively advising clients to claim compensation due to accidents or illness contracted on holiday eg from pools, only reinforces the fact that the pool operator requires the correct training to complete the task of ensuring pool water is clean and affords healthy swimming . Accidents do happen and we cannot stop these but with the correct training, we can minimise the risk and have the correct procedures in place to deal with any circumstance that arise.

Risk Management:

. When developing a risk management plan there are several factors to take into account and 3 of these , Negligence , Standard of care and Duty of care will all be taken into consideration if any compensation claims are made against the pool operator. For example:

Negligence. Most legal matters involving aquatic facilities centre around the concept of negligence. Negligence is concerned with the unintentional fault or carelessness resulting in injury. In other words, negligence deals with avoidable accidents that should have been anticipated and prevented by taking reasonable precautions. Negligence is the failure to act in accordance with the corresponding standard of care .

Standard of Care. There has to be some consistent standard against which ones actions are compared . In the aquatic industry, this standard is that of an individual who uses due care and acts prudently under the circumstances . The standard of care for the pool industry includes , but is not limited to .. Good disinfectant levels . adequate signage , operators trained and certified , main drain requirements , adequate insurances , records etc . In a lawsuit , a court mat determine whether the facility or operator was negligent by not following the industry standard of care.

Duty of Care The standard of care is a measure used to establish a standard against which the actual conduct is judged. This standard is called the duty of care, The duty of care is the amount of reasonable care owed to individuals using the aquatic facility . The pool operator has a duty of care towards the patrons and / or staff so as not to create an unreasonable risk to harm. For example a pool operator has a duty to inform patrons he has administered chemicals and the period they should remain out of the pool . In becoming a pool operator, there is a legal relationship between you and the patrons using your facility or the facility you maintain. This type of duty has specific standards of care. There are also particular duties of care owed by the pool operator with respect to the water quality and any equipment used by patrons .

Who should become qualified ? There should be a trained and certified operator at any pool facility . If the routine maintenance is provided by a third party service company then the individual pool operator should be qualified . The owner or manager of a facility or the person responsible for the pool should have a comprehensive knowledge of statutes, administrative codes , regulations and common practices. The CPO certified pool and spa operators training programme provides this education base .

The owners liability:

Another point to consider is that you the owner of the facility or pool are also responsible for ensuring that your pool operator is qualified to complete the task required . In a court of law or any compensation claim , if your pool operator is not qualified and insured the responsibility of the claim will revert to the owner of the facility where the accident , illness or incident took place ..

Now ask the question again . Is it law to be qualified to maintain a pool ? or more importantly , the question should be: “ Where do I get to become a qualified pool operator !!”

* Ask for detail of the next training course *

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Telephone : 00357 26623342) .

* Please ask for detail of course dates and venues or we can tailor make a course for individual companies *.

