



**Exercise
Association
of New Zealand**

Representing the Exercise & Fitness Industry

Unsupervised Exercise Facilities Considerations Guide





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1. Background

Since 2010, the growth of 24 hour fitness operations in New Zealand has been significant. By the end of 2013 there will be almost 100 fitness operations offering 24 hour access memberships to the public in New Zealand and during many of the hours they are open, these facilities are unsupervised.

In addition, there are at least as many hotel based fitness operations with little or no supervision of exercise rooms for most, if not all, of their opening hours.

Finally, many existing exercise facilities are considering extending their opening hours and/or offering access to exercise spaces to members or clients during unsupervised hours.

Offering extended hours at exercise facilities to the New Zealand public can assist with making exercise more accessible, however, it can also create its own challenges and unique issues that organisations need to consider and address.

In response to the challenges of offering 24 hour facilities, this guide has been developed to highlight the key issues relevant not only to the operation of 24 hour facilities but also to facilities that have more regular opening hours but that have exercise spaces, weight rooms, gyms or pools that are not supervised 100% of the time.

Overseen by an expert panel, consisting of Grant Helleur, Jaci Griffin and Claire Attard this guide was developed by Exercise New Zealand and reviewed by The Ministry of Health, Skills Active, Sport NZ, The New Zealand Recreation Association, Water Safety NZ, The Register of Exercise Professionals and ACC.

2. Objective & Scope

Objective

The objective of this guide is to outline the key considerations when operating unsupervised exercise facilities in New Zealand. This includes, but is not limited to, those operating 24 hours a day, 7 days a week.

Intended audience

It is intended that this guide be read by those operating, or considering operating, an exercise facility in New Zealand, that allows the general public access to an exercise space or equipment that is unsupervised at any time during opening hours. (To avoid ambiguity the term 'exercise space' relates to any spaces where physical exertion occurs and the term 'public' includes members.)

It is expected that readers of this guide will have a good understanding of the general operating procedures of exercise facilities, and are aware that unsupervised operations have special considerations that need to be addressed.

Scope

As outlined above, this guide serves to list the key issues when operating an unsupervised exercise facility in New Zealand. These considerations are limited to issues that relate either specifically to, or are significantly compounded by, the unsupervised nature of the operations.

Issues that are more generic in nature, for example those concerning the general operations of all exercise facilities, or general Health & Safety matters, are outside the scope of this guide.

Disclaimer

This guide is not, nor does it claim to be, the definitive work on unsupervised exercise operations, nor is it a replacement for a review of Health and Safety for an exercise facility. It is highly recommended that a comprehensive review of Health and Safety be undertaken with the input of specialist expert advice before allowing the public access to any unsupervised exercise facility.

3. Overview

Objective

Some readers of this guide may be looking for simple yes/no answers. Unfortunately it is unlikely that many questions will have such simple answers. Ultimately the responsibility for the safety of staff and visitors to any facility lies with the business owner and management.

Often the question is asked 'Is it safe to...?'; when a more appropriate question would be **'What must we do to ensure is as safe as possible?'** If the answer is that you do not believe it is possible, then the best advice is not to undertake the activity/project.

The extent to which solutions need to be developed, and how they should be implemented will vary depending on many factors, including but not limited to:

- the nature and layout of the building, its neighbours and surroundings.
- whether the entire building is unsupervised or just one exercise space.
- who will be using the facility? E.g. competitive sports teams or unconditioned individuals and the extent to which these users have been pre-screened.
- the nature of accessible exercise equipment and the risks associated with use of this equipment.
- issues relating to opening times. E.g. 10pm may create different issues and/or solutions to 4am.

Many of the considerations in this guide are written as questions. This is intentional to ensure the reader considers the options available to them given their unique circumstances. From there they can develop a plan to address the issues these questions raise.

While unsupervised 24 hour facilities will certainly benefit from this guide, it may also be as relevant for an exercise facility that chooses to have no instructor on the floor for the first/ last two hours of their opening hours. Some issues may even apply to large facilities that have their reception a significant distance away, or out of sight from, an unsupervised gym floor. For instance, the issue of safe evacuation of people with visual impairment or hearing loss who can't hear an audible alarm.

