So, How “Covered” Is a Personal Trainer/Instructor?

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If you work in Wellness and Fitness, chances are, Liability Insurance is not something that is on the forefront of your mind. After all, Liability Insurance is reserved for doctors in case they prescribe the wrong pill or amputate the wrong limb, and lawyers who sleep through a deposition and land their client behind bars, right? Not exactly.

Doctors and lawyers could be sued for malpractice regardless of whether they actually did something wrong or not. Lawsuits cost time and money, on both sides. Liability insurance protects the defendants from catastrophic monetary losses not just in case they are found liable, but sometimes, protects them from the process as well.

It seems that Personal Trainers and Instructors don’t have to worry about any of this. After all, the gyms, CrossFit centers and yoga studios where they train or are employed have iron-clad liability waivers they make all the members sign, along with the trillion-year membership commitment. Once again, not exactly.

In truth, these liability waivers are not as iron-clad as they seem. Most gyms employ something called a Total Liability Waiver, basically meaning that no matter what happens at the gym, regardless of negligence, fault or intentional misuse, the gym is not in any way, shape or form, liable. It sounds pretty ludicrous that such a legal document can actually exist in our legal system. US courts tend to agree — many cases involving an accident at a gym had the Total Liability Waiver thrown out, ruling that the broadness and vagueness of the waiver made it unenforceable.

Also, keep in mind that although a Personal Trainer may be working with, or even for a gym, upon the precipice of a liability lawsuit, the gym can very quickly cut ties and leave the trainer to face the full brunt of the lawsuit. After all, the gym’s liability waivers and lawyers are concerned with only one thing: protecting the gym, not the Personal Trainers. If they can prove that it was the Trainer and not the gym that should be held liable, the gym’s liability, and responsibility ends right there.

Having supplemental liability insurance is always a good idea if working in the Fitness and Wellness Industry. If gyms can prove that it is the Trainer and not them that is responsible, they will most likely take that option, and without their lawyers and liability waivers, it will be just the instructors’ burden.