

Injuries at the gym - can I sue?

Injuries sustained during exercise are relatively common and can range from insignificant to severe. Surprisingly, injuries sustained from something as simple as an elastic or resistance band are a regular occurrence, although typically not that severe. However, a person can be seriously injured by falling weights, defective equipment, or the incorrect use of fitness equipment. The question is whether such a consumer can hold anyone liable for the injuries sustained during exercise.

A consumer can, in principle, hold the gym owner and the manufacturer of gym equipment liable for any damage suffered, depending, of course, on the circumstances of each case. In terms of the Consumer Protection Act, a manufacturer has an obligation to ensure that no harm is caused to the consumer when using gym equipment. This obligation entails that manufacturers ensure that there are no design or manufacturing faults with the equipment and that the risks associated with its use are clearly indicated to consumers.

The Consumer Protection Act also obliges gyms or fitness centres to provide a safe exercising environment for consumers. This obligation entails ensuring that all equipment is in good working order to avoid injury or damage to consumers. They must regularly maintain their equipment and repair or replace broken or defective equipment within a reasonable time. It is also essential to ensure that there are clear instructions on how to use the equipment properly. Likewise, it is also vital to have clear warning signs regarding the risks associated with the equipment.

However, the obligation to avoid damage or injury does not only rest on the gym or manufacturer. Consumers must use the equipment in the prescribed manner and for its intended purpose. Consumers should only use the equipment if they are within the prescribed age, height, and weight range. If the consumer complied with the above and still suffered an injury, the manufacturer or gym owner can be held liable for the consumer's damage. However, if the consumer's injury or damage was caused by his or her own fault or negligence, such as using the equipment contrary to clear instructions, the consumer would not be able to hold the gym or manufacturer liable for any damage suffered.

If you have suffered any damage or injury during exercise, we recommend that you consult with an attorney to advise you on the possibility of instituting a claim against the gym or the relevant manufacturer.

Est-Marie McCallaghan, Van Velden-Duffey Inc