

## Assessor Marking Guide

|                          |                                                              |                                              |
|--------------------------|--------------------------------------------------------------|----------------------------------------------|
| <b>Programme Name</b>    | <b>Health and Fitness Coach (Personal Trainer) (Level 4)</b> |                                              |
| <b>Assessment Number</b> | <b>02A1</b>                                                  |                                              |
| <b>Assessment Title</b>  | <b>Fitness Code of Ethics &amp; Legislation</b>              |                                              |
| <b>Course Number</b>     | <b>Course 2</b>                                              | <b>Version: 1<br/>Level: 4<br/>Credit: 5</b> |
| <b>Course Title</b>      | <b>Ethics and Customer Safety</b>                            |                                              |

*Internal feedback related to design of assessment tools should be submitted via the online Continuous Improvement Form (eCIF).*

**This assessment leads to the following graduate profile and learning outcomes.**

| <b>NZQA GPO</b>                                                                                                                                       | <b>Learning Outcome</b>                                                                                                                                                                                                                       | <b>Task #</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| GPO 1: Deliver safe and effective exercise programmes, including pre-screening, within own scope of practice and industry code of ethics. (5 credits) | 2.1 Identify and describe fitness industry and employer codes of ethics and ethical practice (REPS and Fitness NZ) (1 credit)                                                                                                                 | <b>1</b>      |
|                                                                                                                                                       | 2.2 Analyse these codes of ethics and apply the content to routine interactions with clients, work colleagues, and other health and/or fitness professionals in a practical setting (e.g., group fitness, one on one PT sessions). (1 credit) | <b>2</b>      |
|                                                                                                                                                       | 2.3 Demonstrate an awareness of relevant consumer laws and legislation along with Risk identification health and safety legislation and responsibilities. (1 credit)                                                                          | <b>3</b>      |
|                                                                                                                                                       | 2.4 Show awareness of relevant policies and procedures and develop risk assessment plans. (1 credit)                                                                                                                                          | <b>4</b>      |
|                                                                                                                                                       | 2.5 Demonstrate an awareness of how to deal with accidents and emergencies. (1 credit)                                                                                                                                                        | <b>5</b>      |

| <b>NZQF Level 4 Descriptors</b> |                                                                                                                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Knowledge</b>                | <ul style="list-style-type: none"> <li>Broad operational and theoretical knowledge in a field of work or study</li> </ul>                                                                                                                   |
| <b>Skills</b>                   | <ul style="list-style-type: none"> <li>Select and apply solutions to familiar and sometimes unfamiliar problems.</li> <li>Select and apply a range of standard and nonstandard processes relevant to the field of work or study.</li> </ul> |
| <b>Application</b>              | <ul style="list-style-type: none"> <li>Self-management of learning and performance under broad guidance.</li> <li>Some responsibility for performance of others.</li> </ul>                                                                 |

### ADMINISTRATION

**Assessors are required to provide feedback to students:**

- Constructive feedback to the student must be documented within assessment evidence. Including where resubmission is required.
- Notes on demonstrated performance and application of skills, knowledge, attributes; future improvement/development planning e.g., task management, study skills; relationship to other programme content and use in career.

**Student evidence must be assessed against all specified criteria to meet learning outcomes.**

- Any adaption in assessment methods must be documented and attached to the assessment by the assessor (where deemed necessary to be fair and transparent in relation to student's specified needs).
- Assessment Pack Cover should be dated and signed by assessor when the student has received the final result.
- Assessment opportunities must be indicated accurately.  
Where any practical criteria are not achieved, an additional practical sheet must be used for reassessment for all practical outcomes and attached to this assessment pack. Refer to Assessment opportunities policy for additional detail.
- The student must sign the post-assessment agreement after receiving final result.
- It is the Assessors responsibility to ensure all relevant documentation is included in the assessment prior to reporting and filing.
- Samples of assessments will be forwarded to internal and/or external parties for moderation as required.

Where appropriate **sample answers and or exemplars** may be included: Sample answers are a guide only providing an example of the sufficiency of qualitative and quantitative evidence the assessor could expect to see.

