

The Health and Safety at Work Act 2015

Disclaimer: This information is for general guidance on your responsibilities and is not legal advice.

If you need more details on your rights or legal advice about what action to take, please contact an adviser or solicitor.

As an activity provider, you will need to:

1. Assess the risks, eliminate them or at least reduce them as far as is reasonably practicable.

2. Provide documentary evidence that this has been done.

It is unlikely that you personally would be prosecuted if you are an employee – the company you work for would.

You cannot be prosecuted if you are a volunteer like a sports coach. But if you are a contracted Group X or PT you are responsible and can be prosecuted if you do not comply. Even if you can't be prosecuted you have a "duty of care" to ensure the safety and suitability of your class participants.

The key things you have to comply with

You must have an accident/incident log.

You must report any notifiable event to Worksafe.

Be aware that this includes loss of consciousness and lacerations, as well as more serious incidents.

If in doubt call Worksafe and check if the accident requires a formal notification. IT DOES NOT MEAN YOU WILL BE PROSECUTED. You could be prosecuted if you should have but didn't!

You must have a written Health and Safety policy.

Look at risk assessment in four areas

1. Instructor qualification and training: do you have the training to do what you are doing?

Note: If you are REPs registered, this is recognised by Work Safe as being the industry standard so they will 'tick this off'.

Can you respond in the event of an incident? For example you must hold a current first aid certificate.

2. Class content

Is it appropriate and safe? Do you provide options to reduce intensity and accommodate conditions?

Do you have clear criteria for whom the class is suitable?

Do you give a safety briefing before every class?

3. **Physical environment**

Identify anything that may contribute to increased risk, such as hazards, layout, temperature, and surfaces.

- Make a constant assessment: have a check list to be completed before each class
- Check for 'In the event of an emergency' instructions on the locations of exits etc.

4. **Participants' suitability**

Identify medical and issues that may increase risk, particularly heart conditions as they carry the most serious risk.

- Have a pre-screen or pre-participation form to be completed by every participant and have it updated regularly (for example every 6 months).

Having a waiver does not release you from responsibility

Here is a suggested replacement for a conventional waiver:

If you have any concerns about your ability to participate in an exercise programme I/we strongly advise that you consult with your doctor. I/ we also advise that you are responsible for self-regulating yourself during the class. This means resting if you need to and adapting movements to suit your specific conditions and limitations.

I confirm that I have read and understood this advice. Furthermore, I confirm that I am mentally and physically able to participate in exercise and that I will inform you of any changes to my medical and health status as they occur.

Signed: _____

Date: _____

Adapted from information developed by Kris Tynan.