4. Considerations for unsupervised facilities

a) Security, lighting and emergency considerations

External

- **The location** – is it safe in terms of visibility during times of low foot traffic? i.e. late at night/early morning. What are the adjoining buildings used for? Does this change at the weekend?
- **Car parking** – consider the distance from where people will typically park to the front door of your facility. What lighting is in place? If you do not control this lighting how is it maintained and what hours is it on? How visible is this journey from the road and gym? Is parking next to the front door possible for after dark and when the facility is not supervised? Should there be signage warning not to leave valuables in vehicles or 'lock it or lose it'?
- **Entry route** – what are the pathways like to the door? What is the surface comprised of? Are there any steps or cobblestones that make tripping a possibility or any other hazards like overhanging branches? Trees/shrubs/plantings need to be kept thinned and low growing to ensure no one can hide in or behind them and be unseen. You need to be able to either see through or over any fences. Should there be signage warning 'slippery when wet'? Is the lighting adequate?
- **Door entry** – what system do you have to pick up if more than one person enters on the same membership? i.e. illegal entry. Should there be signage warning that cameras are in place and about not sharing passcodes or membership cards? Are there multiple emergency exits?
- **Cameras** - are these recorded and/or monitored? Night vision or permanent lighting may be required for clear images.
- **Lighting** – review this again both from the perspective of car security and for the safety of users entering and leaving the facility.

Internal

- **Facility security** - consider what needs to be locked (e.g. offices) and what other areas (e.g. reception desks) need to be secured in such a way that any items that are valuable or of a confidential nature are locked away. For new facilities this is best addressed at the facility design stage. For existing facilities, this may involve significant changes to the layout of non exercise areas (reception/offices/waiting areas etc) and may necessitate the addition of secure barriers to cordon off areas.
- **Security of property** - How are users belongings kept secure? Are lockable lockers provided or just cubby holes and overt cameras or both? How are security issues reported when the facility is unsupervised?
- **Cameras** - a key issue here is security versus privacy. Areas that are private i.e. changing rooms, can be fitted with sensors that detect motion as well as record/transmit audio messages but cannot record image. In the workout area consider if there are any hidden areas where an accident could occur and go unnoticed. Cameras may need to be positioned accordingly.

As with outdoor cameras, a key question to consider is monitoring and/or recording of any images. Is this automated, and if so, how? How long are the images stored for? Who can access the images? Are the images stored in compliance with the relevant legislation?

- **Emergency contact** – How does a user of the facility respond in an emergency? Are there panic buttons and automated telephone calling devices to supervised security desks. These systems must be tested regularly and staff trained (if applicable) to respond accordingly.

Once an issue is reported how does communication occur? Consider systems that allow those on the scene to communicate with any offsite support 'hands-free' so that they can assist any person in need of help and/or help themselves, without having to hold a communication device.

b) Pre-screening and orientation of members/users

While orientation and pre-screening of new users/members is an important Health & Safety consideration for all exercise facilities, it is of particular importance for users of facilities that have unsupervised hours.

Pre-Screening

- What checks are undertaken on members to ensure they are able to exercise unsupervised? The New Zealand Register of Exercise Professionals has a national guideline for best practice in terms of pre-screening clients. Have these guidelines been followed and adhered to in 100% of cases? If not, why not?
- How are issues that are identified during the pre-screening process dealt with and followed up on?
- Consider whether the client is safe to undertake some or all of the activities offered at the facility. What criteria are used for declining access or restricting activities? How is this monitored?
- Members should be required to provide updates to medical information on an annual basis and if/when a new medical condition is diagnosed which may compromise their safety.
- The presence of one or more medical conditions should not necessarily preclude a person from exercising at an unsupervised facility, but extra consideration should be given to Green Prescription patients, older users and those who have not been active recently.