## ASSESSMENT SCHEDULE

*Give feedback to student on successes, for N add a note to the student on here or on their assessment evidence (e.g., in Turnitin) about how to improve for resubmission.*

| Task Evidence                        | Achievement Criteria / Judgement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Task 1</b><br><b>Case study 1</b> | <p>Learner has provided the following details for points A – E relating to Case study 1:</p> <ul style="list-style-type: none"> <li>- Identify the exact code that the exercise professional is breaching</li> <li>- Briefly explain how they are breaching the code</li> <li>- Outline the consequence of their actions (consider their personal or the gyms reputation, the reputation of the fitness industry, their ability to maintain clients, or other issues that may arise)</li> </ul> <p style="color: red;">Refer to sample answers with quotes taken from either the Exercise Association Code of Ethics (2022) or the REPS code of Ethical Practice (2018). The student can either match the quotes and explanation provided or a similarly appropriate quote and explanation at the tutors' discretion – each point given in student's answer may cover breaches of different codes of ethics so example answer will not contain all possible answers</p>                                                                                                                                           |
| <b>Task 1</b><br><b>Case study 2</b> | <p>Learner has provided the following details for points A – E relating to Case study 2</p> <ul style="list-style-type: none"> <li>- Identify the exact code that the exercise professional is breaching</li> <li>- Briefly explain how they are breaching the code</li> <li>- Outline the consequence of their actions (consider their personal or the gyms reputation, the reputation of the fitness industry, their ability to maintain clients, or other issues that may arise)</li> </ul> <p style="color: red;">Same as above</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Task 1</b><br><b>Case Study 3</b> | <p>Learner has provided the following details for points A – E relating to Case study 3</p> <ul style="list-style-type: none"> <li>- Identify the exact code that the exercise professional is breaching</li> <li>- Briefly explain how they are breaching the code</li> <li>- Outline the consequence of their actions (consider their personal or the gyms reputation, the reputation of the fitness industry, their ability to maintain clients, or other issues that may arise)</li> </ul> <p style="color: red;">Same as above</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Task 2</b>                        | <p>A) Word count of <b>100</b> words met. Learner has Identified at least two (2) codes of ethical practice (from both the REPs and Exercise NZ codes of ethics) to support up their statement to Mary reaching out to health professionals about clients.</p> <p style="color: red;">Learners must write 100 words including how they would approach the conversation. They may identify a multitude of codes that could be breached in this situation if Mary does not reach out to a health professional about her new client. Learners may use other codes than what is listed in the sample answer and tutors may apply discretion with the answers provided by the learner.</p> <p style="color: red;">Refer to sample answer below.</p> <p>B) Learner has provided at least one (1) example for each of the 5 codes of ethics relevant to the routine interactions during the group fitness classes.</p> <p style="color: red;">For each of the 5 codes, learners must provide 1 example of hypothetical situations or how they would demonstrate their understanding of the codes in a practical way.</p> |
| <b>Task 3</b>                        | <p>Learner has demonstrated understanding and ability to link the excerpts taken from the Consumer Guarantee Act 1993 and the H&amp;S at Work Act 2015.</p> <p>A) Learner has identified two subsections of the CGA that Richard is breaching in this scenario. They have provided a clear description of his wrongdoings and provided a solution to the issue. (200 – 250 words).</p> <p style="color: red;">Refer to sample answers – other points from CGA may also be used where relevant</p> <p>B) Learner has identified two subsections of the Health and Safety at Work Act 2015 that Richard is breaching in this scenario. They have provided a clear description of his wrongdoings and provided a solution to the issue (200 – 250 words).</p> <p style="color: red;">Refer to sample answers – other points from H&amp;S Act may also be used where relevant</p>                                                                                                                                                                                                                                     |
| <b>Task 4</b>                        | <p>A) Four (4) hazards provided relating to case study scenario. Minimum of one (1) way to either minimise, isolate, or eliminate each hazard.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>B) <b>TWO</b> variations detailed including locations, minimum of three (3) potential hazards, and ways of minimising, isolating, or eliminating these</p> <p>Refer to sample answers – other hazards may be used from case study where relevant</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Task 5</b> | <p>A) Steps taken to deal with this injury to ensure Peter’s health and well-being are taken care of and he receives appropriate medical attention are detailed. <b>(100-150 words)</b></p> <p>The explanation must have points from when the PT first arrives at the scene to the follow up with the client after the injury has been dealt with</p> <p>B) Processes are recommended according to the “Exercise professional/ACC Best Practice guidelines. Minimum of <b>TWO</b> points are provided, either in direct quotes or paraphrased in learner’s own words. <b>(100-250 words)</b></p> <p><b>TWO</b> direct quotes or paraphrasing from the document “Exercise professional/ACC Best Practice”, must be provided, and linked to potential processes to follow, after the incident, for example logging the accident, following up the client, or adding in a new method of minimising the risk of the same injury happening again.</p> |

Assessor only resource

## Fitness Code of Ethics and Legislation

### Sample answer

#### Task 1

Students must quote directly from the REPS code of ethical practice 2018 or the Exercise Association NZ 2022 where appropriate, linking the code of ethics to the complaint. Partial answers provided below – answers may differ slightly from student answers due to multiple codes being breached from individual incidents, tutor discretion to be applied.

