



# ACE Group Fitness Instructor University Curriculum

## Chapter 11: Legal and Professional Responsibilities



# Learning Objectives

- Upon completion of this chapter, you will be able to:
  - Define the legal terms “liability” and “negligence”
  - Identify the major areas of professional responsibility for GFIs
  - Outline standards for health/fitness facilities
  - Correctly report an accident
  - Identify common approaches to managing risks
  - Implement a risk-management system
  - Explain basic defenses against negligence claims
  - Identify other legal considerations inherent in the business of group fitness

# Introduction

- The rapid expansion of the fitness industry has created new forms of legal liability.
- The purpose of this chapter is to explain basic legal concepts and to show how these concepts can be applied to reduce injuries to program participants.
- Taking proper action can reduce the likelihood that a lawsuit will be filed.
  - Can also mitigate potential damages



# Liability and Negligence

- Liability refers to responsibility.
  - All fitness professionals have liability.
- Liability may be reduced through:
  - Adherence to an appropriate standard of care
  - Risk-management strategies
- Negligence is failure to act as a reasonable and prudent person would act under similar circumstances.
  - Acts of omission
  - Acts of commission
  - Reasonable and prudent professional standard

# Areas of Responsibility

- Health screening
  - Conducted prior to exercise participation
  - Screening methods concur with national guidelines
- Fitness testing and exercise programming
  - Health-history data is used appropriately
  - Programs and tests are recognized by a professional organization
  - Programs and tests are within qualifications and training of the GFI
  - Accepted protocols are followed exactly in all programs and procedures
- Instruction
  - Provide instruction that is both “adequate and proper.”

# Areas of Responsibility (cont.)

- Supervision
  - Continuous supervision in immediate proximity
  - Larger groups supervised from the periphery
  - Specific supervision used when the activity merits close attention to an individual participant
- Facilities
  - Standards for health/fitness facilities
  - Floor surface is appropriate
  - Lighting is adequate
  - Entrances and exits are well marked

# Areas of Responsibility (cont.)

- Equipment
  - Meets all safety and design standards
  - Assembly follows manufacturer's guidelines
  - Documentation of regular schedule of service and repair
  - Recommend equipment cautiously
  - Avoidance of homemade equipment



# Accident Reporting

- An accident report should include:
  - Name, address, and phone number of the injured person
  - Time, date, and place of the accident
  - A brief description of the part of the body affected and the nature of the injury
  - A description and model number of any equipment involved
  - A reference to any instruction given and the type of supervision in force at the time of the injury
  - A brief, factual description of how the injury occurred (no opinions as to cause or fault)
  - Names, addresses, and phone numbers of any witnesses
  - A brief statement of actions taken at the time of the injury
  - Signatures of the supervisor and the injured person



# Common Approaches for Managing Risks

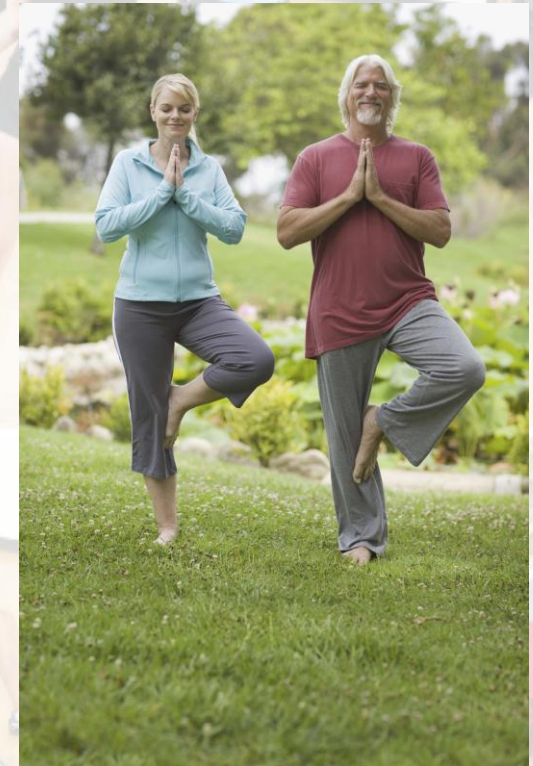
- The steps involved in a comprehensive risk-management review include:
  - Identification of risk areas
  - Evaluation of specific risks in each area
  - Selection of appropriate treatment for each risk
  - Implementation of a risk-management system
  - Evaluation of success
- The most common approaches for the management of potential risks include:
  - Avoidance
  - Reduction
  - Retention
  - Transfer (insurance coverage)
- Following safety guidelines is also important.

