Fitness Equipment And Liability Issues For Personal Trainers

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Virtually all fitness professionals, personal trainers included, use fitness equipment in their exercise programs for clients. Such equipment runs the gamut from treadmills and step machines to stretch bands and even exercise balls. These devices have a clear benefit to fitness routines and the exercise recommendations provided by fitness professionals. However there are liability risks associated with essentially all devices which fitness professionals need to consider and protect against.

The breakdown and discussion of the risks associated with these devices and the risk management suggestions to deal with those risks might be categorized along the following lines:

1. **Proper selection and installation of exercise equipment**

As a general rule, the selection of commercial rather than home use exercise equipment should be one of the initial considerations for fitness professionals. Equipment designed for home use should be excluded from fitness professional choices due to the nature of the equipment and the increased use of fitness equipment within a fitness professional's practice. Commercial equipment is usually more durable. Equipment which has been manufactured by reputable manufacturers and has received good reviews should be the items selected for use with fitness professional clients. Equipment with poor reviews and/or maintenance problems should be avoided.

The assembly and placement of exercise devices needs to be completed in accordance with manufacturer recommendations and industry standards like those dealing with the placement of treadmills in proximity to walls or obstructions which were reviewed in a prior article in this column. Written/electronic records dealing with these issues need to be created and maintained as recommended hereinafter.

2. **Appropriate recommendation of exercise equipment to clients**

The recommendation of exercise equipment to clients needs to be considered based upon the client's age, physical status, well-being and exercise sophistication. Based upon industry standards, the use of free weights, for example, by young children is generally not recommended. Likewise, the introduction of somewhat complicated exercise devices to first-time users, some frail or elderly clients, or even young children should be carefully considered. Young children should probably not be exposed to devices such as treadmills, some other machines, bicycle ergometers, etc. which often have a variety of moving parts. A number of litigations have arisen out of serious instances of injury to children while

playing with such devices or coming into contact with them during use such as amputations of fingers. The recommendations to clients to use certain exercise devices like treadmills, particularly to those who are unfamiliar with those devices, should probably not be made without a rather intense period of instruction and at least initial supervision.

3. **Instruction and supervision of exercise equipment use**

Instruction provided to clients regarding the proper use of exercise equipment and the supervision to be provided to them is dependent upon a number of factors including the client's health status, age, his or her familiarity with such devices and his or her past use of such equipment. Some litigation has ensued out of, for example, failures to properly instruct and supervise elderly clients in treadmill use. Those who are in need of more thorough instruction and supervision simply must be given the proper degree of such instruction and more oversight by fitness professionals. Use should also be in accordance with manufacturer's instructions.

4. **Maintenance of exercise equipment**

Regular maintenance of equipment in accordance with manufacturer's recommendations and industry standards needs to be carefully considered. Regular inspections must be part of any maintenance program and records of these inspections must be prepared and maintained by all fitness professionals. Inspection and/or maintenance activities which indicate that equipment should be removed from service need to be carried out and records of same preserved.

5. **Removal of exercise equipment from use**

All exercise equipment, whether it consists of exercise bands or sophisticated electrical equipment like treadmills, sometimes break down and will be in need of removal from service before repair. In any case, a regular inspection program for **all** devices needs to be established in accordance with manufacturer's instructions and industry standards. Records of inspection need to be made and maintained as hereinafter recommended. The point is that when equipment is in need of retirement or repair, it needs to be removed from service. Electrical devices need to be unplugged and roped off with proper signage posted alerting users that equipment cannot be used. Far too often equipment which is in need of repair is not removed from use and as a result client injuries sometimes occur as a result.

6. **Preparation and retention of records for exercise equipment**

Electronic and/or hard copy records dealing with the purchase, assembly, placement and maintenance of exercise equipment need to be developed and maintained by all fitness professionals along with those written documents originally provided by manufacturers and sellers. The period of record retention should conform to the jurisdictional statute of limitations for the institution of litigation dealing with personal injury or product liability claims or longer if possible.

If a particular piece of equipment is involved in an injury, the equipment must be secured, removed

from service, inspected, photographs taken when appropriate and notification provided to the liability insurance carrier of the fitness professional so a determination may be made as to what to do with that item. If equipment involved in such instances is not treated in that manner, then additional claims associated with the "spoliation" of evidence might be asserted against fitness professionals in addition to personal injury claims.

Exercise equipment which is generally used in most all fitness programs can produce a number of potential litigation issues for professionals. Care must be taken to avoid unnecessary claims associated with equipment use. The foregoing six recommendations can go a long way in avoiding needless instances of client injury as well as claim and suit.

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