



Risk Management Considerations Exploring the Risks and Rewards of an Outdoor Gym

The Fitness Challenge

By 2015, an estimated 2.3 billion adults worldwide will be overweight and more than 700 million will be obese according to the World Health Organization, which has dubbed this epidemic “globesity”. The numbers are just as stark in Canada. According to Statistics Canada, two out of every three Canadians are considered obese. All levels of government are committed to fighting this epidemic by promoting programs and policies that will encourage stakeholders to lead healthier lives.

In 2004, the Canadian Medical Association challenged all Canadian provinces to increase the physical activity of their citizens. The provinces rose to the challenge and introduced new initiatives.

Local governments are also committed to increasing the level of fitness and wellness among their residents. One of the ways municipalities are doing this is an emerging global trend known as the “outdoor gym”.

The Outdoor Concept

Park managers and designers are quite familiar with the need to incorporate venues for exercise into municipal settings. One popular design used to fill this need has been

the “fitness trail”, which originated with the “natural method” philosophy of Georges Hebert. A number of fixed exercise stations, consisting of simple static structures supplemented by signs, were incorporated into fitness trails.

A recent addition to this development is the “outdoor gym”. Originally from China the outdoor gym began as part of a national fitness campaign prior to the 2008 Summer Olympics. It uses equipment inspired by the designs of what has traditionally been found in indoor gyms and fitness clubs. There are various mechanical devices, some static but most involving movement of the user’s body parts in patterns and against forces determined by the machine. There are various devices ranging from simple sit-up stations to rowing machines, elliptical trainers and leg presses.

Signs on these devices indicate an intended user group of over 12 years of age. Warning labels and instructions are attached to each piece of equipment.

New Application for an Old Idea

Installation of this equipment, inspired by indoor fitness gyms, is a new application for an old idea but with some major differences. Indoor gyms are typically controlled access, supervised environments with very strict rules

regarding use, age and type of clothing and footwear worn. Indoor gym equipment is also not exposed to the elements. The equipment is never covered in dew, not subject to thaw/freeze cycles or winter snow and ice. The cardio equipment is always slip-resistant.

On the other hand, outdoor gym equipment is installed in public parks where there is no control over the age or skill level of the user and no supervision. There is no signed application or waiver. The equipment is also subject to weather conditions, which in certain seasons, can make surfaces slippery.

New Set of Risks

The change in location creates a whole new set of risks. Some of which are:

- Regardless of signs, children and adults of all ages and levels of fitness will be attracted to the equipment and use it. Since the equipment has moving parts and looks like something to “play” on, it is foreseeable that children will climb and fall just as they do on other play equipment.
- Hazards such as head and neck entrapment, shear and crush of body parts, falls to the ground surface, protrusion and entanglement become serious concerns.
- Users could injure other users or spectators.
- In winter climates and spring or fall thaw/freeze cycles, the surfaces become ice coated and slippery enabling slip and falls.
- Due to the uncontrolled access, deliberate misuse of the equipment is foreseeable.
- Vandalism and malicious damage to the equipment are foreseeable.

Remember Your Duty of Care

Statutory and/or Common Law impose a duty of care on owners of premises. Owners must ensure that their premises are reasonably safe for all users. The duty applies to the condition of the premises, activities that occur on the premises, structures that are located on the premises and the conduct of third parties.

Staff should gain a good working knowledge of the legal aspects that impact their operations. Applying a risk management process is the best way to ensure meeting one’s duty of care.

Managing the Risks of Outdoor Gym Equipment

Identify and Mitigate the Risks

Children as the User Group

Children will be drawn to this equipment and may see it as the “new playground”. Therefore, we need to look at the applicable design standards of the equipment. There are US gym equipment standards ASTM F 2216 and ASTM F 2276 and the European norm EN 957 but these standards clearly state that they are intended for users age 12 and over and carry requirements for warning labels stating “keep children away”, which is impossible to achieve in a public park. What may be an acceptable risk to an adult can often constitute a serious hazard to a child.

It is foreseeable that children will use this equipment in a similar manner as playground equipment. It may be a good idea to apply the criteria of the CSA playground standard to design and installation. The equipment is outside of the scope of the CSA playground Standard Z614-07, but since children will use it, inspect the equipment against this standard.

Before purchasing the equipment, examine it for:

- Head and neck entrapment hazards
- Shear and crush points
- Sharp points protrusion hazards
- Structural stability

Risk Mitigation

- Work with the manufacturer to eliminate these hazards
- Post signs advising appropriate age levels for equipment use
- Don’t integrate the equipment into the playground
- Stay away from bright or pastel coloured equipment

Weather

A question to consider is whether or not the equipment should be accessible all year round.

Risk Mitigation

- Consider decommissioning it in the winter - take it out of service or examine the equipment for a lock down procedure
- Inspect during thaw/freeze cycles and lock it down if the surface is slippery

- If the conditions are unsafe, close the area and post a sign that says “Area closed due to poor conditions”

Improper Installation Hazards

Risk Mitigation

- Allow the manufacturer’s trained staff to install the equipment
- Install the equipment on an appropriate protective surface material and allow for adequate zones between equipment

All Users

Most users will not be in the same physical shape as star athletes nor will they have the same understanding of fitness equipment as certified personal trainers. Therefore, participants can sustain injuries which might prompt legal action against the municipality.

Risk Mitigation

- Post signage that recommends that the user:
 - Consult with a physician before beginning any exercise program
 - Read the warning signs and instructions posted on each machine
 - Follow the instructions
 - Remember to add: Users assume all risks
- Consider running training classes for interested participants
- Inspection and maintenance
- Establish a comprehensive policy regarding inspections and maintenance
- Follow through with regular inspections and keep a detailed checklist of each
- Inspect for hazardous debris, litter, broken or missing parts, strings or ropes attached to the equipment, vandalism or damage
- Provide or insist that the manufacturer provide immediate repair where necessary and remove all hazards
- If a hazardous/unsafe condition is discovered that cannot be repaired immediately, set up barriers to keep users away until the safe condition is restored
- Document all maintenance and other actions taken and keep a safe record of the same

- Before installing in a seniors’ area, make sure the equipment chosen is suitable for this age group

Other Considerations

Certificates of Insurance

Before purchasing the equipment, request a Certificate of Insurance from the manufacturer or the Canadian distributor of a foreign manufacturer. Make sure the manufacturer carries Product Liability Coverage at an acceptable level and with an insurance company licensed to conduct business in your jurisdiction.

It’s a New Concept so Phase Pieces in Slowly

This type of equipment is new and as such does not have a claims history. It is difficult to assess its potential claims impact. Frequent claims with low severity will impact your deductible pay-outs. High severity claims will impact your claims history. You may want to consider purchasing one or two pieces to begin with and monitor the claims activity before you install a full complement of equipment in one of your parks.

Due Diligence

- What is the warranty period?
- What are the conditions of the warranty?
- If you need to affect repairs, do you void the warranty?
- Is there a service package available?
- If yes, how often does the manufacturer inspect or maintain the equipment?
- Ask for references from other customers and then ask the customers about user injuries.

Risk vs Reward

Creating an environment that not only encourages but also supports fitness is moving in the right direction. Obesity is a problem that can be solved. But the environment requires the correct balance between the benefits and the risk of both injury and claims for damages that could arise from such activity.

Before you proceed with any new initiative, remember the steps in the risk management process – identify the risks, analyze the risks, choose the best risk prevention strategy, implement and monitor. You can’t have health without safety.