#### Case Study 1 – PT Jim

PT Jim has been working in the industry for over 2 years now. The person complaining to management is a new client of Jim's. She is a 36-year-old mother of 2 young children who has had 3 x 1-hour PT sessions with Jim over the last 3 weeks. She is new to the gym environment and has an exercise goal to shed some weight gained during her last pregnancy. The client has given the following details in their complaint.

- Identify the exact code that the exercise professional is breaching
- Briefly explain how they are breaching the code
- Outline the consequence of their actions (consider their personal or the gyms reputation, the reputation of the fitness industry, their ability to maintain clients, or other issues that may arise)

- A) Jim's sessions leave her unusually sore for days after, to the point she is unable to complete some of her usual activities. Jim has offered to massage her, but when she asked if he had a massage qualification, he changed the subject.

The code Jim is breaching here from REPs code of ethics is "2. Maintain Safety: Identify and respect the physical limits and ability of participants".

If the client is too sore to complete normal tasks, then the workout is too intense and hard for her ability and level. Jim has not identified an appropriate level for the clients' physical limit.

The consequence is he could be putting his client in real danger for an injury that could really affect her lifestyle. It may also impact her motivation to continue exercising.

Another code being breached here is "1. Uphold professional standards: Refer on to another allied professional or specialist when appropriate".

He has offered her a massage but is likely not qualified – he should refer to a massage specialist.

Again, the consequence is possibly injury, and the fact that he is working outside his scope of practice which is not going to put him or the gym in a favourable light.

- B) She hurt her shoulder during power cleans in their session last week and that Jim had advised her not to seek medical attention and that he would help her with the rehab of the injury.

This time he is breaching "1. Uphold professional standards: Refer on to another allied professional or specialist when appropriate" –

It is inappropriate to not refer his client to another professional who deals with injuries. Jim is not qualified to deal with injuries. The consequence is that it puts the client at risk of further injury.

- C) Jim swears frequently and the client is often uncomfortable with this language, she has mentioned it once or twice, but he always starts up again.

This behaviour breaches many codes of ethics including the following:

1. Uphold professional standards “Respect the rights and dignity of every participant regardless of gender, age, disability, ethnicity, sexual orientation, religious or political affiliation, or any other legally prohibited grounds of discrimination
5. General Professionalism “Do anything that brings themselves, another exercise professional, an exercise facility/workplace or the exercise industry into disrepute.
3. Appropriate relationships “Regardless of any relationship status with a participant, ensure that professional standards are maintained when providing exercise services”

Jim is not holding himself to high standards by swearing frequently. He is not respecting the client's beliefs regarding language used. And clearly, he is not acting professional at all, possibly breaching appropriate relationships as well because he is acting like she is a mate he can swear around rather than a client. The consequence here is that the client will get fed up with this behaviour and leave, possibly leaving the gym as well.

- D) Jim tells her information about other clients he trains; his comments are often disparaging and unflattering.

The code could be either:

“4. Respect privacy: Safeguard confidential information relating to participants”

5. General Professionalism “Make any claim that is deceptive, derogatory, or that cannot be substantiated”

Jim is not safeguarding information from other clients, as well he does not have permission to share information. Jim is not displaying professionalism by sharing unflattering comments and opinions about other clients. The consequence is that the client could tell the other clients what he has been saying, they may then leave his services or lodge a formal complaint with management.

- E) Jim has smelled strongly of cigarette smoke in recent sessions which makes the client feel nauseous

This is breaching code “2. Maintain Safety: Prioritise the health and safety of participants, including meeting all obligations under the Health and Safety at Work Act 2015.”

OR

“5. General Professionalism: Do anything that brings themselves, another exercise professional, an exercise facility/workplace, or the exercise industry into disrepute. They will ensure when making any comment (public or otherwise) to be clear that they are making a personal comment, and their view may not necessarily be the opinion of the profession/industry.”

