

From: TTF - Paul Rose <paul@ttfkickboxing.com>
Sent: Wednesday, 13 October 2021 12:58 PM
To: Chambers - Clancy DP <Chambers.Clancy.DP@fwc.gov.au>
Subject: Re: AM2021/62 - Application by Total Toning Fitness T/A TTF - Amended Directions

Hello, thankyou for the amended directions. Please find the attached documents as supporting evidence for TTF's application. Myself and all witness statements will be in attendance on the hearing dates mentioned unless they withdraw before but at this stage we will all attend.

Paul
Director

[Bookings here](#)

M. 0435 269 012
W. www.ttfkickboxing.com
E. paul@ttfkickboxing.com
A. [233A Henley Beach Road, Torrensville 5031](#)



On Tue, Oct 12, 2021 at 2:10 PM Chambers - Clancy DP <Chambers.Clancy.DP@fwc.gov.au> wrote:

Good afternoon,

I refer to the conference held this morning and confirm the amended Directions:

1. Any submissions, witness statements and any other documentary material upon which Total Toning Fitness T/A TTF intends to rely upon is to be sent to Chambers.clancy.dp@fwc.gov.au by **4:00pm (ADST) tomorrow, 13 October 2021.**
2. Any submissions in reply to material filed by another party is to be sent to Chambers.clancy.dp@fwc.gov.au by **4:00pm (AEDT) on Thursday, 21 October 2021.**
3. The application is listed for hearing at **10:00am (ADST) on Monday, 25 October 2021** and **Tuesday, 26 October 2021.** All witnesses are required to be available to give evidence at these times.

Kind regards,

Elizabeth Stewart

Associate to Deputy President Clancy

Fair Work Commission

Tel: +61 3 8656 4527

Fax: +61 3 9655 0401

chambers.clancy.dp@fwc.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

The **Fair Work Commission acknowledges** that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past present and emerging.





KICK PUNCH LIFT

Matter No: AM2021/62
Applicant: Total Toning Fitness Pty Ltd

To whom it may concern,

For the purpose of clarity.
TTF refers to Total Toning Fitness.
PT refers to Personal Trainers.

My application to vary the span of day in the fitness award from 12 hours per day increased to 13 is small, simple, sincere & warranted. I have worked in this industry for 16 years in virtually all capacities of it from personal/group trainer, gym manager, sales representative, sole trader/contractor, strength coach, state elite sports coach, course presenter, employee & now Company Director. I have been an employer for the past 10 years with an average of 9 employees at any one time.

From those positions I understand the dynamics from all interested parties and also how individual's attitudes/needs & lifestyles shift over the course of time & understanding of regulations/obligations imposed.

To be clear, the purpose of the application is to protect & prevent employed Personal Trainers leaving/converting to contractors to side step FWC laws. My application supports lifestyle, longevity & stability for workers in the industry.

A common/expected practice in nearly all gyms is for the gym to offer group classes to its members were personal trainers conduct them. The personal trainer then builds rapport with the gyms members in the hope to convert the regular member into a paying PT client. This process is the same for employees & contractors alike & I have participated in both aspects.

Example: *Monday's 6am class a client asks to PT with trainer but has set times they can do like mornings only as that's their routine, the trainer can't do Monday because they are rostered for classes by the gym so suggests Tuesday morning 6am & the client agrees. The gym/employer cannot let this happen because the trainer is rostered on for Tuesday night classes 4pm-7pm. The client-built rapport with that trainer so they don't want other staff.*

I see trainers convert from employee to sole trader just to work the hours resulting in inevitable burnout. The employee generally requests to convert or elects to start as a contractor (paying rent/insurances/designing there own waivers etc prematurely) due to restrictions imposed by the employer such as span of day. I have hundreds of examples were client/PT build rapport together during classes and then wish to PT together but laws prevent them.

