

# When a Mishap is Not Your Fault, it's Still Your Fault

written by CPH Insurance | July 20, 2016

A guy falls off a treadmill, hits the floor, and starts doing push-ups to impress the gal walking by. A woman working out for the third time in her life thinks she has put the pin into the weights, so they stay securely in place, but the weights fly up and she pulls a muscle. Your client has a seizure mid-bench press.

You might be standing by at the ready and able to leap in to get the weight off the guy's chest or to help the man with the sprained ankle off the floor, and in an ideal world, it should be enough.

You know better than that. The nature of people, the severity of the injury, and the impact on your client's life will determine if a lawsuit is threatened.

Until your client gets hurt do you know if they are a person who would sue you, or worse, if they are sue happy? Such people sadly, exist.

Maybe more importantly, ask yourself if you are ready to take responsibility for any and all circumstances that transpire while you are at the helm, liable for the well-being of your clients.

You may argue that your employer has the coverage. You're a personal trainer, after all. You don't own the joint. But you may still be held liable, since you were at the scene, charged with keeping your client safe.

In our unpredictable world, it makes sense to ensure you have the highest coverage possible, so if the worst happens *you* can keep working. It makes sense to get real and realize accidents happen. In fact, according to [Jon Barron](#), 20,400 people suffered treadmill injuries in 2014, and between 2007-2010, gym injuries increased by 45 percent. Now ask yourself again, are you really that comfortable operating with minimal or no insurance? If so, you've become the textbook example of "waiting for an accident to happen."

This past year saw one of the most broadcast [treadmill accidents](#), when Dave Goldberg, late husband of Facebook COO, Sheryl Sandberg died, due to injuries sustained from falling on a treadmill. Goldberg may not have done anything wrong when he was using the treadmill, but he was alone, without anyone else to assist him when he fell. If a personal trainer had been present, you can be assured that the trainer would be under questioning, to determine whether they played a role in his death. In any similar case, an investigation would be opened immediately. It's a universal process.

Yes, it was an accident, you may argue. You're right, because accidents happen all too often. You may

not be at fault through your actions or intentions, but you're still at fault simply by being in the same place at the same time. And if you're in the wrong place at the wrong time, that can have a life-long impact.