Jim is a fitness professional, and the smell is not professional or proper presentation in a gym environment and makes his client uncomfortable. It also is making her client feel sick which may impact her ability to exercise safely. It makes the gym look bad as well. The consequence here is again that the client may not want to continue training with him, and he may get a poor reputation in the gym

## Case Study 2 – Fitness Instructor Roberto

Use the REPs NZ code of ethical practice (2018) for this case.

Roberto is a group fitness instructor. The person complaining has been taking classes with Roberto regularly over the last 2 months. She is a 26-year-old PhD student. The client has given the following details in their complaint.

In your response to each point, ensure to:

- Identify the exact code that the exercise professional is breaching
  - Briefly explain how they are breaching the code
  - Outline the consequence of their actions (consider their personal or the gyms reputation, the reputation of the fitness industry, their ability to maintain clients, or other issues that may arise)
- A) Rob sometimes uses his stage and microphone as a platform for his opinions. He likes to give opinions on politics and constantly belittles his own management.

5. General Professionalism “Do anything that brings themselves, another exercise professional ... into disrepute.” AND “Make any claim that is deceptive, derogatory, or that cannot be substantiated”

Roberto’s comments may be mis construed by the clients to be a workplace opinion, he is also potentially damaging the trust or opinion of the clients in his current place of work and/or superiors.

- B) On occasion I have seen him after class chatting up female members. I think he may be dating one as they seemed “pretty friendly” as I was leaving his class last Monday.

3. Appropriate Relationships “Regardless of any relationship status with a participant, ensure that professional standards are maintained when providing exercise services.”

Rob is not maintaining a view of professionalism while working and is not separating any form of sexual contact or words used while working, even if he is dating one of the participants. This may be giving other gym-goers the wrong idea about what kind of services he is offering.

- C) He often uses derogatory terms and tries to motivate some of the men by suggesting they are being “girls”. He often goes up to them and says things like “c’mon girls/princess”.

1. Uphold professional standards “Respect the rights and dignity of every participant regardless of gender, age, disability, ethnicity, sexual orientation, religious or political affiliation, or any other legally prohibited grounds of discrimination” Rob is being discriminatory himself with his comments, and not respecting the people within the class (as well as out). Language chosen is also not professional. The gym members may not feel comfortable with this kind of language and may stop coming to his classes, or it may become such a big issue that he loses his job.

- D) He has stopped leading stretching at the end of his classes as he says there is no benefit in doing any, so it is a waste of time.

1. Uphold Professional standards “Maintain a high level of competence through qualification and undertaking continuing professional development” it is well known that stretching is an important way to reduce muscle soreness and possibly aid in reducing injury after exercising, plus it is a good way to get the heart rate down. If he has these kinds of ideas, he may have others that are unfounded.

E) He has offered me PT sessions outside of the gym, although my understanding is that he is not PT qualified.

1. Uphold Professional standards “Operate within their REPs registration level and scope of practice” AND “Refer on to another allied professional or specialist when appropriate” By offering PT services while not qualified this is unprofessional and potentially harmful to the participant if done incorrectly.

### Case Study 3 – Membership Consultant Shaniqua

Use the Exercise Association of NZ Code of Ethics (2022) for his case.

Shaniqua is a membership consultant; she does not have any personal training qualifications and is not REPs registered. The person who has laid a complaint to management is a prospective member who had called into the gym last week to potentially join the gym. The complainant has given the following details in their complaint.

In your response to each point, ensure to:

- Identify the exact code that the exercise professional is breaching
- Briefly explain how they are breaching the code
- Outline the consequence of their actions (consider their personal or the gyms reputation, the reputation of the fitness industry, their ability to maintain clients, or other issues that may arise)

A) Shaniqua had told the prospective member that the gym’s membership rates were “the cheapest in town.” A simple internet search later showed that this was not even close to being the truth.

EANZ - “Make no false claims with regard to any of the products and services offered by the club” The claim that Shaniqua has is false according to the prospective member’s internet search and therefore she is breaching this code from the EANZ. The consequence is that the prospective member may not sign up because she has just lied to them, and they might just go somewhere cheaper anyway. She should be trying to sell other benefits of the club that don’t have to do with the price.

B) Despite wanting to pay a monthly fee, the client was “encouraged strongly” to sign up for 18 months as that was how long it would take to achieve the results he wanted. She said she would do the 18-month sale at a special price but that the client would have to sign up “right now” to get the discounted rate as long as he paid the amount in full.

