

# Is My Gym's Liability Waiver Enough?

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A workout injury can happen to anyone, no matter the experience or fitness level. It's possible that heavy lifting or exercise will lead to injuries like a pulled muscle. There are also unpredictable incidents that lead to injury, such as falling on a slippery locker room floor. As a wellness or fitness professional, protecting your professional practice should be top of mind. Even with regular inspections, safety protocols and qualified trainers, workout related accidents can and do happen. Gym Owners should highly consider professional and general liability insurance to protect themselves from such lawsuits and including liability waivers alongside membership contracts. **Liability waivers are typically enforceable, but not always airtight.**

## **TWO COMMON LIABILITY WAIVERS:**

### *A Total Waiver of Liability*

This waiver frees the gym from "all liability for any injury that occurs there." While it sounds simple and straight-forward, take caution. The most common reason waivers are not enforced is because they are poorly written. Courts in all states require that the language be clear and unambiguous. If the waiver is overly broad, a client may still seek compensation for an injury depending on the waiver's language.

### *A Waiver of Negligence*

For a gym or gym employee to be held responsible for an injury, the client must prove that their actions were negligent. **Ordinary Negligence** is the failure to use reasonable care, resulting in damage or injury to another. A Waiver of Negligence may prevent gym members from suing for injuries caused by accidents. These waivers are usually enforceable in court. **Gross negligence** is the reckless disregard for the safety or lives of others. For example, if a gym owner knew a treadmill was broken and could injure someone who uses the machine but doesn't warn members or fix it (this also touches on the importance of equipment maintenance as it relates to the manufacturer's user manual). In these situations, a client might be able to pursue a lawsuit against the gym, despite the waiver.

**Is your gym's waiver enough?** Consult with an attorney with experience in liability waiver law in your state. If possible, use a stand-alone waiver document separate from your membership contract. These have proven to stand up better in court. You may also want to consider purchasing Commercial General Liability, detailed below, as an optional addition to your fitness professional liability insurance coverage,

## **STAY PROTECTED**

General liability policies include coverage for premises liability. Some examples of common general liability claims include slips, trips and falls at a business premises. Other examples include property damage or bodily injury caused at a customer's home or place of business, or damages caused by a product that is manufactured or distributed by a business. **Simply put, general liability insurance is designed to protect you in the event you're held liable for bodily injury on the premises you provide services.** It is comprehensive coverage that extends to the entire property, including your practice location(s) and the practice location's common areas such as, stairways, parking lots, bathrooms, etc.

[Click here to get a quote and apply online to protect your professional practice as a wellness or fitness individual or business entity.](#)

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## References:

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