Gyms generally don't have enough work to roster straight shifts like 5am-2pm or 12pm-9pm or 9-5pm, there's just not enough demand for business in our industry during those times. So basically, everyone misses out until the employee converts to contractor to side step the law doing it anyway but inevitably suffering burnout because then they take on other work the gym usually does. This is the ultimate root cause were burnout truly lay in the structure of the fitness industry & failure of businesses in there first year. No mentor, excessive hats to wear, huge hours, minimum pay, no real leads, big set up costs, no back up from fellow employees to cover shifts etc etc. I know contractors who would stay up all night learning about taxes & insurances to cover themselves or dreaming up

A. Torrensville Location: 233A Henley Beach Rd Torrensville SA, 5031
A. Somerton Park Location: 228 Brighton Rd Somerton Park SA, 5044
E. memberships@tftkickboxing.com | M. 042 8877 995
W. www.tftkickboxing.com | E. sales@tftkickboxing.com

new promotional content for social media to market themselves, spending all their savings to buy some new gimmick to set themselves apart from the rest then starting work for PT at 5am with sometimes no sleep. This does not get spoken about but that's what happens.

Gyms could offer justify/offer shifts like 6-10am/3-7pm or 6-9am/4-7pm if 13 hour span was there because that covers major peak times 6am & 6pm of the industry. Because it's 12 hours we can really only offer 2 part time positions similar to what union statements have suggested 2 struggling positions with less than 20hpw basically or multiple casuals which result in poor interest due to lack of stability. Trainers want the security of good employment and want to work more hours & so eventually converts to become a contractor prematurely because decent employment can't be found. In my experience they fail within their first year as sole traders because of burnout, great trainers but cannot run all facets of a business. I'm a good example of this now, I'm a trainer speaking to the FWC and understanding unions' perceptions. Can you imagine a trainer who studied a 6 week course to become a PT spent their life savings to pay for it at 6k a pop, to then become a contractor needing to learn tax laws, insurance, legal waivers, OHWS, marketing, accounting, self promotion, building a website, client retention/conversion I could go on and on but you get my point. They don't do it, in fact most fail and get overwhelmed and want to leave after about 3 months of paying ridiculous rents charged by gyms upwards of \$300pw forgetting all about why they got in the industry to start with. Red tape overwhelms them.

The conversion justification to contractor is always about money & stability & never lifestyle. Most trainers are very passionate & motivated people so working is not even a job to them, they love it. I can assure you the lifestyle of an employee personal trainer over 13 hour day is far greater than that of a contractor who ends up working more hours for less money & less support/mentoring, burning out, getting in debt or even bankruptcy.

In reference to witness submissions from the union (in red) I reply the following.

Anthony Garcia

2. I am currently employed by Genesis Health & Fitness (Genesis) in a full-time capacity as a fitness manager and group trainer. My shifts are 6.00am – 2.00pm four days per week, and 12pm – 8pm one day per week.

TTF Reply: This is a great job, as stated he had multiple tasks to perform as manager and instructor, this allows for straight shifts. Unfortunately, not everyone can be a manager. For every manager there are about 10 employees working part time or casually or as contractors. I am trying to create full time employment or at least more part time hours.

*3. In 2018, I was employed by a BPM Fitness (BPM), a small studio in Hampton, Victoria. I was employed full-time doing both management and teaching classes.
4. I did broken shifts at BPM every day, working 6.00am–10.00am and then returning for the second half of the shift; being 5.00pm – 9.00pm. These times didn't include opening and closing the club and setting up all the equipment and then packing it away, so I would really work from approximately 5.30am – 10.30/11.00am and then 4.00pm until 10pm. In between my shifts, I would come home and sleep and then return to the club. I did this for 6 months until I was totally exhausted, at one point I was so tired I crashed my motorbike while riding to work. I barely saw my partner or family and didn't have time for anything else other than work. Even though this was a full-time permanent position, I hated living like this, it wasn't realistic or sustainable.*

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E. memberships@ttfkickboxing.com | M. 042 8877 995
W. www.ttfkickboxing.com | E. sales@ttfkickboxing.com

In the end I decided it wasn't worth it and decided to resign.

TTF Reply: There are many issues with this but firstly it's horrible that Mr Garcia was pushed to this extreme and I find that any employer who expects this is irresponsible. The span of day is nearly 18 hours according to Mr Garcia which I oppose & encourage investigation. Secondly as stated above he was engaged as a manager/instructor, so the gym had more work for him to do compared to non-management employees. We are here to negotiate 1 hour extra on span of day for broken shifts to increase employee's stability within the industry. Employers' hands are tied with both public demand of hours but also restrictions such as span etc on what kind of employment packages we can design.

5. In July 2019 I took on a role with Virgin Active (Virgin) as a personal trainer. This role included training clients and instructing classes in both the mornings and evenings. Leaving work between these shifts wasn't feasible due to the travel time to and from work, so I would frequently stay at the club the entire time and would normally sleep in the studios between my shifts.

