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Independent Contractors and Sales Practices

There have been a number of podcasts that have addressed various issues that relate to gym contracts and independent contractors within gyms. However, we have recently learned that there are still some issues within gyms in this regard. Please be reminded that gym owners are responsible for the information that is disseminated by independent contractors which offer services within your gym. If your independent contractor offers personal training services, you must ensure that they are using a contract that has been approved by this office. Since you retained the services of those contractors, it is also your responsibility to ensure that they utilize sales practices that are not unfair or deceptive in nature.

This requirement also applies to any employee within a gym who is engaged in sales. At no time should a consumer be led to believe that they are signing a contract which includes a specific term or service when in fact there is no such information within the contract. For example, if a consumer requests a month to month contract, the terms of the contract should only be month to month. Likewise, if a consumer executes a personal training contract for six sessions, the terms of the contract should clearly specify only six sessions and nothing more. In addition, gym owners **must** make every effort to ensure that gym members are aware of the respective cancellation terms of their contract. We believe that your doing so will go a long way to minimize consumer complaints and to avoid future misunderstandings about the cancellation policies of the contract. Please feel free to contact us with any questions on these matters.

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