FITNESS INDUSTRY MANAGEMENT
Apply laws and regulations to the management of fitness enterprises

level: 5
credit: 4
planned review date: December 2002
sub-field: Fitness

purpose: People credited with this unit standard are able to: use sources of information and advice to support management decisions with legal implications, in fitness centres; apply health and safety legislation to fitness centre operation; interpret consumer legislation to identify compliance requirements in the marketing and delivery of fitness services in a simulated situation; apply understanding of the legal dimensions of contracts in the fitness industry; apply employment and human rights legislation to procedures for recruitment, selection, contracting, and termination of fitness facility staff; and apply planning codes and regulations to facility planning and operation. This unit standard is designed for people who will manage fitness enterprises.

entry information: Prerequisite: Unit 7040, Analyse ethical principles and practice in the fitness industry, or demonstrate equivalent knowledge and skills.

accreditation option: Evaluation of documentation and visit by NZQA and industry.

moderation option: A centrally established and directed national moderation system has been set up by the Sport, Fitness and Recreation Industry Training Organisation - Fitness Advisory Group.

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2 Competence in this unit standard may be demonstrated in simulated situations related to an existing fitness and/or recreation facility or enterprise. If this unit standard is being assessed in an on-job situation then the references to simulated situations may be considered redundant except in respect of emergency procedures.

3 Useful background skills are covered in the following unit standards on the Framework: Unit 497, Protect health and safety in the workplace; Unit 8554, Describe elements and remedies for breach of a contract; and Unit 8557, Seek changes to an individual employment agreement with an employer.
Elements and Performance Criteria

**element 1**

Use sources of information and advice to support management decisions with legal implications, in fitness centres.

Range: sources may include - Link Centres, State agencies, Local Government agencies, lawyers, consultants, training providers, libraries.

**performance criteria**

1.1 Information sources are identified and compared in terms of costs and services provided.

1.2 Analysis of legal implications of management decisions establishes need for legal and expert advice and involvement.

Range: building alterations, commercial leasing, employment contracting.

1.3 Preparation of contracts for services establishes basis of relationship between a fitness enterprise and consultants and legal advisers.

Range: services may include - advertising, marketing, facility design, business practice consultancy, personnel recruitment.

1.4 Briefing of legal and expert advisers meets project information needs of advisers for required services.

Range: relevance, completeness, accuracy.
element 2

Apply health and safety legislation to fitness centre operation.

Range: HSE, ARCI, ER, BA.

performance criteria

2.1 Application of health and safety legislation to a fitness facility establishes status of compliance with statutes.

2.2 Application of health and safety legislation to workplace practice in a fitness facility establishes status of compliance with statutes.

2.3 Application of health and safety legislation to childcare services in a fitness enterprise establishes status of compliance with regulations.

2.4 Analysis of accident categories characteristic of fitness facilities and associated activities is carried out in terms of ARCI coverage and employer liabilities.

element 3

Interpret consumer legislation to identify compliance requirements in the marketing and delivery of fitness services in a simulated situation.

Range: FTA, CGA.

performance criteria

3.1 Interpretation of consumer legislation is used to identify compliance requirements in the trading practices of a fitness enterprise.
3.2 Interpretation of consumer legislation is used to identify compliance requirements in the delivery of client service in a fitness enterprise.

**element 4**

Apply understanding of the legal dimensions of contracts in the fitness industry.

**performance criteria**

4.1 Contract terminology is defined through interpretation and use of key terms in the context of analysing three specific contracts.

Range: intention, performance (part, specific), offers, acceptance, requirement of writing, consideration, mistake, capacity.

4.2 Application of contract law to the fitness industry is analysed in terms of contractual relationships (explicit and implied) entered into by fitness enterprises.

Range: contractual relationships include those with - landlords, tenants, clients, employees, contractors, suppliers (goods and services), sponsors, funding organisations.

4.3 Key terms are interpreted in the context of selected contractual relationships with employers.

Range: relationship with employer - client, employee, supplier; key terms - intention, performance (part, specific), offers, acceptance, requirement of writing, consideration, mistake, capacity.
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**element 5**

Apply employment and human rights legislation to procedures for recruitment, selection, contracting, and termination of fitness facility staff.

**performance criteria**

5.1 Knowledge of employer obligations under the HRA to avoid discrimination is demonstrated by discussion of grounds covered and areas of public life and commerce covered.

Range: types of discrimination - direct, indirect; grounds - sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status, sexual orientation; areas - employment, education, access to public places, provision of goods and services, housing and accommodation.

5.2 Human resources employment practices for fitness centres comply with HRA legislation.

Range: advertising, recruitment, selection, contracting, training, promotion, disciplinary procedures and termination, sexual harassment.

5.3 ERA legislation is applied to types of employment characteristic of the fitness industry.

Range: full time, part-time, casual, independent contractor, salaried, waged, commission.

5.4 Employment contracts match policy guidelines and needs of facility employer - and requirements of ERA.
5.5 Facility disciplinary and termination procedures meet requirements of HRA and ERA.

**element 6**

Apply planning codes and regulations to facility planning and operation.

Range: BA, District Scheme, Local Authority bylaws.

**performance criteria**

6.1 Knowledge of regulatory environment for fitness facilities is demonstrated through analysis of the role and coverage of legislation and authorities.

Range: legislation - BA, ER, local bylaws and regulations as applicable; authorities - Territorial Authorities (TAs), Building Industry Authority.

6.2 Simulated project specifications for new facilities, or fitting a facility into an existing building, comply with BA and TA requirements.

6.3 Assessment of existing fitness facility and management practice is carried out in terms of compliance with BA and TA requirements.
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Comments to:

Sport, Fitness and Recreation Industry Training Organisation
- Fitness Advisory Group
Unit Standard Revision
PO Box 160
WELLINGTON

by December 2002.

Please Note: Providers must be accredited by the Qualifications Authority before they can offer programmes of education and training assessed against unit standards.

Accredited providers assessing against unit standards must engage with the moderation system that applies to those unit standards. [Please refer to relevant Plan ref: 0069]