6. I had hoped the role with Virgin Active would be better, even though it still included the split shifts, as the shifts were not as long, and it was not every day of the week. Again though, I decided it wasn't sustainable long term and I couldn't make a career with that arrangement. In April 2021 I left my job at Virgin because of this and sought a role with consistent hours and no split shifts, which Genesis was able to give me.

TTF reply: Was this as an employee or contractor? A company such as virgin I would imagine would well across the laws, so I find it hard to believe that Mr Garcia was forced to excessive hours or to sleep in staff rooms, why apply/accept employment with excessive travel in the first place if split shifts were known? If other employers could offer better positions more locally to Mr Garcia such as what my application proposes perhaps, he may have gained a position closer?

Kirsty Pepper

Background

1. I have been employed by United Workers Union ('UWU' or 'the Union') as a Member Organiser since 28 June 2021 in the 'Allied Industries' Portfolio, for one day a week. This Portfolio covers a range of industries, including the fitness industry (the industry). I am authorised to make this Statement for UWU.

2. I also work full time in the fitness industry, employed by the State Sports Centre Trust as a 'Health and Wellness Manager' at Melbourne Sports and Aquatic Centre (MSAC). I have worked at MSAC since March 2021; however I have worked in the fitness industry for over 12 years.

TTF Reply: I'm not sure if working for the union after being stood down from MSAC is a conflict of interest but none the less happy to provide my commentary on her experience although she has not stated which of her positions were employed vs sole trader it's hard to say. I state again the management position she speaks of at MSAC does not fairly represent the people under her. I speak for the hundreds of employees who do not enjoy the perks of management and the ability gain full time employment or even part time in the industry because of span of day restricting employers rights in offering better conditions to more than just a manager..

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5. I am currently stood down from my job at MSAC due to the Covid-19 lockdown in Melbourne. Prior to the pandemic however the shifts I typically did was 11am – 7pm, or 12pm – 7pm, doing a mix of admin tasks and instructing classes. I specifically do not teach morning classes as I do the evening ones instead.

TTF Reply: I repeat the same as stated for Mr Garcia, she was lucky enough to be offered a management position that allowed her to do multi tasks as she stated “admin/instructing” thus she enjoyed straight shifts while casuals covered the mornings one for her, those casuals no doubt had a high turnover for lack of stability. I would bet very few if any staff she managed could ever be offered full time work with current laws.

6. *The ‘fitness industry’ encompasses a very broad range of jobs and types of employment.*

7. *The types of jobs typically undertaken in this industry include:*

a. *‘Independent’ PTs – working as a ‘contractor’; paying rent to large gyms to train their members*

TTF Reply: If contracted, many many small gyms do this. I started TTF contracting trainers because I did not understand employment laws nor could I afford it. So it was cheaper to let sole traders do all there own work which is why I know they burnout so, ive seen this more than most first hand. I believe the national average turnover of contractors in a gym is 12 months but wish to exit earlier due to not making the rent.

b. *‘Employed’ personal trainers – usually paid per client, which is generally the percentage of the rate that the client pays to the gym for that session. This is typically 30% to the trainer and 70% to the gym.*

TTF Reply: I’m not sure what Ms Pepper suggested here is even legal in SA? Altering a employees pay rate in such a way would suggest the person is a contractor who gets paid client by client without guarantee of regular shift & contractors cannot be employed they are contracted under a different set of laws. In SA the minimum shift is 3 hours regardless of type of work. For the record, professionally In a contractor arrangement as mentioned I use to pay contractors the other way around 70% contractor/30% gym and have countless former contractors and invoices to show such.

Further to this the going rate for PT is \$60ph AVG in SA. So if a gym was only paying 30% of that it’s \$18ph which is under the award minimum of \$23.68 for a level 4 PT (from memory). Ms Pepper should certainly be recommending investigations into such practices.

