

# Herbalife Distributor's Insurance

## Distribution and Fit Club

### Why do I need insurance?

#### Public liability Insurance

Public Liability is arranged on a losses occurring during basis and covers you if a third party might sue you for personal injury or property damage that arises in connection with the negligent operation of your business.

#### Errors & Omissions Extension

The Errors and Omission Extension protects you against any Claims Made against you during the Policy Period brought by a third party (most likely your clients) as a result of loss allegedly caused by negligent advice you have provided in your capacity as a Herbalife Distributor or fitness professional.

Coverage	NSW & QLD	VIC, WA & TAS	SA
<b>Herbalife Distributor's Insurance Package</b> (including Extensions) Herbalife Distributor activities, and promoted DMO's (Roadshows, Weight-Loss Challenges, Shake Parties, Skincare Parties, Product Demonstrations, Nutrition Club)	\$409.20	\$412.50	\$415.80
<b>a. Physical Activity Liability Extension (NON-Qualified Fitness Professionals)</b> - For non-qualified fitness activities if you are conducting Walk-Fit, Run-Fit & Fun-Fit (ie playing of school-like games, like keepings off & tag) - For any distributors attending a fit club and taking clients or prospects	\$649.00	\$654.50	\$660.00
<b>b. Physical Activity Liability Extension (for QUALIFIED Fitness Professionals)</b> - For eligible Qualified Indoor Group Fitness Professionals (conducting e.g. Dance Fit Club, Boxing Fit Club, Aerobics Fit Club) - Qualified Outdoor Group Fitness Professionals (conducting eg: Fit Club, Fit Challenge, Fit Bootcamp)			



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## **Distributor's Insurance Package (including Extensions – see below)**

Under this insurance package you will be covered for any public liability claims, and the extensions shown below (if applicable), that arise either from

- (a) Your role as a Herbalife product distributor & promoted DMO's (see conditions re. Fit-Club DMO)
- (b) Fit Club activities that do not require any qualifications, such as running and walking classes– includes Walk Fit Club, Run Fit Club and Fun Fit Club (i.e. the playing of school-like games such as 'tag' or 'keepings off')

Notes:

- (i) While no qualifications are required for the running of these activities, you should seek permission from Local Council before using public spaces.
- (ii) We strongly advise that you keep a signed attendance register for each session of your DMO – including date, time, location & person in charge. I.e., any form of DMO group activity, including Fit Club, WLC, Nutrition Club, Shake Party, etc. as a record of attendance. This will be required in any claim, as proof of attendance.
- (iii) We strongly recommend that you issue waivers to all Fit-Club participants

**Please note that for those Herbalife Distributor's providing services or assisting within a Fit-Club but who aren't running the physical activities it is still highly recommend they opt for the 'Physical Activity Liability Extension' as they may have clients attending.**

The following are examples (only) of several situations where public liability insurance may be required if you are negligent in relation to (say):

- Equipment in your gym / fit club activity causing injury to your client; part of your building structure falls on a neighbouring property causing damage, or if (say) during a training session you or your client damage a person's fence/retaining wall while performing 'dips'.
- A faulty blender where someone receives an electric shock or are injured, or perhaps someone falls sick if your blender is not cleaned properly.
- Someone slips on your Tanita scales, or someone is perhaps infected by something from your Tanita Scales (if not cleaned properly)

## **Physical Activity Liability Extension (optional cover)**

This Liability Extension is arranged on a losses occurring during basis and covers you if a third party might sue you for personal injury or property damage that arises in connection with the negligent operation of your business whilst performing physical activities such as personal training and fitness classes. With this extension, you will also be covered for any public liability or errors and omissions claim that arises from Indoor or Outdoor Fit Club activities, connected to your role as a Herbalife distributor.

**Please note that any physical activity conducted requires the appropriate qualifications, if you are participating in these activities without adequate qualifications, your insurance will be invalidated.**

## **Errors and Omissions Extension (included in Package cover)**

As a Herbalife distributor (and fitness provider if you are engaging in Fit-Club Model), a large part of your job involves providing advice to your clients, whether it is on how to run a Herbalife Business, how to engage in any of the DMO's, recommended training plans, dietary modifications (product sales & advice) or how to perform an exercise (Fit Club DMO).