EANZ - “not ask for payment in advance for memberships of longer than 15 months” Asking to pay in full for 18 months breaches this statement. Also saying that it would take 18 months to get the results is also potentially a false claim. This could cause the gym to come into disrepute with Exercise New Zealand and they may lose the benefits they get from being part of this organisation

C) When asked how this gym compared with the competition gyms in town, the membership consultant said the other gyms in the area were a joke and that if the client was serious about their fitness goals there was only one choice. She also mentioned that other gyms have had trouble with theft and sexual assault.



EANZ - "operate the club in a manner which maintains and enhances the public's perception of the health and fitness industry"

By bad mouthing other gyms, she is affecting the potentials clients' views and beliefs of the industry. This is also unprofessional and not of a high standard.

D) She stated that she could guarantee results if the client joined the gym and if the client wanted to gain results even faster, she could provide substances that would offer additional assistance for a fee.

The EANZ code would be "make no false claims with regard to any of the products and services offered by the club."

Or

"abide by all consumer protection legislation and all other applicable laws and regulations."

Suzy is breaching multiple codes here, selling members "substances that would offer additional assistance" is not only unethical but also illegal depending on the substances. She is risking the health of her client and her job by doing this.

E) After raising some of his medical concerns the client was told he would be off "all of his medication in no time!".

EANZ - "Make no false claims with regard to any of the products and services offered by the club"

The statement that she said is not based on medical knowledge and could hurt the client if he chose to follow the advice, she is obviously not a doctor and should not even be talking to clients about medication apart from getting medical clearance for him to exercise.

## Task 2 – Ethical conduct in a fitness setting (part B)

In the following scenario you have been working as a self-employed Personal Trainer at a local gym for the past 3 months.

- A) A new personal trainer (Mary) has just pre-screened a potential client, she noted that the client has high blood pressure and a history cardiac events, and she has come to you and another personal trainer (Sam) for some advice. You suggest that if it were your client you would seek guidance from a medical professional on what to do next, but Sam says not to worry about it because the owner just wants to get as many members signed up.

How would you approach this conversation with the other trainers? Identify at least two (2) codes of ethical practice (from both the REPs and Exercise NZ codes of ethics) to support your statement to Mary reaching out to health professionals about clients (minimum 100 words).

I would talk to the other exercise professionals and say that it could be dangerous to train someone with cardiac issues and high blood pressure without getting medical clearance as they could overexert themselves. As we are not medical professionals ourselves, it is best to refer to someone else to get more information about what kind of exercises would be safe before starting to train them. Ethically, it would be breaching the following codes from REPs:

Suggestions include:

Uphold Professional Standards

Registered exercise professionals will always:

- 1) Act with integrity, maintain professionalism, and operate within the laws of New Zealand
- 2) Operate within their REPs registration level and scope of practice
- 3) Refer on to another allied professional or specialist when appropriate

2. Maintain Safety

Registered Exercise Professionals will:

- 1) Prioritise the health and safety of participants, including meeting all obligations under the Health and Safety at Work Act 2015
- 2) Identify and respect the physical limits and ability of participants

5. General Professionalism

An exercise professional must never:

- 1) Do anything that brings themselves, another exercise professional, an exercise facility/workplace or the exercise industry into disrepute. They will ensure when making any comment (public or otherwise) to be clear that they are making a personal comment, and their view may not necessarily be the opinion of the profession/industry

Learner would include at least 2 from the list above.

- B) One of the group fitness instructors is taking a one-month holiday and you have been asked to cover five fitness classes the period he is away. You have signed an employee contract with management and received some additional training for running the group classes.

During the theoretical portion of the training session, the club manager has asked you to describe and provide at least one (1) example of how you would demonstrate the five (5) codes of ethical practice (REPs) in this practical setting. See the example below for guidance:

*How I would uphold professional standards - act with integrity, maintain professionalism, and operate within the laws of New Zealand.*

*Treating every member of the group fitness class with respect and dignity. I would be mindful of the language I used around the members ensuring it was respectful, professional, and encouraging at*

*all times (not swearing or using derogatory language). I would ensure I arrived at class at least 15 minutes before it started so I had time to set up and make sure my uniform was clean and tidy.*

i. Uphold Professional Standards

See example above

ii. Maintain Safety

I would maintain safety with the group class by prioritising their health and safety – for example, I would ensure that there was no water on the floor and that everyone in the class had enough space to move around. If anyone looked like they were struggling with the movements, I would let them know it was ok to slow down or take a rest when needed.

iii. Appropriate Relationships

I would ensure that if I did have to touch a participant to help with form/technique that I would ask first and if they said no I would respect that and find another way.