FYI: My employed training staff get a flat \$30ph regardless of duties. PT’s we start at \$60ph charge to the client, less my GST of 10% brings my exclusive rate to \$54 actual income. Plus the 10% superannuation onto employees wage takes that up to \$33ph plus the work insurance at 2% takes employees cost to near \$34ph so I’m left with approx. \$20 to cover general over heads (cleaning/bookings/maintenance/toiletries/sanitiser etc)

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c. Fitness instructors (gym floor) – paid a normal hourly rate to work shifts, typically 4-8 hours in length

d. Fitness instructors in large gyms (group classes) – generally paid per class

TTF Reply: This also suggests the worker is a contractor not employee. I use to pay my contractors \$60 per 45min class but employees get shifts at an hourly rate. 3-hour min between \$25-\$35ph subject to quals/experience.

e. Fitness instructors in studios (group classes, e.g. F45 or KX Pilates) – typically paid an hourly rate to work a 'shift' of classes, e.g. to run classes from 6am – 10am, or 5pm – 8pm.

TTF Reply: This is true for employees. This also helps me to prove my application needs the award adjusted. Employees can only ever be offered 1 or the other not both if they want to work more hours and take both they need to become a contractor/sole trader sidestepping laws.

f. Reception/Customer Service/Sales/Management – these roles are paid an hourly rate to work a range of shifts. Sales and management are typically employed full time.

TTF Reply: I've addressed this already in admin type roles being able to do many tasks to gain full time work and that I speak for personal trainers who don't get this luxury. We can get them more hours if we adjust the span of day.

9. The employment types vary as well. Most PTs are contractors or employed casually. This is the same for fitness instructors in large gyms. Fitness instructors in studios like F45 are typically permanent employees, both full time and part time.

TTF Reply: To be clear, whilst F45 is a large multinational it operates as a franchise as do anytime, and many others, the franchisee is generally structured as a company with the company director an employee acting as owner/operator is basically a contractor that owns the business working ridiculous hours with support staff casuals. I know this from personal experience. I know my local F45 is Torrensville SA and has changed owners multiple times since opening just 6 years ago because of Ludacris franchise fees & workload. Again adjusting our award would aid in employers offering better positions as employees instead of guiding them to contractors who eventually burnout.

10. The industry is highly casualised and low-paid, with many workers engaged as contractors.

TTF Reply: This supports everything I have said with the exception of pay. I currently pay all part time employees \$7 per hour above the award. Some \$31ph. I also know many many gym owners whom all pay well above the award to retain staff. I think the award rate starting low is fair for new employees then as they improve the employer offers pay rises which is fair for all including existing staff who can get upset that a freshly qualified comes in at the same rate. Responsible employers understand this & those who take advantage don't last in business.

Split shifts in the fitness industry

11. It is understood when you start working in the fitness industry that the peak times people want to train are mornings and evenings, which is generally when classes are scheduled. However, I did not expect that I would need to work both mornings and evenings on a consistent basis. Generally, people choose to do one or the other.

TTF Reply: Fitness hours/demands is common knowledge, true. Therefore common sense to make a career out of it splits would be required in most workplaces until a management position could be gained which neglects the many staff under the manager I am trying to speak for. We are here to discuss the span of day for broken shifts. In my experience people do not get to choose the hours, the industry establishes that as Paul Stuart speaks of in his statement, the gym facilitates & offers employment to suit and oblige to laws.

A. Torrensville Location: 233A Henley Beach Rd Torrensville SA, 5031

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E. memberships@ttfkickboxing.com | M. 042 8877 995

W. www.ttfkickboxing.com | E. sales@ttfkickboxing.com

12. *In my experience, having worked both mornings and evenings in the past as a Personal Trainer (PT) my quality of life plummeted. Working these broken shifts involved being available for morning shifts, filling the gap in the afternoon with various things like eating, sleeping or running errands, then returning for more work in the evening, before returning home to eat, sleep, and prepare for the next day to do it all over again. I would also need to travel back and forth from work twice, which was tiring and further ate into my day, as well as adding travel costs. Any sociable hours are forfeited, so spending time with friends and family is almost impossible, and you are usually completely exhausted by the weekend, especially given the physical nature of the job. This arrangement became completely unsustainable.*

TTF Reply: I can relate to Kirsty here but again would question if the splits she speaks were similar to Mr Garcia were he was taken advantage of by what would seem a irresponsible & law breaking employer who should be investigated. I am simply suggesting to increase an existing span by 1 hour which I find very reasonable. To claim the “physical nature” of the job is an issue is unjust. Trainers cue clients to lift we do not lift more than a few reps to demo and that’s it & we “air” or “shadow” demo with zero weight. A chef working split shifts would carry far more weight in there pots & pans of food than what trainers do, I do find this “clutching at straws”.