The Errors and Omission Extension is arranged on a Claims Made against you during the Policy Period basis and protects you against any claims brought by a third party (most likely your clients) as a result of loss allegedly caused by negligent advice you have provided in your capacity as a Herbalife Distributor or fitness professional. Under this insurance, you are covered for loss(es) up to \$250,000 any one claim and/or in the aggregate for all errors and omissions claims arising during the period of insurance.

## Frequently Asked Questions (FAQ's)

Q1. What qualifications do I need to be in compliance?

Fitness Australia is the governing body for exercise professionals. They enforce government legislation and minimum standards within the Fitness Industry. These standards apply to all Fitness activities, regardless as to whether they are provided free of charge. Therefore Fit Club is subject to these rules and regulations.

(a) Indoor Group Fitness (e.g. Dance Fit Club, Boxing Fit Club, Aerobics Fit Club)

- Certificate 3
- Elective in Group Exercise Component

(b) Outdoor Group Fitness (e.g. Fit Club, Fit Challenge, Fit Bootcamp)

- Certificate 3
- Certificate 4
- Completion of activity specific education (Fitness Australia Approved Programmes)
- Current Australian First Aid (Senior or equivalent) Certificate
- Current Australian CPR Certificate
- Registration with Fitness Australia as an Exercise Professional
- Presence of first-aid kit, ice pack, mobile phone and other safety equipment during the activity

**More information about obtaining qualifications can be obtained from Fitness Australia website.**

**Fitness Australia website:** <https://fitness.org.au/>

**Fitness Australia Code of Ethics:** <https://fitness.org.au/codeofethics.html>

**IMPORTANT NOTICE: If you are engaging in activities which you are not qualified to do, or engaging in activities outside of your qualifications, you are not complying with the Industry Standards. Your insurance will be invalidated and you will leave yourself open to litigation. This is similar to (say) having car insurance but driving without a license.**

## Q 2. How would Fitness Australia even find out if I'm unqualified?

You won't get it away with it!

- Most importantly, if there is an injury, death or loss of income by a participant in your Fit-Club group, you will be exposed when they lodge a claim.
- Councils may notice unauthorized use of public areas (e.g. Parks) by unqualified trainers and report to Fitness Australia
- Observers in the public area (e.g. park) may notice unauthorized use of public areas by unqualified trainers and report to Local Council OR Fitness Australia
- It could come apparent to participants of your Fit Club group that you are unqualified and they may inform Fitness Australia directly or inform the Local council which in turn informs Fitness Australia
- Other local Registered Personal Trainers are likely to report groups run by suspected unqualified trainers (thus protecting the public, and their own local businesses).

## Q 3. How do I know if my Certification covers my competence for additional Physical activities?

Please refer to the Fitness Australia web-sites previously provided (Q1).

If you are not certain that you are qualified to perform certain activities, or they are excluded by the Insurer (refer to proposal form) you should not conduct these activities. If you do the insurance provided by this Policy will NOT provide indemnity to you for any claims subsequently brought against you as a result of injury or damage caused during these activities.

**Everything is government regulated. Lay persons without Fitness Qualifications are NOT QUALIFIED TO TRAIN others. And if they do so they leave themselves open to litigation without insurance cover.**

**Q4. Are there different qualifications required for Indoor as opposed to Outdoor activities?**

Yes – definitely. There are different requirements and/or Certification levels relevant to indoor/outdoor activities as well as for Individual or Group sessions – please view: <https://fitness.org.au/page.php?id=31>

Please pay attention to:

- Duty of Care
- Professional Skill, Qualification & Continuing Education
- Risk Management

These are the Standards, Guidelines & Policies: <https://fitness.org.au/page.php?id=31>

**Please note that this insurance package only provides cover for your role as a Herbalife distributor and associated physical activities as described, provided you have the necessary qualifications and certification (unless excluded by the insurer- see proposal form). You can not rely upon this policy for work in any other capacity.**

To proceed with placing your Herbalife Distributor's insurance package please complete the accompanying proposal form and submit it along with any relevant qualifications and certificates to [herbalife@enrizen.com.au](mailto:herbalife@enrizen.com.au)

Any advice contained in this documents is of a general nature only and does not take in to account the objectives, financial situation or needs of any particular person. Therefore, before making any decision, you should consider the appropriateness of the advice with regards to those matters.



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