In the case of unsupervised facilities offering access to all members, pre-screening followed by facility and equipment orientation is essential before those members are permitted to use the facility. In the case of facilities that are only offering 'after hours' access to a limited group, then it is possible that this group only is required to follow certain extra steps.

See www.reps.org.nz

Orientation/Induction of users

- What orientation do members/users of the facility undertake prior to being allowed access to use the facility unsupervised? How is this undertaken? i.e. one on one or in groups? How is it checked that no-one slips through the net? Are there exceptions?
- Who is instructing the orientation? (See section on staff qualifications that follows)

What is covered in the orientation? Things to consider are:

- demonstration of the safe use of exercise equipment
- emergency procedures (including where to find the first aid kit, how to use the AED, what to do in the event of fire or earthquakes etc)
- how to report issues and/or get help
- house rules – the dos and don'ts of exercising alone
- awareness and explanation of any relevant signage
- accepting responsibility for not putting themselves at risk
- consequences if terms of membership are abused
- The orientation needs to be appropriate for first time users as well as taking into account the demographic make-up of the customer i.e. Prior exercise experience, age, gender, culture etc

Other users

- Will the facility allow access to non-members or casual users? If so, what pre-screening and/or facility orientation will they undertake?
- What additional risks do casual users create? How are these risks managed?

c) Staff qualifications and training

As an absolute minimum, Exercise New Zealand recommends that all exercise staff (i.e. those demonstrating or prescribing exercise) are registered with REPs at a level appropriate to the activities they undertake and hold a current first aid certificate which includes Cardio Pulmonary Resuscitation (CPR) training.

This ensures they have been independently accredited on an annual basis to safely prescribe and demonstrate exercise.

Additional training may be required for exercise staff, plus any other staff that may periodically be on the premises. This may include:

- specific training in the systems/ processes of the facility
- training in emergency systems
- ‘train the trainer’ – i.e. how to pass on knowledge of emergency systems to members
- any specialist exercise knowledge required for the facility above and beyond that held by most exercise professionals (e.g. in the use of any specialist equipment)

It is recommended that a thorough needs analysis of staff training be undertaken to identify staff training needs on a regular basis.

See the document below for some further guidelines

<http://www.osh.govt.nz/order/catalogue/pdf/train-i.pdf>

d) Disclaimers and disclosures with members/users

The use of disclaimers is not sufficient to address the issues raised in this guide.

A person cannot sign away their rights to adequate pre-screening and/or safe instruction on the use of exercise equipment.

Moreover, it is illegal to attempt to contract out of certain legislation in New Zealand according to The Consumer Guarantees Act. Any disclaimer needs to be consistent with this and other legal requirements in New Zealand.

Disclosures should include an acknowledgement that:

- the member/user has had a safety briefing about how to use the equipment
- they are aware of the emergency protocols
- they have no known issues that exercise would exacerbate that they have not disclosed to you
- they accept responsibility not to put themselves at risk
- they have had all these things explained to them

e) Health & Safety

Occupational Health and Safety

Currently The Ministry of Business, Innovation and Employment (MBIE) is the government department for workplace Health and Safety matters. However from December 2013 a new stand-alone Health and Safety regulatory agency called Worksafe New Zealand will take on this role.

Whilst some other industries have very clear guidelines and policies in place to ensure the safety of its workforce and customers, our industry at this point in time does not.

The law is very clear however that under the 1992 Health and Safety in Employment Act an employer must take all **'reasonable practical steps'** to ensure the safety of staff members and visitors to their workplace. How this is achieved is, in the most part, up to the workplace to determine via a regular and on-going process of identifying risks then developing solutions to address or mitigate them.

For more information about the Act go to www.osh.govt.nz and to view a simple Health and Safety management systems assessment go to www.osh.govt.nz/order/catalogue/pdf/oshsysass.pdf

In terms of preventative measures ACC have warm up and cool down stretching posters and a resource developed for sports coaches but containing some fundamental considerations to ensure safety in any exercise environment entitled 'Sportsmart educational resource'.