If Kirsty worked with-in what the current 12 hour laws that have already been passed & deemed as fair and reasonable but she struggled, perhaps split shifts are not for her which is ok & a personal lesson she has learnt. Some people love them. Her experience is not the same for most trainers I have managed in the past 16 years. **Regarding split shifts further, many industries adopt them and they should not be treated as an enemy, some industries cannot avoid them.** I can speak for myself also personally as a fully qualified chef from 1999 to 2008 and worked splits shifts every day, I really enjoyed the short explosive shift then to have a break and go again, I actually find straight shifts long and draining which I actually do now as a gym manager (9-5) & I’d much rather be doing classes on splits as it’s my passion & I think more fun. My days as a chef were regularly 10-2 & 5-9 sometimes breakfast & dinner (4am – 11pm span) and I can assure this was a very fun job, perhaps best I’ve ever held. My days as a practicing trainer (sole trader) on the floor were better hours from 5-9 & 4-7. 7pm knock off was great and still time to catch dinner/movie with friends and get a good night’s sleep in all with-in the 10 hour break window in comparison to my chef job. Fitness is a healthy/positive industry, with positive employees that are motivated people because of this I have always found workers in our industry far more capable of pulling bigger days if desired due to there strong mind set to that of other industries. We are unique and should be treated so.

13. *If you don’t live close to the facility, travel time makes returning home not worthwhile, so people will simply stay at work for the entire time. I have seen many people sleeping in staff rooms and studios between their split shifts.*

TTF Reply: I have addressed this similar issue in Mr Garcias statement & that irresponsible employers should be investigated also that employees should not take such job if travel causes such issues, we should not make a decision varying an award based off someone choosing to take a job that is too far for them to travel, otherwise were does it end?.

14. *Nearly every trainer I have known has lived like this at some point. Eventually, they choose between mornings or evenings but not both; as I have done. Alternatively, they will exit the industry. The turnover of people within the fitness industry is extremely high, I believe working broken shifts is one of the reasons why.*

15. *While it is definitely true that the casuals I have worked with over the years would prefer permanent work over casual hours, very few would want to do broken shifts every day in order to get permanent work. No one enters this industry expecting to have to always work broken shifts in order to have a career and nor should they have to.*

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TTF Reply: The turnover is high of contractors/sole traders & of course casual employees turnover as that's the structure of it. They want more. Which is why my application will help. Kirsty would agree that turnover of 30+ hour per week full/part time employees is far less. Kirsty seems to be at conflict here, on one hand she states, *"It is understood when you start working in the fitness industry that the peak times people want to train are mornings and evenings"* but on the other hand she states *"No one enters this industry expecting to have to always work broken shifts in order to have a career and nor should they have to."* So, if the hours are known to be mornings & nights but you don't expect to work both and you also state you shouldn't have to in order to build a career, can I please ask Ms Pepper were do you suggest the hours are pulled from? To offer full time hours to more than just a manager currently cannot be done unless it's in a very large establishment then maybe 1 or 2 trainers might be full time at best and may I take this opportunity to remind everyone that the fitness industry is 80% small businesses who employ less than 3 ppl and the first employee is usually the owner/operator so basically a contractor pulling stupid hours in excess of 15-20h a day, yes it sounds crazy but I can assure you new business's starting out are determined to succeed and work crazy to build up there brand and we need to stop this burnout for the industries future.

Empower employers to package better offers of employment so we can help and mentor for longevity & please come down on the irresponsible employers Mr Garcia & it would seem Ms Pepper have faced like a ton of bricks.

Overall I feel the union may be missing the point here and jumping to a conclusion that my request is to benefit myself by exploiting my staffs hours when if that was my intention I would have failed in business along time ago because taking care of staff is every good employers number 1 job. My staff are my business and if they are happy, my customers are happy which means I'm happy. I have accepted resignations over the years from amazing trainers because they gained full time work in an industry they didn't even like because I wasn't allowed to give them more, not because I couldn't. They wanted to work 6am & 6pm and expected such before paying up to 8k for their qualification and so many time they even wanted more to which my reply was always "sorry my hands are tied due to fair work 12 hour span of day law". So off they go, unhappy about it working in a job they loved to now watching the clock in a new job they hate. Or they resigned to open there own gym with little understanding of how to run a business. Trainers are passionate & motivated people & for them to work a 15 hour day straight or broken happy is far better for them to work a 8 hour day unhappy. My request is to increase it by 1 hour at minimum which is a very small request but has massive benefits for basically everyone from the client to the employee & gym owners in the middle who need to facilitate.