I would ensure if my partner came to a group class we would be professional around each other before, during, and after the class

iv. Respect Privacy

I would make sure any conversations I had with clients were private

I would ensure any information such as contact details etc were stored securely in my locked phone or computer

I would only talk to other exercise professionals about a client if the client was ok with it or if it was a medical issue (necessary)

v. General Professionalism

I would make sure anything I said in class was not deceptive such as claiming that they will be able to lose x amount of weight by doing this class.

I would ensure to act in a professional way.

### Task 3 – Using the Consumer Guarantee and Health & Safety at Work Acts

Documents needed for Task 2:

- Part 4 Consumer Guarantee Act 1993
- Part 2 Health and Safety at Work Act 2015

Please read the following scenario and answer the questions below:

Richard is a new personal trainer who has been hired by Flunk Fitness gym. The gym manager would like to see more members engaging in fitness sessions and has asked Richard to develop and implement some group fitness classes. Richard has decided to use circuits and interval training as his method of training for his group fitness classes. Richard plans the time, days of training and cost of the fitness classes and advertises these to the members of the gym.

Twelve people sign up to his first class and pay for a concession card of 10 classes. These members include people covering a diverse range of fitness experience and ability level. A few of the participants have more than 5 years' experience within the gym and are very fit, however, some members attending the class are new to the gym or have been very inconsistent within their fitness routines. Richard does not pre-screen the people who sign up for the class.

For his first class, Richard plans an intense workout where the participants are working hard for 30 seconds with only 10 seconds of rest before the next exercise. During the class, Richard notices that a few participants are struggling with some of the techniques and the intensity of the exercises but carries on with the class as he had planned it.

A few members approach Richard after the first class to notify him that this high intensity level is not their preferred method of training and that the way he advertised the class did not indicate difficulty level. They note that for the price they paid, which was 25% higher than other group fitness classes at the gym, their training experience was not very enjoyable. These clients would like to stop with the group classes and want a refund for the advanced classes they had paid for. Richard refuses to refund their money and tries to convince the members that he will change method of training for his classes. The unhappy members, however, are adamant that they want to stop training with Richard or take part in any future classes.

- A) Read the excerpt from the Consumer Guarantee Act 1993. Identify two (2) subsections that Richard may be breaching as a provider of a service in this scenario. Briefly describe what he is doing wrong here and provide at least one solution to ensure he complies with this Act. **(100-250 words)**

Sample answer below would be considered a high-quality answer for this question. Learners may also talk about other subsections in the CGA that apply to this case.

I feel the clients who are asking for a refund have given up already because they cannot rely/ trust that Richard could make enough changes for them to be satisfied with the class as per the Consumer Guarantees Act excerpt below:  
"Part 4 – Part 29 - Guarantee as to fitness for particular purpose  
Subject to section 41, where services are supplied to a consumer there is a "guarantee that the service, and any product resulting from the service, will be.....  
(a) reasonably fit for any particular purpose; and  
(b) of such a nature and quality that it can reasonably be expected to achieve any particular result that the consumer makes known to the supplier, before or at the time of the making of the contract for the supply of the service, as the particular purpose for which the service is required or the result that the consumer desires to achieve..."

I agree with the clients in this story as Richard should respect their opinions and refund the clients for the advanced classes they have paid for. Not all exercise programmes will suit everyone and unfortunately this was not a class for them.

They have the right to a refund as per the Consumer Guarantees Act excerpt below:

“Part 4 – Point 23 Consumers’ options of refund or replacement

A refund referred to in subsection (1)(a) means a refund in cash of the money paid or the value of any other consideration provided, or both, as the case may require.”

Solution: He needed to be prepared for all fitness levels. Possibly he should have started the first class as easy as possible and then asked the clients for feedback after it. The more fit people he could be showing how to progress the exercises to their fitness level rather than giving harder exercises to all and then having to show the clients who are not keeping up a regression as this could be embarrassing.

- B) Read the excerpt from the Health and Safety at Work Act 2015. Identify two (2) subsections that Richard may be breaching as a PCBU in this scenario. Briefly describe what he is doing wrong here and provide at least one solution to ensure he complies with this Act. **(100-250 words)**

The 2 subsections that Richard may be breaching here are:

Richard is breaching the below points from the NZ Health and Safety in the workplace act by neglecting to educate his clients who are struggling with the techniques he is asking them to perform. By performing exercises incorrectly, you can seriously hurt yourself and as the instructor the clients are paying him to help them perform exercise safely.

