

# Loss Control in Fitness Facilities



## Where do the most common claims come from that are unique to a health club?

1. **Stepping on to or off of a moving treadmill.** Although this is almost always a user error rather than a malfunctioning treadmill, it can become a Professional Liability claim, if the injured person was not instructed on the proper use of the treadmill.
2. **Slip and fall in a wet area.** These claims are most likely to happen around sauna, Jacuzzis and pools but can also happen in a shower area. Non slip mats and “Caution” signage are the best deterrent.
3. **Slip and fall in group exercise classes.** Group Exercise participants easily and frequently slip or fall off of step platforms but can also slip and fall if the floor in the group exercise rooms becomes wet.

## General Liability Risk Management

Health club General Liability claims revolve around the condition of the premises and equipment. Regular cleaning and maintenance of the facility should be performed. Fitness equipment should only be purchased from reputable manufacturers who carry product liability. If an injury occurs related to cardio or strength equipment that malfunctions, resulting claims can be subrogated against the manufacturer.

Here are some important steps a facility and staff can take ahead of time to prevent injury and subsequent claims:

1. Equipment Maintenance
  - Keep maintenance logs
  - Follow manufacturer’s guidelines for care and cleaning
  - Use technicians and parts approved by the manufacturer
  - Safety signage on equipment should never be removed
  - Check both cardio and strength equipment daily to make sure it is functioning properly
2. Power Cords
  - Keep them out of the way of traffic areas
  - Tape them down
3. Wet Areas
  - Hand hold bars available and secured to the walls at showers/saunas/Jacuzzi exits
  - Warning Signs such “CAUTION WET AREA”
  - Non slip floor covers where possible
  - Members should be required to wear proper foot wear in wet areas



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## 4. Free Weight Area

- Pick up the floor in the free weight area throughout the day
- Staff should check any cables and/or fasteners on bars each day with special attention given to the Lat (T/A) Pull Down cables and connectors
- Any rubber/plastic bands should be checked regularly to monitor wear and tear

## 5. Group Exercise Area

- Condition of group exercise equipment should be checked daily – look for things, such as, worn treads on steps
- Condition of the flooring should be check daily, specifically worn, wet or slick sections of the floor should be addressed or replaced

## 6. Cleaning

- Disinfect all locker room and common area surfaces daily minimum
- Disinfect fitness equipment as often as possible during the day

## Professional Liability Risk Management

Health club Professional Liability claims are a result of something that a staff member (employee or independent contractor) either does or says ... or FAILS to do or say, that results in a client, member or guest being injured.

Here are some important steps a facility and staff can take ahead of time to prevent professional liability claims:

### 1. Waiver or Release Forms

- Waivers are very important to prevent claims arising from the inherent risk of minor injuries related to exercise, such as soreness and sprains. When used properly waivers are also a health club's best defense against professional liability claims.
- All clients, members and guests must sign a waiver or release before using any part the fitness facility.
- Waivers should include language stating that "instruction on all equipment and facilities has been provided and/or offered" to the individual. This section should be signed every period at renewal of a contract. The waiver should state that instruction was offered and either accepted or declined, if possible.

### 2. Instruction

- Qualified fitness staff should physically demonstrate all equipment for new members and guests if they choose to receive it.
- At renewal of a contract a member should receive instruction or be given the opportunity to receive instruction both as a refresher and to cover any newly purchased equipment.





### 3. Staff Training

- Staff should all be thoroughly trained in the proper use of all equipment. Any new staff member should be trained when hired. All staff should be trained when new equipment is purchased.
- Employee manuals should address the expectation that staff members know how to give proper instruction to members and guests and know that they are expected to do so.
- Staff members should be trained when hired about the desired scope of their instruction to a client. In other words, make sure your manual has language about what it means to be a fitness trainer or personal trainer in your operation and what activities or discussions are outside of the job description.

**NOTE:** This is to prevent a staff member exceeding their qualifications for fitness and/or health training and/or coaching. It is very easy for a staff member to make recommendations to a member, client or guest of a nutritional or medical nature that could bring a facility into a Professional Liability claim if the other party were to be injured while taking the staff member's advice.

### 4. Uninsured Independent contractors

- Require all independent contractors to show proof of individual professional liability coverage before allowing the contractor to work inside the facility. Direct employees are covered under the facility's General Liability policy for their professional liability exposure but independent contractors are not covered. Failing to obtain proof of this coverage leaves the fitness facility open to claims caused by the contractors.

## EMERGENCY PROCEEDURES

Emergency procedures should be a written document that includes the steps to take in the event someone is injured or taken ill on site, as well as, the steps to take if there is an emergency at the premises, such as fire, tornado, power outage, etc.

#### 1. Staff

- All staff should receive a copy of your emergency procedures and sign that they have read them. These should be reviewed regularly during the year.

#### 2. First Aid & CPR

- All staff that work on the fitness floor should be trained in first aid by the Red Cross, if possible. At least one staff member Certified in CPR should be on site at all times.

#### 3. AED Devices

- If the facility has AED equipment then at least one staff member trained in the use of the AED should be on site at all times.

