

Original Article

Operation of gyms and fitness clubs during the COVID-19 pandemic – financial, legal, and organisational conditions

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Abstract

The restrictions on civil rights and freedom to conduct business introduced by the government in Poland from March 2020 were aimed at halting the development of the pandemic and preventing the collapse of the national health service. Particular restrictions were placed on the functioning of economic entities whose activities involved a high intensity of direct interpersonal contacts. Government financial support programmes addressed to entrepreneurs were supposed to help gyms and fitness clubs survive the months-long ban. The purpose of this paper is to outline the actions taken by gym and fitness club owners in relation to business restrictions imposed by the government during the coronavirus pandemic. The paper uses a critical analysis of the literature on the functioning of gyms and fitness clubs in Poland during the COVID-19 pandemic. In the opinion of entrepreneurs managing gyms and fitness clubs, state financial aid was not sufficient for the survival of their businesses, and the regulations and restrictions introduced were unconstitutional and not based on scientific research. Entrepreneurs, in an effort to avoid bankruptcy, have been restarting gyms and fitness clubs by creatively taking advantage of existing regulations. Their determination has been tremendous, as evidenced by the fact that every attempt to seal bans on the fitness industry has been met with an immediate response from businesses. The owners of gyms and fitness clubs saw a possibility to open their businesses based on exceptions formulated in the ordinance referring to physical activity within the framework of sports activities, sports competition (including amateur competition) and sports events (tournaments, matches). Another solution was to register the business under a changed the Polish Classification of Activities code. Instead of the previously used code 93.0 included in the ordinance, entrepreneurs started using code 85.51 which referred to extracurricular forms of sports activities. The examples of actions taken by entrepreneurs operating in the fitness industry as a response to scarce financial aid from the state during the COVID-19 pandemic provided in the paper contribute to its value and originality.

Key words: coronavirus, lockdown, fitness industry, physical activity, state aid

Introduction

March 2021 marked one year of the world operating under pandemic conditions. This period brought enormous, generally negative, changes in the functioning of societies and economies. The introduction of social distancing rules has resulted in a significant reduction in face-to-face human contact (Okabe-Miyamoto, Folk, Lyubomirsky, & Dunn, 2021). The lockdown of economies has, in turn, contributed to a significant deterioration in the financial condition of firms (Song, Yang, & Tao, 2020). In a pandemic setting, information and communication technologies have proven exceptionally useful. The pandemic has led to more widespread use of digital technologies in work, study, and interactions with government and health care (OECD, 2020). An increase in the popularity of purchases made through online stores (UNCTAD, 2020) and the use of contactless payments (GNI, 2020) have also been observed.

The outbreak of the coronavirus pandemic has accelerated the use of modern technology in the fitness industry as well (Hayes 2020; Moustakas, Szumilewicz, Mayo, Thienemann, Grant, 2020). However, sports activities can only be transferred to the Internet world or virtual space to a very limited extent. Although sports clubs started to introduce digital offers, the drawback of using them was that participants were bereaved of personal contact, and the experience of collective effort and team spirit when meeting online (Kehl, Strobl, Tittlbach, Loss, 2021), not to mention the inability to use the physical infrastructure in the case of gyms or fitness clubs. Sports clubs have been focusing on ensuring the safety of participants at practices and competitions. Guidelines and by-laws were developed to address social distancing and sanitation regimes (Dove, Gage, Kriz, Tabaddor, Owens, 2020; Sowier-Kasprzyk, & Widawska-Stanis, 2020). It is worth noting that the fact that sports clubs provide opportunities for regular sport and exercise is in line with the high importance of physical activity for prevention and health promotion that is highlighted in the literature and becomes crucial during the COVID-19 pandemic (Kehl et al., 2021). In this extremely difficult situation, people need stress relief, a break from the monotony of everyday life, or a change in their environment (di Fronso et al., 2020; Sutawijaya,

Sugiyanto, & Riyadi, 2020). There is scientific evidence that physical activity can promote immunity and better quality of life (Sato, Jordan, & Funk, 2014; Angosto, Berengüi, Vegara-Ferri, & López-Gullón, 2020; Buszko, 2020; de Melo, 2020) and can be used as a non-pharmacological treatment for many chronic diseases (de Sousa et al., 2021). Research on the importance of sport in treating depression and anxiety and improving psychological well-being has also received much attention in the literature (Fox, 1999).