Both are available on

www.acc.co.nz/publications/index.tm?ssBrowseSubCategory=Playing sport

First Aid

Currently The Ministry of Business, Innovation and Employment (MBIE) is the government department for workplace Health and Safety matters. However from December 2013 a new stand-alone Health and Safety regulatory agency called Worksafe New Zealand will take on this role.

- What should be included in any first aid kit?
- How do members access the first aid kit? Is there signage to indicate its location?
- How often are the first aid stocks checked and replaced?
- Is the simple first aid principle of RICED encouraged? (as this can help reduce the severity of injury when incidents occur)

Refer to the www.dol.govt.nz site for more information on first aid kits

AED (Automated External Defibrillator)

- Should you have one?
- If so check it is accessible and there is visible signage of its location.
- Include training on its operation in the orientation for members.

Fire

- Are the fire evacuation procedures clearly marked?
- Where are the meeting points?
- Who is responsible for evacuating the building?
- Is this clearly explained during the orientation?
- What provisions does the facility have for alerting people who are deaf to a fire alarm?

Earthquakes

- It is not always best to evacuate the building in an earthquake if the building is sound. Is this explained?
- Are there areas to avoid outside (eg brick or glass buildings)?
- What are the procedures to follow following an earthquake? (as this may be different to during a fire evacuation)
- Is this clearly explained during the orientation?
- Are the procedures clearly located?
- See Ministry of Civil Defence and Emergency Management
<http://www.civildefence.govt.nz/>

Accidents

- Accidents involving serious harm must be reported within 7 days. See the following for more information on this.
www.osh.govt.nz/law/quickguide/accident/recordreport.shtml
- How are accidents and near misses reported when the facility is not supervised? Are members trained on how to report accidents and near misses? How is compliance of this checked?
- Who is responsible for following up reported accidents

AEDs can be purchased through Red Cross, St John or Heart Saver.

f) Compliance issues

In addition to the compliance issues required by the Ministry of Business Innovation and Employment as indicated previously, there may be additional requirements or consents required by your local council to operate a business 24 hours a day or beyond a certain time at night in certain areas.

It is important to check with the local council or your landlord for any special requirements there may be in relation to operating 24 hours a day, and if there are none, to get this confirmed in writing.

Operators should also check with their insurers if the facility is going to change to become a 24/7 facility, to ensure that they are adequately covered insurance wise in all areas.

According to the Privacy Act you must take reasonable precautions to safeguard information you have obtained from members and clients. Access should be available only to people who need to use the information and the information should therefore be locked away.

Note: The Privacy Act requires every organisation holding personal information to appoint a Privacy Officer who will be responsible for compliance with the privacy principles within the organisation. If you have a customer database you are required to have a Privacy Officer.

See www.privacy.org.nz for more information.

g) Exercise equipment/activity restrictions

Do you have any equipment that in its use may pose a considerably higher risk than normal? For example some clubs remove the use of the Olympic bar and/or bench press during unsupervised hours. Do members know where to put things when they have finished so they are not lying around for someone to trip over?

Pools and jacuzzis also pose more serious concerns around safety. Refer to the following publication or contact www.nzrecreation.org.nz

<http://www.watersafety.org.nz/assets/Resources/Hospitality-Pool-Guidelines.pdf>

h) Personal safety

In the event that members or users of your facility are subjected to aggressive behaviour or sexual harassment do you have a formal and robust complaints process in place?

What are your policies around what is or isn't acceptable behaviour from members towards other members or within the environs of the club? How are members informed about this? Are your policies clearly stated or open to interpretation?

Note: It is a common misconception that when considering cancelling an individual's membership or banning a person from a facility that a series of warnings need to be given, and/or that there needs to be processes such as giving the person the right to bringing a support person to any meetings. This is not the case, and is only applicable to employment law matters.

Check your membership agreement provides a clause 'reserving the right to terminate membership' without necessarily needing to give a reason but make sure if you do feel the need to cancel a membership, that a fair process is used and the member is given an opportunity to explain their actions before you make any decision.