“Subpart 1—Key principles relating to duties

Point 30 - Management of risks

(1) A duty imposed on a person by or under this Act requires the person—

(a) to eliminate risks to health and safety, so far as is reasonably practicable;”

At the point where Richard notices the intensity of the class has some of the clients struggling, he should have been able to pull it back/ modify the workout to coincide with their fitness levels. He is lucky that none of the clients fainted because of exhaustion. I feel Richard is in breach of the below excerpt from the NZ Health and Safety in the workplace act.

“Subpart 1—Key principles relating to duties

Point 30 - Management of risks

(2) A person must comply with subsection (1) to the extent to which the person has, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate.”

Other relevant subsections of the Health and Safety Act may be mentioned here, assessors can use discretion as long as it meets the requirement of the question.

## Task 4 – Health & safety procedures and risk assessment

In this scenario, you are going to create a risk assessment plan for a strength and conditioning session with a local school netball team.

For the following task, you will be planning some risk assessment strategies based on the following principles.

Assess risk and identify control measures:

- Identify hazards that could give rise to work-related health and safety risks
- Assess work risks to decide which risks to deal with, and in what order.

- You must eliminate or minimise risks so far as is reasonably practicable.
- Engage with your workers and their representatives when identifying and assessing risk, and when making decisions about the ways to eliminate or minimise the risks.

More information can be found on:

<https://www.worksafe.govt.nz/managing-health-and-safety/managing-risks/how-to-manage-work-risks/>

Please read the following scenario and answer the questions below:

You have been working with a local school netball team (Year 13s) as a strength conditioning coach for the past two seasons. You are starting to plan the netball team's pre-season training regime for the upcoming season. You have decided you would like to run a session outside of the school campus to keep training interesting and fun. The local beach has a long set of wooden stairs; which you think would be a great conditioning tool for training the team. You also plan to put the players through some speed and agility drills on the beach itself.

You have gone to this location before and are familiar with the environment. You have planned the session for Friday afternoon following school. The forecast is for showers in the morning followed by a hot dry afternoon. The beach is open to the public and can get very busy. The beach may also present several hazardous objects at times hidden within the sand. The stairs you plan to use can also get quite slippery after rain or dew and often have collections of sand and debris blown onto them.

After discussing your plans with the team, a few the girls have suggested they all go for a swim after the session. The team coach, manager and physio have agreed to accompany the team on their fitness session.

The principal has asked you to complete a risk assessment before the pre-season training session can be approved.

A) Using the following table, make a detailed list of at least four (4) potential hazards that you will need to consider – based on the scenario above. Next to each hazard listed, suggest a way in which you and the other team staff could minimise, isolate, or eliminate the hazard.

| Hazard identification                                                              | At least one way to minimise, isolate, or eliminate the hazard                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Whether forecast is for a hot dry afternoon. Netball team could become dehydrated. | To minimize this risk, you could supply a box of filled water bottles to ensure the team are keeping hydrated and encourage them to take breaks and seek shade as often as possible.                                                                                                                                 |
| Hazardous objects hidden in the sand                                               | To isolate this risk, you could use some cones to section off a piece of the beach. you would need to bring a rake and give the section a quick rake to ensure not obvious objects are in the sand like broken bottles, sharp shells etc. Also, you could ensure the team are always wearing footwear for protection |
| Stairs slippery and sand/ debris on them                                           | To minimize/ eliminate this risk, you could remind the team to take care and advise them of the risks but also, you could quickly dry down the steps with an old towel and remove debris on the steps with a brush and shovel.                                                                                       |

|                                                   |                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Beach is open to the public and can get very busy | to minimize this risk, you could use cones where necessary to cordon off areas and then if she was to split the group in two then there would be fewer team members at each area. You might need to utilize the team coach, manager and physio to assist with this, but it could be the safest option. |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

B) In case the option of going to the beach does not work out, you must create a contingency plan. The team are excited about doing a session outside of the school grounds, so keep this in mind in your planning.