However, the ability to participate in sports has been greatly reduced during the pandemic period (Adamakis, 2021). As research indicates, the negative effects of this phenomenon may be felt more by people who usually lead an active lifestyle (Martinez-de-Quel, Suarez-Iglesias, Lopez-Flores, Perez, 2021), as well as people with disabilities (Marco-Ahulló, 2021). During the pandemic period, government decisions closed soccer fields, swimming pools, gyms, and fitness clubs for weeks or months at a time. For those using the aforementioned sports facilities, this meant having to give up their favourite sport for another permitted physical activity. However, owners of closed sports facilities had no choice. Entrepreneurs running gyms and fitness clubs found themselves in a particularly difficult situation. The long-term closure of their businesses resulted in huge financial losses that were only slightly offset by the financial support received from government assistance programmes. The aim of this paper is to present the actions taken by owners of gyms and fitness clubs in relation to business restrictions introduced by the government in Poland during the coronavirus pandemic.

Material & methods

The research conducted in this paper focuses on the functioning of gyms and fitness clubs in Poland during the COVID-19 pandemic. The analysis covers the impact of government restrictions of business operations and state aid programmes addressed to entrepreneurs on the financial condition of the fitness industry in Poland. The study adopts the following research hypothesis: Entrepreneurs who run gyms and fitness clubs rate state financial aid as insufficient for the survival of their businesses. The paper uses a critical analysis of the literature on the subject including academic publications, selected legislation and internet sources, including those presenting the position of representatives of the fitness industry.

Impact of social distancing and sanitation regime regulations on physical activity during the COVID-19 pandemic

The introduction of social distancing by almost all pandemic-affected countries was intended to stop the transmission of the virus and prevent rapid increases in the number of infected people (Narayanan, Nordlund, Pace, & Ratnadiwakara, 2020). Maintaining social distance is associated with maintaining a recommended minimum distance between two or more people. Social distancing understood more broadly can also include the obligation to cover the mouth and nose, as well as restrictions on movement and assembly (Prachthausser, Cassisi, Le, & Nicasio, 2020). In addition to the principles of social distancing in the framework of counteracting the effects of the pandemic, regulations were also implemented in relation to the sanitation regime.

The first case of SARS-CoV-2 virus infection in Poland was recorded on 4 March 2020. Due to the increasing number of coronavirus infections, the state of epidemic hazard became effective in the territory of the Republic of Poland from 14 March 2020, and the state of epidemic from 20 March (Ordinance of the Minister of Health, 2020). By ordinance of the Minister of Health, the government ordered the closure of bars and restaurants, cinemas, theatres, libraries, and museums. The provisions of the ordinance also covered sports facilities. Gyms and fitness clubs, among others, had to close. As of 1 April 2020, further restrictions on civil liberties were imposed. The use of parks, beaches, boulevards, and board-walks was banned, and people under the age of 18 were prohibited from leaving home without adult supervision (Website of the Republic of Poland, 2020). The most controversial ban on entering forests was in effect from 3 to 19 April.

In the first weeks of the pandemic, Polish society overwhelmingly adapted to the restrictions introduced. With each passing month, however, the number of voices criticising the actions of those in power began to grow. The Ombudsman pointed out that the restrictions on civil liberties and freedom to conduct business had their source in ordinances rather than statutes, as required by the Constitution (Bodnar, 2020). Those in power were also criticised for failing to introduce a state of natural disaster, as provided for in the Constitution, which would entitle entrepreneurs to receive compensation from the State Treasury for the time their business was suspended (Business Insider, 2020). The issue of inadequacy of the introduced restrictions on the movement of people and business activity to the number of infections detected in Poland was also raised. The decisions of the ruling parties were also criticised because of their adverse effects on the mental and physical health of Poles. Probably for this reason, sport was one of the first areas launched as part of the gradual unfreezing of the economy. In the first place, on 4 May physical activity was made possible at outdoor facilities such as sports stadiums and fields, ski jumping hills, open shooting ranges, roller skating rinks, go-karting and cycling tracks.