Do not hesitate to contact me should you require further information.

Kind Regards,

Paul Rose
Director

Total Toning Fitness PTY LTD
233A Henley Beach Rd Torrensville SA, 5031.

E. paul@ttfkickboxing.com

M. 0435 269 012

W. www.ttfkickboxing.com

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I Janey Rose (Pauls Mother) have been employed by TTF as manager since 2015 in a full time capacity. During this time I have enjoyed watching newly qualified trainers enter the gym as independent contractors and often as breath of fresh air excited and ready to take on the world. They are great for about 3 months until the reality of compliance sets in & effort once given becomes exhausting & I don't think I've ever seen a contractor maintain stable attitude for longer than a week. They always seem to be anxious, very high or very low. This was my experience when TTF ran mostly contractors from 2012-2016/17.

TTF since switched to more employees and promotes this more, I believe we still offer contracts but employment seems to be more popular for reasons I'm not privy to. All I know is we have more employees these days.

I can testify that whilst employees are no where near as driven as self employed contractors, I have found our staff retention is far better, gym culture is amazing and it looks fantastic having all staff promoting the same brand over self promotion contractor styles. I can recall 2 contractors from 2016 each came to me separately asking for a particular members details and specifically said to keep it a secret from the other, I found this sneaky and disingenuous and overall a bit toxic. I later found out 1 trainer already offered the client a special deal but the other trainer was trying to undercut. You can imagine how that ended.

Employee culture Paul has created @ TTF is wonderful, everyone is paid well and fairly, staff actually enjoy covering and looking out for each-others shifts on sick days or annual leave requests because they work for the same team. I know Paul sometimes struggles with employees who want to cover a fellow workmate shifts but Paul cannot allow due to the 10 hour break rule and I am referring to an employee who works 4-9pm shift cannot cover workmates morning shift because it starts at 5am. They even discuss clients' needs and share results to benefit member were I distinctly remember contractors never wanting to share any information and it was all very secretive, there was never an offer to cover sick days for fear of clients jumping ship. He doesn't let politics enter the room & if he catches anyone badmouthing workmates is quick to stick up for everyone.

I've witnessed Paul mentor hundreds of staff from contractors to employees, 18yo to 50+ from how to run a class to PT to self marketing to lodging BAS statements (I think that's what they are called) to buying them and there partners gold class movie tickets or a weekend get away for the family to a nice bottle of wine (oh I neatly forgot about the go-karts he bought for all the trainers once), I've seen staff open up and cry to him and watched him genuinely console them. Paul is the real deal and I believe a trend setter doing great things, basically anything he suggests I would back. Just look at what he's done to date, I know of 10 gyms in Adelaide (I know there's more) who all started under Pauls guidance, some lasted, some didn't, some came back, some left the industry.

My position also receive many requests direct from members about prices & trainers availability. TTF has over 800 members whom I am responsible for managing there accounts & memberships. Members often request to purchase our best selling PT pack and use it with 1 or 2 specific trainers but question availability of those trainers. I believe Paul strictly advised the staff of what they can accept and cannot with clients, so members come to me expecting me to bend rules but of course Paul has advised me of the same. Its usually peak requests clashing morning vs nights. Sometimes even the trainers ask me to book these in direct.

I would estimate that happens at least 2-3 times per week and can tell you I've received cancellation forms from members cancelling there membership because they couldn't get the trainer they

wanted so they left they gym all together. Fairly sure Paul has even caught employees soliciting members away from TTF to train in local parks just to get those same hours. Crazy.

I have written this letter as support for Paul Roses application to vary the fitness award from 12 hour to 13 hour span of day and I can promise, from every trainer I know and have worked with would have no problems agreeing and I think many are already doing a lot more infact I've overhead interviews of prospective employees advise Paul of some ridiculous previous employer expectations. Paul is reasonable and just wants to improve conditions for all. Like he always has.

Sincerely, Janey Rose.

TTF Memberships & Accounts Manager.

Statement for extension of a 12-hour workday.

My name is Jordan Del Medico-Lewis, and I am a fitness trainer at TTF Torrensville, I am writing this statement to explain my views and beliefs surrounding the rules and regulations which limit my career.

