Premises Liability: A Fitness Center Case Study

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Currently there is no national standard or minimum requirement to be a personal trainer. The American College of Sports Medicine (ACSM) promotes a number of suggestions as to what constitutes proper behavior for a “personal trainer”, but these are only guidelines. Therefore there is no specific personal trainer industry standard of care that fits all situations; one size does not fit all. Legal and professional responsibilities, provision for injuries, proper risk management strategies as well as the expected knowledge and experience of personal trainers help to establish what can be considered as the “standard of care”. Deviating from this standard of care will affect the ability of a personal trainer to provide his/her clients with a reasonably safe environment and may subject the personal trainer to allegations of negligent behavior.

On May 27, 2007, the plaintiff was in the defendant’s fitness facility using exercise equipment under the guidance, supervision and direction of the co-defendant personal trainer. The personal trainer directed the plaintiff to jump on and off a large tractor tire that was lying on its side on the floor of the premises. Neither the owner of the facility or the personal trainer had altered or modified the tractor tire in any way to make it suitable and safe for use as a piece of exercise equipment. After several minutes of jumping on and off the tractor tire the plaintiff came to a resting position with his right foot on the tire and his left foot on the floor of the facility. Allegedly the plaintiff’s foot became entrapped in the tractor tire tread and while attempting to extricate his foot the plaintiff was propelled backward into a nearby squat rack, striking the piece of equipment with the middle of his back. The plaintiff suffered a fractured rib and collapsed lung resulting in numerous medical and out-of-pocket expenses. The plaintiff jointly sued the fitness facility owner and the personal trainer for $500,000.00 in compensatory damages.

A fitness center owner, like the operator of any other business, has a general duty to exercise reasonable care for the safety of his/her members. Thus, under common law, a fitness facility owner owes a duty of reasonable care to anyone legally on the premises. This duty includes maintaining the property in a reasonably safe condition and to “warn visitors of unreasonable dangers of which the landowner is aware or reasonably should be aware” (Hackney, 2004, p. 3). Risk management is one tool used to combine the traditional corporate interest of limiting financial risk with the interest of facility managers to provide increased patron safety (Ammon, 2010). Risk management, however, will not eliminate all risks, but rather create an environment where the inherent risks within activities and services provided by a sport/entertainment facility are minimized without producing a change in the event itself (Ammon, Southall & Nagel, 2010).

It is impossible and unrealistic to expect a facility manager to eliminate all injuries. Obviously, certain risks are inherent when exercising, such as slip and falls, strained muscles, broken bones etc. Regrettably, the challenge faced by fitness facility managers will not be solved entirely through risk management, but must be conjoined with knowledge of premises liability. One focus of premises liability must be to identify the critical factors and trends in managing fitness centers from a legal perspective. Thus, it becomes imperative for liability purposes that non-inherent risks are eliminated or reduced (Sharp, 2003).

In order to implement an effective risk management plan “premises assessments” have begun to be utilized. These “assessments”, conducted by experts in the field, identify potential risks, both physical as well as financial for the organization, school or business requesting the assessment (Sharp, Moorman, & Claussen 2007). Once the risks have been identified the risk assessor will usually make recommendations to their client on how to reduce or even eliminate the risks. However, these assessments are only recommendations and may be flawed depending on the knowledge/expertise of the individual conducting the assessment. Many organizations, schools and businesses believe such assessments are not necessary because: (a) they may be perceived to be too expensive (b) they are not considered an industry standard or (c) the agency does not see any benefits from such an assessment. Thus, the “value” of these assessments will continue to be debated for years to come (Maloy, 2001).

The current presentation will commence with a brief overview of premises liability followed by a discussion regarding the Keasey v Life Enhancement case. The case will examine premises liability from the defendant’s viewpoint. What happened in the case, why the plaintiff believed the facility owner and personal trainer had been negligent and what the defendants could have to preclude the litigation from occurring will be discussed. A thorough discussion of this case will demonstrate that by utilizing an extensive risk management plan along with effective premises liability education, the number of risks associated with sport/entertainment facility management can be diminished.