For the next several months, there were relatively normal conditions for practising sports and participating in sporting events. However, as of 8 August 2020, restrictions were reinstated in some areas of the country due to the increasing number of infections. In the yellow zones, where the risk of an increase in the number of cases was low, and in the red zones, where significant increases in the number of people infected with SARS-CoV-2 were observed, there were stricter restrictions on sports activities and public participation in sports events than in the rest of the country (Money.pl, 2020). When analysing the regulations implemented by the government during

the pandemic period, it is also worth mentioning the ban on the movement of children and adolescents under the age of 16. Effective from mid-October 2020 to early January 2021, it prohibited children and youth from leaving their homes without an adult guardian from Monday until Friday from 8 a.m. to 4 p.m. (Ordinance of the Council of Ministers, 2020c). Given the fact that parents or guardians were usually at work during these hours, this ban greatly restricted the opportunity for children and young people not only to participate in sports, but also to spend time outdoors which is beneficial to their physical and mental health.

Government support for business in the face of COVID-19

Entrepreneurs whose companies were beginning to lose profitability and liquidity during the first lockdown expected financial assistance from the state. The first business-support programme operating under the name of the Anti-crisis Shield 1.0 was enacted relatively late, on 31 March 2020. This programme provided for a periodic exemption from social security contributions, support for job protection, a non-refundable loan, and an idle time benefit. In reality, the government programme did not meet the expectations of entrepreneurs. According to economists, the real amount of support that entrepreneurs could hope for was about PLN 40 billion, (about EUR 9 billion) and not the PLN 212 billion (about EUR 48 billion) the government boasted about (Wojtaś, 2020).

Entrepreneurs quickly realised that the programme was poorly prepared and that the assistance provided was a sham. Complicated procedures and highly formalised applications significantly hindered access to aid funds. In many parts of the country, errors preventing the use of financial assistance were found in almost 90% of submitted applications. As a result, entrepreneurs, despite the ban on assembly and the risk of being punished with a huge fine, decided to express their dissatisfaction during protests that took place on 9, 16, and 23 May 2020 in the nation's capital (Halicki, 2020).

Subsequent government support programmes for business in Poland implemented during the first wave of the coronavirus provided the awaited assistance. The term "helicopter money" was used when talking about the state's efforts to help entrepreneurs. The change in the philosophy behind the government's actions can be linked to two factors. Firstly, those in power realised that the pandemic-shadowed election campaign for the country's presidency was not the right time to look for savings in the state's finances, especially since the authorities had been convincing the public for several years that the Polish state had sufficient resources to implement ambitious social and economic policies. Secondly, those in power noticed that they could afford a certain amount of irresponsibility when it came to taking on debt to save the Polish economy. For in doing so, they gained public support without risking much, as future governments would be saddled with having to pay off the enormous public debt.

According to available data, by the end of 2020, entrepreneurs operating in Poland benefited from approximately PLN 93 billion (approximately EUR 21 billion) from the COVID-19 Countermeasure Fund managed by Bank Gospodarstwa Krajowego (BGK, 2021) and approximately PLN 61 billion (approximately EUR 14 billion) under the Polish Development Fund's Financial Shield 1.0 programme (PFR, 2021). When analysing the amount of aid granted it should be noted that a significant part of the funds was transferred to entrepreneurs before the second wave of the disease, some companies did not receive any aid, and for some the support was insignificant in relation to the size of incurred costs and losses.

