

How safe are trampoline parks in Canada?



By **Jasmine Daya**

As temperatures fall and Ontarians begin to look for indoor activities, many are heading to indoor trampoline parks. There are over 1,000 trampoline parks worldwide. While these facilities promote fun and physical activity, injuries are occurring almost daily in trampoline parks across Canada, and the severity of these injuries are increasing as well.

In Canada, **4,247 incidents of trampoline injuries** were treated in the emergency departments of 15 hospitals between 2005/2006 and 2009/2010 according to the Canadian Hospitals Injury Reporting and Prevention Program (CHIRPP).

Trampoline-related injuries

Fractures (often to the upper limbs), sprains, and strains are the most common types of trampoline injuries. More serious injuries can include skull fractures, cervical spine injuries, vertebral artery dissection, significant knee ligament injuries, and ulnar nerve injuries.

Most trampoline-related injuries are the result of the following risk factors:

- Age: Children are more likely to be injured compared to older adolescents and adults, and children five years old and younger are at a higher risk of fractures.
- Multiple people on the trampoline at one time: The risk of injury increases with the increase in the number of people on the trampoline.
- Attempting tricks or flips: Stunts, somersaults or backflips increase the risk of head and cervical spine injury.
- Quality of equipment: Low quality or worn trampolines and frames can increase the risk of injury.

Lack of supervision, colliding with another person or landing on them, getting pushed off the trampoline, falling off the trampoline and landing on an object or the ground, landing hard or improperly while doing flips or tricks or while jumping; and coming into contact with the frame or springs are all additional risk factors.

Children between the ages of five to 14 are found to be the most at-risk group for trampoline injuries. Children between the ages of seven to 10 are those that have the most hospital admissions.

Since 2005, **Health Canada** advises against somersaults, flips, and tricks on trampolines. They also advise that children under the age of six should not use trampolines at all as they do not have the motor skills and strength to jump on a trampoline. It is also advisable to only have one child use a trampoline at a time.

Regulating trampoline parks in Canada

In Canada, the trampoline park industry is not regulated. However, the majority of trampoline facilities in Canada voluntarily adhere to industry standards that are established in the United States. There is no enforcement to ensure the parks meet these same safety standards. Trampoline parks are left to inspect and repair their equipment and are not required to report any injuries.

The **Canadian Hospital Injury Reporting and Prevention Program (CHIRPP)**, an emergency room based injury surveillance system, is keeping track of children who present at a hospital with trampoline injuries. The information collected from 11 pediatric emergency departments and six general emergency departments in Canada, which includes questionnaires completed by the patient and clinical data derived from attending physicians and staff, are used to study the incidence of trampoline-related injuries.

Trampoline litigation in Canada

Several civil lawsuits against trampoline park owners have been commenced in Canada.

A **19-year-old Edmonton man** has filed a \$17-million lawsuit against a local trampoline park facility after being left paralyzed when he hit the concrete floor below the foam pit. The lawsuit alleges that the man was not properly informed of the risks and the facility did not do enough to ensure his safety while performing a front flip into a foam pit. He also alleges that there were no safety warnings, supervision, and the foam pit was minimal and inadequate.

The man fractured one of the bones in his neck that has left him paralyzed from the chest down. The man and his parents are suing the owners of the trampoline park, the foam pit supplier and installer, and four trampoline park

employees. He is seeking damages to cover the cost of past and future care, his lost income and future loss of income, as well as for pain and suffering.

In British Columbia, **the family of a man who died** after somersaulting into a foam pit is suing the indoor trampoline park for negligence. The family is seeking general and special damages. The claim has been brought against the trampoline park, the property owner, and an employee. The lawsuit makes the following allegations against the facility, including (but not limited to):

- It failed to supervise the man;
- It failed to warn him of the dangers of diving into the foam pit;
- It failed to ensure the pit was wide or deep enough and had enough foam;
- It did not make sure that a net at the bottom of the foam pit could support the weight of its customers;
- It did not properly train its employees on the use of the foam pit; and
- It did not provide the man with any safety instructions or prevent him from participating in activities outside of his physical abilities.

Generally, trampoline parks have liability waivers, which participants are required to sign before entering the facility. The waiver is a legal document by which the signee assumes the risk of the activity, despite the facility's own negligence or poorly maintained equipment.

In Ontario, liability waivers are generally enforceable, depending on the language of the waiver and who signs it. However, changes to the **Consumer Protection Act** seek to prevent contracting out of the "implied warranty that all services be provided within a reasonably acceptable quality". To date, there have been no Ontario cases to determine a definition of a "reasonably acceptable quality" with respect to trampoline parks.

We will continue to monitor reports of trampoline-related injuries and developments in the regulation of trampoline parks in Canada and will **blog** about changes as they become available.

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