5. Methodologies for developing solutions

At the risk of stating the obvious it is essential that you look carefully at all the issues and risks inherent in providing an unsupervised exercise environment.

Once you have listed all the areas/issues that require attention you need to plan and budget for how you might provide solutions.

Prioritise what you will work on and take account of not only what it will cost you financially but also in terms of other resource and time.

Follow the 'OSH Approach' - Eliminate, minimise, isolate

If a risk or hazard cannot be eliminated, the next best approach is to minimise and/or isolate it.

Use this principle to work through all the areas you have identified as being relevant to your operation or situation.

A note on technology

Technology can now play a key role in the viability of unmanned facilities. What was either impossible or unfeasible ten years ago is now accessible and affordable (e.g. CCTV cameras and motion detectors among others). However technology has its issues – a 1 in 1,000 failure rate may be acceptable when members are swiping their card with a receptionist present but in an unsupervised operation that failure rate may compromise the satisfaction of customers prevented from accessing the facility. It goes without saying that any access system needs to be extremely robust and reliable for declining access to unauthorised users, whilst allowing all legitimate users access.

The importance of documentation

The value of most agreements and contracts is generally not appreciated until things go wrong. In the same vein recording and documenting every step undertaken will be worth its weight in gold in the unlikely event that incidents or accidents occur that require you to prove you took every 'reasonable practical action' to reduce risk and make your facility safe for users.

Implementation

Key steps for addressing areas of concern involve identifying issues and implementing a plan to address them, but also:

1. Documenting the process you took to identify and address the issues, and what options were considered and rejected (and why).
2. How the solutions were implemented.
3. Developing policies to ensure solutions are followed.
4. Training staff (and in some cases, members).
5. Checks and auditing systems to ensure compliance of steps 3 and 4.
6. Auditing the entire process at regular intervals.

For further help

For further help with planning and/or implementing unsupervised exercise facilities, the following may be useful:

- www.dol.govt.nz
- Exercise New Zealand – www.exercisenz.org.nz - for general support
- Talk to those who have done it before – attend conferences, network with other operators

Appendices

Appendix One: Development Process

Late 2011/early 2012

- Concept launched and interested persons invited to be part of expert panel which included:

Grant Helleur, Fitness Operations Manager, YMCA of Auckland Inc

Jaci Griffin, Club Manager, Les Mills New Lynn

Claire Attard, General Manager, Jetts Fitness New Zealand

- Expert panel teleconference to develop work plan and project scope.

July 2013

- Draft guide developed.
- Draft guide reviewed by The Ministry of Health, Skills Active, Sport NZ, New Zealand Recreation Association, Water Safety NZ, The Register of Exercise Professionals and ACC.

August 2013

- Draft guide reviewed by Office of the Privacy Commissioner .
<http://privacy.org.nz/>

September 2013

- Final draft guide released to industry for consultation.

November 2013

- Final guide produced.

Appendix Two: Audit Tool

The self-audit tool is a way of assessing your facility. It will help you identify the current situation and where there are gaps that need to be addressed.

1. Security, lighting and emergency considerations		
This is about your facility.....		
External	Current situation	Changes/further action we will take
Location		
Car parking		
Entry route		
Door entry		
Cameras		
Lighting		

Internal	Current situation	Changes/further action we will take
Facility security		
Security of property and information		
Cameras		
Emergency contact		

2. Pre-screening and orientation of members/users

Pre-screening	Current situation	Changes/further action we will take
Orientation	Current situation	Changes/further action we will take

3. Staff Qualifications and Disclaimers

Staff qualifications and training	Current situation	Changes/further action we will take
Disclaimers and disclosures	Current situation	Changes/further action we will take

4. Health and Safety

	Current situation	Changes/further action we will take
First Aid / AED		
Fire/Earthquakes		
Accidents		

5. Compliance

	Current situation	Changes/further action we will take
Local council or landlord		
Insurance		
Privacy act		

6. Equipment and personal safety

	Current situation	Changes/further action we will take
Exercise equipment/ activity restrictions		
Personal safety		



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