Operation of gyms and fitness clubs during the pandemic

The appearance of the first case of the COVID-19 infection in Poland on 4 March 2020 heralded impending problems for gym and fitness club owners. Despite the closure of schools, kindergartens, nurseries, universities, as well as cinemas, theatres, and museums, sports facilities were still functioning for a few days, although with much lower occupancy than usual. Benefit Systems, a company that offers Multisport employee cards giving access to various types of sports activities run by clubs across Poland, noticed a decrease in the number of exercising people at the beginning of the second week of March. Fear of contagion made many people decide to freeze their passes or cancel their subscriptions. With the declaration of the state of epidemic hazard, effective 14 March 2020, the fitness industry's operations became completely blocked. After the first wave of coronavirus had passed, a gradual unfreezing of the economy, including sports activities, began in May 2020. However, gyms and fitness clubs did not open until 6 June 2020 (Ordinance of the Council of Ministers, 2020a). As Tomasz Napiórkowski, founder of the Polish Fitness Federation, notes, the first lockdown had a huge impact on the fitness industry, as it covered the peak season months (Dziennik Gazeta Prawna, 2020).

Under epidemic conditions gyms and fitness clubs had to abide by the guidelines of the Ministry of Economic Development, Labour and Technology and the Chief Sanitary Inspector relating to: disinfection of hands, equipment, and common areas, adherence to the limit of people using sports infrastructure (1 person per 10 m², but no more than 150 people at a time), frequent ventilation of rooms, use of 1.5-meter distance between users and 1.5-meter distance between exercise machines and lockers (Ministry of Economic Development, Labour and Technology, 2020). According to representatives of the fitness industry, by October 2020 gyms and fitness clubs were able to rebuild financial revenues to the level of 40–60% observed in the corresponding period of 2019 (Dziennik Gazeta Prawna, 2020). However, due to the outbreak of the second wave of coronavirus infections, the ban on services provided by these sports venues took effect again on 17 October 2020.

According to fitness industry representatives, the government's decision to close almost all sports and recreation facilities in the country, was incomprehensible, not well thought out and not supported by scientific research. Entrepreneurs running gyms and fitness clubs emphasised the fact that the sanitation regime was observed in these facilities and they were not indicated by control institutions as coronavirus outbreaks (Dziennik Gazeta Prawna, 2021a). They further pointed out that gyms and fitness clubs should be included in the health and prevention sector rather than the entertainment sector. They also suggested that Poland, following the example of some European countries, should let the fitness industry function in the pandemic due to the beneficial effects of exercise and competition on physical and mental health (Kunica, 2021). Entrepreneurs, requesting the government to withdraw from the introduced restrictions, further pointed to the results of studies conducted in Norway, the UK, and the USA indicating a very low risk of coronavirus transmission in fitness clubs and the risk of the collapse of many entities in the sports and recreation industry and the resulting loss of thousands of jobs (Frączyk, 2020).

The industry's critical stance towards the government's actions seems largely justified given that the Medical Council for COVID-19 at the Prime Minister's Office advising the Prime Minister on, among other things, restrictions and bans on business, was not established until November 2020, i.e. after eight months of the epidemic in Poland (Order No. 205 of the Prime Minister, 2020).

The increasingly visible lack of plan and order in the actions of the government, its unwillingness to engage in dialogue with representatives of the fitness industry, and the impending bankruptcies prompted owners of gyms and fitness clubs to take decisive actions of an organisational and legal nature. They noted that the terms used in the ordinance: person engaging in sport, sports activities, sports competition were not defined in the law. Therefore, they began to creatively interpret them to the benefit of the fitness industry. They saw a possibility to open their businesses based on exceptions formulated in the ordinance referring to physical activity within the framework of sports activities, sports competition (including amateur competition) and sports events (tournaments, matches) (Ordinance of the Council of Ministers, 2020b). All of these forms of sport have one thing in common: an organised nature. What follows from this term is the need to: develop rules or regulations under which the event will run, make a list of participants, establish a schedule of activities, schedule breaks between groups, and assign an instructor or trainer. Gyms and fitness clubs started organising preparations for competitions as well as tournaments for their clients, who were then obliged to sign a statement on preparation for sports competitions or joining sports competitions. According to the Polish Fitness Federation, in the first days of November 2020, about 20% of all gyms used these exceptions included in the ordinance to reopen. However, pandemic conditions dragged turnover down to 25–30% of pre-pandemic volume. This situation allowed entrepreneurs only to minimise losses (Dziennik Gazeta Prawna, 2020).