I am aware of the 12-hour workday limit which currently sits comfortably around gyms effecting gym owners, trainer and members. Most places of work are busiest between 9:00 am until 5:00 pm, gyms do not fit into that category at all, we fill classes from 5:15 am to 8:00 am and then we have small classes until 5:00 pm where classes then fill up all the way through to 8:00 pm.

Trainers and members are aware of the times gyms are busy, but we all aware of how we are limited by these times as well. For example, I work for a small family orientated gym, we all do our bit and help one another but if I work the morning shift (5-9am) I am unable to work or cover a workmate that night (4-9pm) even though I would still be working under a 10-hour day.

Classes are not the only things disrupted by this rule, PT (personal training) clients are the real losers in this situation. Members often work strict hours leaving their schedules very limited for free time to come into TTF for a 30–45-minute session, as trainers we need to cater for these times but if a certain client is only available during the early hours of the morning and the trainer, they plan on having assist them is working the night shift they are forced to miss out.

When working in a gym environment members pay for you, before they get to the gym, they are aware and know who will be taking their class. We cannot swap in and out as we please, members have their personal favourite trainers which they intend on doing personal training sessions with. All we ask is for freedom to work and cater for members without being forced out of the industry or into a similar job by contracting.

Young trainers such as myself do not have the money behind them to start their own business through a gym just to work 15-hour days, we are fresh to the work force and are looking for a stable income and guaranteed hours. Those two factors are taken away in the world of contracting, it is up to the trainer to chase members which is something very few have advanced knowledge in. Young trainers want to work long hours while being safe and stable under a business name, the gym owners want the trainers to work as long or as little as they feel suit and the members want access to PT sessions with the trainers they choose. I feel as if all three groups are in a lose, lose and lose situation which is unnecessary considering the industry.

Hi Paul.

This is an official letter of resignation explaining the reasons and further reasons why I am leaving the fitness industry.

I came into the industry knowing the hours required (anywhere from 5am – 10pm). I have moved to BodyFit to find full time employment.

Due to the nature of the industry, it has proven difficult to gain full time employment and have decided to move away from the industry.

I would like to thank you for the opportunity you gave me and the guidance you provided me as a role model.

Regards, [REDACTED].

▪

RTO Trainer Assessor reference – Paul Stuart (FIT COLLEGE South Australia)

26th June 2021

To whom it may concern:

I am writing on behalf of my personal experience working as a campus-manager and business development manager for RTO Fit College (31903). Currently I have since left both those roles that I held at the company in Adelaide between 2016 to 2020. In that time, I worked with many stakeholders, students, and current fitness professionals. Fit College is a private RTO that has a focus on delivering the national training package required for people to work in gym and fitness environments both for employment and for sole trader operations.

Currently I am pursuing other studies in a non-related field and working towards other goals outside of the fitness sector. However, my experience with teaching the Certificate III and IV in fitness as well as working as a trainer date back to 2013. I still work as a casually contracted trainer and assessor for Fit College whilst I am studying Software Development at TAFE SA.

My wife and myself have known and worked with Paul Rose and his business TTF since around 2012. Fit College have worked with Paul assisting him in recruiting staff over the years as well as running other initiatives for cross-marketing purposes for both businesses.

My purpose for conducting this support letter is for two reasons:

1. Outline the reality for trainers in the fitness sector regarding work conditions.
2. Recommendations for an ideal work environment suitable for both trainers and employers in fitness.

The reality for most aspiring trainers is that they have a huge financial hurdle to climb to even get the qualification that they have worked towards. I can tell you from experience, a class of maybe 20 students would within the following 3-6 months see three or four students working. Once they have their qualification, the requirement is for insurance/risk-management purposes as the most common route for a trainer is to become a sole-trader. Reason being the fitness sector almost exclusively relies on this tax-model for a trainer to function in the fitness sector due to the hours of

operation. Fitness is a service industry for working people unavailable between standard business hours. Rarely will anyone utilize fitness services unless they are working full-time or at least part-time.

A typical trainer will work very standard patterns of operation such as 5am to 10am, then return later in the evening to work 5pm to 8-9pm, additionally weekend work at least on Saturday morning is quite standard. If they are a sole-trader, between these times, they will then most likely be doing business development to build and/or maintain their clients, this involves a lot of grass-roots marketing, phone calls, follow-ups, emails, connecting with local people and businesses.