Identify two (2) different options for this session, list at least three (3) potential hazards, and at least one way to minimise, isolate or eliminate the hazard.

|                                                                                  |                                                                                                                                                                        |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Option 1: You could organise to take her team to the local outside swimming pool |                                                                                                                                                                        |
| A) Hazard identification                                                         | B) At least one way to minimise, isolate, or eliminate the hazard                                                                                                      |
| Busy pool                                                                        | Reserve a private lane ahead of time                                                                                                                                   |
| Team not used to swimming for fitness                                            | Take it easy first time around, ensure a proper warm up, and of course ensure that all the students know how to swim – if they do not, they probably should not attend |
| Slippery areas around the pool                                                   | Remind the netballers to use their common sense around the pool and not run or push each other into the pool.                                                          |

|                                                 |                                                                                                                                                                                      |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Option 2: local domain or public netball courts |                                                                                                                                                                                      |
| A) Hazard identification                        | B) At least one way to minimise, isolate, or eliminate the hazard                                                                                                                    |
| Glass on court/field                            | Check to see if any glass on field, remove it safely, wear appropriate shoes                                                                                                         |
| Heat/sun                                        | To minimize this risk, you could supply a box of filled water bottles to ensure the team are keeping hydrated and encourage them to take breaks and seek shade as often as possible. |
| Other people or animals                         | Secure a particular area if possible, ensure other adults are around to watch out for anyone suspicious!                                                                             |

Other options include, but not limited to:

Public gym or recreation centre

Rugby field

Athletics track

## Task 5 – Accidents and emergencies in a gym environment

In this case scenario, you are a personal trainer at FitTopia and you have just finished a session with a client. You hear a commotion and rush over to see the events unfolding below.

Document needed for this task:

- Exercise Professional / ACC Best practice guidelines for injury prevention and management

Marcus is a regular gym user at FitTopia Fitness. His preferred form of training is lifting heavy weights. In recent times he has developed a habit of dropping his dumbbells on the ground after each set that he completes. Today Marcus has invited his friend Peter to train with him.

During a set of dumbbell chest press, Marcus decides to increase his 5RM by 5kgs and attempts to complete 5 reps. Marcus begins his set with Peter spotting him. On the third rep Marcus is really struggling. He starts to shake badly and loses form dropping a 50kg dumbbell on to Peter's foot.

Peter is in agonising pain; he removes his shoes, and his foot swells up very fast and dark bruising has started to develop. The injury is so discomforting Peter starts to shake and goes pale in the face as the pain increases. It is difficult to observe any deformity in his foot due to the increase of swelling. Marcus is in shock and does not know how to deal with the situation and continues to apologise for the accident.

- A) Describe in detail (**100 – 150 words**) the steps you would take to deal with this event in a public gym to ensure Peter's health and well-being are taken care of and he receives appropriate medical attention.

Research online, draw from your own experiences, and use the "Exercise Professional / ACC Best practice guidelines for injury prevention and management" document to help with this question. In your answer, consider what types of documents you would need to fill in at the gym after the incident occurred.

*Note: as a REPs registered PT you will need to have your First Aid certificate, so though you may not have it now, you will likely do this training in the future. In this response you do not need to go into detail about what First Aid you might apply, simply note that you may apply first aid to the situation.*

As we are in a large public gym, we need to make sure that a crowd does not start forming, if possible, with help from others, we move Peter somewhere quieter. If not possible, we may have to ask other gym members to clear the area surrounding us.

I would direct Marcus or the gym manager to phone for an ambulance. If Marcus is too upset, it may be best to have someone else do this.

Then my attention would be on Peter and keeping him as calm and comfortable as possible.

I would apply First Aid based on the training I would have done to become a REPs registered PT. Once Peter has been accessed by ambulance staff, I would complete the necessary documents required by FitTopia Fitness in regard to logging an incident and provide all the information required like time/date, what was the incident, any injury, what was the cause, and where relevant, what action was taken to eliminate/manage this from happening again.

- B) After the incident was dealt with, according to the "Exercise professional/ACC Best Practice guidelines" identify a minimum of two (2) processes that are recommended following an injury of event.



You may paraphrase the information in the document and provide direct quotes with quotation marks. (100-150 words)

After Peter was taken to the hospital for an x ray, I returned to the incident site to photograph any evidence worksafe may require and isolate the area to ensure no-one else gets hurt. The next process which was recommended in the Exercise professional/ACC Best Practice guidelines states:

*“ALL incidents, regardless of seriousness, should be recorded on an Incident Report Form.”*

And

*“If a notifiable event\* or incident has occurred under the health and safety act then relevant procedure will need to be followed for notification with Worksafe.”*

When and if Peter wishes to return to the gym, I will require a clearance from his specialist/surgeon to ensure he is really to safely perform exercise.

Assessor only resource