# General Types of Insurance

- General liability insurance
  - Covers basic trip-and-fall-type injuries
- Professional liability insurance
  - Covers claims of negligence based on professional duties
- Disability insurance
  - Provides income protection in the event of an injury to the instructor
- Individual medical insurance
  - Provides hospitalization and major medical coverage
- Umbrella liability policy
  - Provides the insured with “additional” coverage across all insurance categories

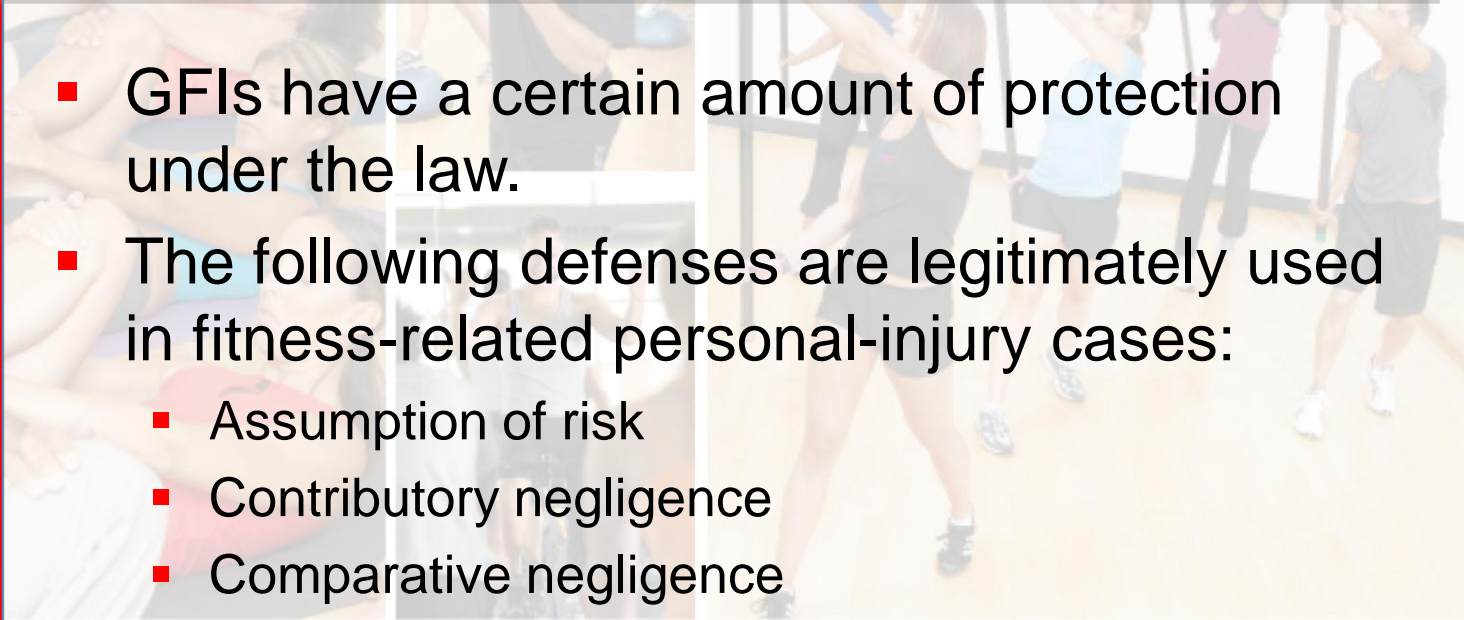
# Implementation of a Risk-management System

- Implementing a risk-management system is critical for fitness facilities.
- Waivers of liability
  - Must be clearly written
- Informed consent
  - Should be an automatic procedure for every person who enters the program
- Agreement to participate
  - Typically utilized for class settings



# Basic Defenses Against Negligence Claims

- GFIs have a certain amount of protection under the law.
- The following defenses are legitimately used in fitness-related personal-injury cases:
  - Assumption of risk
  - Contributory negligence
  - Comparative negligence
  - Act of God



# Other Legal Considerations

- Knowledge of contracts
  - Offer and acceptance
  - Consideration
  - Legality
  - Capacity
- Employment status
  - Employee
  - Independent contractor
- Copyright law
  - Performance licenses
  - Obtaining copyright protection
- Americans with Disabilities Act
- Scope of practice



# Summary

- This chapter covered:
  - Liability and negligence
  - Major areas of professional responsibility for GFIs
  - Standards for health/fitness facilities
  - Accident reporting
  - Common approaches to managing risks
  - Implementing a risk-management system
  - Basic defenses against negligence claims
  - Other legal considerations inherent in the business of group fitness