Whilst this is fairly expected of any sole trader, it does not take much to see the toll a lifestyle like this would take on an individual. This essentially is one of the factors that burns-out trainers and causes them to quit. It is stressful, risk-intensive, requires above normal energy-levels, has little guarantee of success and almost zero financial security.

From my experience, the excitement, and prospects that new students display when they enter the certificate III and IV in fitness is quite profound. Very few students are prepared for the reality of the sole-trader work that the industry demands of them. Throughout the course it also becomes apparent that some students will delay or maybe even not pursue their passion to work in fitness for this very reason. This has been observed multiple times throughout my years of working at Fit College.

An employment model where a trainer is working under a manager on a wage or salary tax model does sound like a much more sustainable way forward for both trainers and business owners who continuously contacted myself requesting quality trainers. The same difficulty always presented itself; as an employer, they could only offer part time security at best, or sole-trader work which had its difficulties as previously outlined.

The main barrier to employers being able to offer clear, consistent, and sustainable long-term employment essentially revolve around the hours of operation as outlined above (12-hour day). Fitness employers also need to have some directive ability over their staff so they can service their business. However, as a 12-hour day is the current requirement for full-time staff, it causes issues with rostering based on the hours of operation in a typical fitness business.

I have known Paul Rose for many years now and had several conversations with him around this topic. He is continuously dealing with employee rights under a salary/wage model whilst also

meeting business operation requirements. The two are at conflict with each other, he simply cannot roster a full-time staff member on at 5am because they then must finish at time they are required.

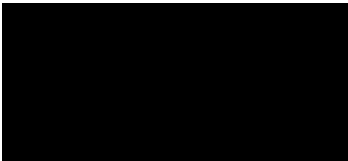
Also, Paul would have to pay the staff member for a lot of un-workable hours between 11am to 5pm. There are some business tasks that can fill these hours but not enough for a full working year. The main reason Paul would need full time staff is to train people and he can only do this between split shifts before and after business hours.

I use TTF and Paul Rose as an example because I have worked extensively to see this firsthand. From training to employment, to meeting business needs. It would not be very different to any other fitness business. The only exceptions seem to be not-for-profit facilities such as community recreation centers. However, many of these facilities employ on part-time agreements, similarly with bigger commercial gyms such as Goodlife Health Clubs. There are many sole traders with work however a vast majority are University students working part time hours.

The solution in my mind is simple; employees in fitness need longer working days if they have full-time staff members. It is important to note that the fitness sector is vastly different from hospitality, construction, support-work etc. The risks are different, the industry requirements are different.

Feel free to contact myself regarding this letter, details are included in the footer.

Sincerely,



Paul Stuart



PEAK 24 FITNESS AND PT

1/149 Marion Rd
Richmond 5033
ABN 94 147 408 464

T 08 8352 4787
W peak24.com.au
E info@peak24.com.au
M 0438 PEAK24

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To Whom It May Concern:

My name is Mark Haylock and I have owned and managed my own gym at the above location for 7+ years. Our biggest challenge is always staffing.

The busiest time in health and fitness centres is, by far, 5-8am and 5-8pm. In this industry you don't get a choice of what hours you work, or are open because the customer determines this.

These times are also the key times that all Personal Trainers want and need to work.

Current award conditions in the industry make it impossible for 'employed' trainers to work these hours consistently because of restrictions around split shifts and ability to work longer than a 12 hour span in 2 split shifts. This leads to Personal Trainers quitting as employees and working as subcontractors, so they can work 2 shifts that cover both 5-8 AM and PM. Often this move to 'sub contracting' is way too premature for young trainers.

Personal Trainers can complete a Cert 4 in 3-6 months of study. This is an intense course all about anatomy and training the body and person. Very little, if any, of the course content teaches them how to run a business or be self-employed. Once trainers complete their course the learning and training is substantial and ongoing and trainers need to be in a good environment and surrounded by good people for this to happen.

In my opinion the best environment for learning and professionalism is through mentorship through good gym businesses. PT's need to be able to work when the customer has the time. Allowing shifts to split over the required times will help the Worker substantially and give them a chance to survive in this industry. Perhaps a compulsory 4-6 hour break between shifts or a trainee/apprentice type scheme would help.

These concerns are about keeping the industry professional and protecting the Worker and I trust we can make logical change to facilitate this.

Kind regards

Mark Haylock

Director/Owner

Peak 24 Fitness and PT