

The ban on pregnant netballers

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Netball Australia placed a ban on pregnant women playing netball at all levels of competition in 2001. The introduction of the ban had an immediate effect with a National level netballer announcing her pregnancy (first trimester) and applying to the Human Rights and Equal Opportunity Commission (HREOC) for a lifting of the ban on the basis of discrimination.

Such a controversial situation prompted the Australian Sports Commission to hold a national forum in September 2001, with a range of experts and interested parties invited to contribute. This article reports on the salient points of the forum.

First, the available medical evidence was discussed. Associate Professor Caroline Finch, Chair of the National SportSafe Committee and a leading epidemiologist in the area of sports injury revealed that there is not a single case of an adverse outcome in pregnancy related to sports participation in the world literature. Admittedly, there are no specific studies on pregnancy and contact sports but there are numerous studies looking at aerobic activities and fetal outcome.

A number of papers now concur that moderate exercisers (<4 x per week) in fact have larger babies than nonexercisers or more extreme exercisers. None of these studies recorded any problems in terms of labour, delivery, or Apgar scores in any of the groups. There are now a few studies of cognitive behaviour in newborns, year old and five year old children,

all showing those who had an exercising mother functioned as well or better than those whose mothers didn't exercise.

In terms of contact in sport, the only large body of literature that considers fetal injury in relation to contact is in motor vehicle accidents and domestic violence. Neither of these could be considered comparable to a game of netball. To further attempt to quantify a possible risk from sporting contact, Associate Professor Finch used data from two large epidemiological studies on the incidence of types of sporting injuries. In both studies, less than 2% of all injuries, in a range of sports, involved the chest or abdomen and in both studies all contacts were considered minor.

Associate Professor Finch conceded that there is room for more research in this area but the current available evidence suggests that sport and exercise, if anything, has a beneficial effect on the fetus/child.

Professor Wendy Brown discussed public health issues, in particular female participation rates in sport. Professor Brown is the principal investigator with the Australian Longitudinal Study of Women's Health, involving 40 000 participants. Part of the study has focussed on sports participation. It showed that the biggest drop in the participation rates in women is during their 20s and 30s (child bearing years) when there are a number of practical barriers to regular exercise. Couple this with the current standing of physical inactivity being one of the largest

contributors to ill health, more so in women, and there is an overwhelming argument to encourage women to exercise during this time rather than send the wrong message by banning participation in netball (the single largest participation sport for women in Australia).

Dr Michael Sedgley, obstetrician and past Chairman of the Medicolegal Committee of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, argued that there is no evidence to suggest that exercise during pregnancy is in any way harmful to the fetus. He also cited research that has shown exercise during pregnancy can decrease the incidence of nausea and depression and increase feelings of well-being in the mother. Unfortunately there is no evidence that active women have shorter or easier labours but it is possible that they may recover more quickly in the postpartum period. He advocated the right of a woman to make a choice regarding sports participation during pregnancy, in conjunction with her medical practitioner.

A legal session involved discussion on the current Australian legislation in regard to antidiscrimination, occupational health and safety, and negligence laws. Placing a ban on a person participating in an activity due to their sex, religion or pregnant state is against the provisions of the Antidiscrimination Act. A group doing this must either apply for an exemption (which Netball Australia did not do) or show exceptional circumstances.

In terms of the risks of negligence for sporting organisations, including its administrators, umpires and opposing players, it has never been tested. The legal expert present stated that 'causation' must be shown, and he felt there was insufficient evidence in the current literature to support this. This point of view was disputed by some who were concerned that, in a trial where a jury may decide the matter, such an emotive case as (potential) injury to a child may affect the judgment.

A representative of the insurance industry acknowledged that one of the biggest issues facing sporting organisations in Australia is the rising cost and inaccessibility of public liability insurance, without which an organisation cannot operate. He felt that the current wording of the general policies would cover injuries to a pregnant woman and her fetus but it had never been tested. If a case was to occur this may significantly increase the premiums required to cover future risk, making such cover beyond the reach of most sporting organisations, therefore putting their existence into doubt.

Finally, ethicists discussed the issues involving the ban as well as confidentiality issues in relation to team medical officials in the case of a pregnant athlete involved in a sport banning participation.

The resultant informal consensus of the forum was that the ban was discriminatory; that women should have the right to make decisions about competing in sporting activities (in conjunction with their medical practitioners) and that it is mandatory to better educate players, officials and medical practitioners about the current state of knowledge with regard to exercise during pregnancy. Litigation for negligence was considered unlikely with the current state of evidence in the literature.

Netball Australia's ban has since been overturned by the Human Rights and Equal Opportunities Commission, with the netballer involved receiving a compensation payment early this year. This ban, however, generated much discussion

and hopefully inspired researchers and the government to investigate and fund relevant research into this area.

A major outcome has been the production of new and more comprehensive participation guidelines for exercising women by participants in the forum. These have been published under the auspices of Sports Medicine Australia (see Resources).

Conflict of interest: none declared.

Resources

Sports Medicine Australia Statement. The Benefits and Risks of Exercise during Pregnancy. *J Sci Med Sport* 2002; 5(1):11-19. <http://www.sma.org.au/information/policies.asp>

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