During the period of the second lockdown, owners of gyms and fitness clubs also operated their businesses under regulations relating to stores and churches. This is because they noticed that such entities were subject to less stringent regulations than the fitness industry. Hence the decision by Krakow-based Atlantic Sports to open a store offering sports equipment with an option to test it, or the operation of the Fitness Platinum chain as a sports equipment rental outlet. Another idea for a fitness business to operate during the pandemic was for Atlantic Sports to hold religious gatherings of members of a congregation called "The Church of the Healthy Body" (Jeżak, 2020).

Under the government's original plans, gyms and fitness clubs were to remain closed until 27 December 2020. However, instead of the expected opening of the economy, a new package of pandemic-related restrictions was introduced, effective from 28 December 2020 to 17 January 2021. The rules on gyms and fitness clubs were further specified. The regulations assumed that sport, entertainment, and recreation businesses (included in the Polish Classification of Activities (PKD) in section 93.0) dealing with the organisation of sports competitions, sports activities and sports event would be possible, if they were participated in by professional athletes, or athletes receiving sports scholarships, or athletes who were members of the national team or Olympic team, or who practised sport within a professional league (Ordinance of the Council of Ministers, 2020d). Just days after the new regulations were published, the fitness industry already had devised ways to evade them.

It turned out that the Polish Triathlon Association, the Polish Rope Pulling Association, or the Polish Association of Bodybuilding, Fitness and Strength Triathlon, i.e., Polish sports associations that had been operating for many years or were newly established, issued licences to athletes very quickly and at low cost, and each licence holder automatically became a member of a professional league (Patroniak, 2021). Another way to avoid the negative effects of police and sanitary inspections was to enrol clients in a course to prepare for work as a personal trainer. Another solution was to register the business under a changed PKD code. Instead of the previously used code 93.0 included in the ordinance, entrepreneurs started using code 85.51 which referred to extracurricular forms of sports activities (Bankier.pl, 2021).

The fitness industry survived the first wave of coronavirus largely thanks to its own financial resources. The funds it received under the Polish Development Fund's Financial Shield 1.0 were relatively small and provided too late in relation to its needs. The President of the Polish Fitness Federation pointed out that the specifics of the industry excluded about 90% of entities from the possibility of obtaining assistance under the Financial Shield. The condition for benefiting from state support was employing staff on the basis of an employment contract, while the most common form of employing trainers and instructors in the fitness industry were civil-law

contracts (Dziennik Gazeta Prawna, 2020). The fitness industry's calls for statutory regulation of the possibility of reducing or periodically suspending liabilities under rental of premises, and liabilities to banks and leasing companies found no response from the government. During the second coronavirus wave, the industry received virtually no significant government financial support. This opportunity did not arise until January and February 2021. According to the calculations of the Polish Fitness Federation, around PLN 380 million may go to the industry from the Polish Development Fund's Financial Shield 2.0, while another PLN 40 million from Anti-crisis Shield 6.0 (WP Sportowe Fakty, 2021). Support includes long-term loans, subsidised employment, extension of the idle time benefit, or exemption from social security payments (Konwent, 2020). Considering the fact that in Poland there are about 2,500 gyms and fitness clubs, and the average cost of maintaining a gym, already after the use of shields and without employee costs, can reach about PLN 50–100 thousand per month, the aid to the industry proposed by the state is, firstly, several months late, and secondly, definitely insufficient (Kunica, 2021). For this reason, as of mid-February 2021, approximately 40% of gyms and fitness clubs in Poland were open, despite bans on their operation. In the opinion of industry representatives, the promised state aid, compared to the costs of rent, bank loan instalments, and those resulting from lease agreements, is so small that the loss of the right to benefit from it due to non-compliance with the restrictions does not pose a big risk for entrepreneurs (Polish Fitness Federation, 2021). The fitness industry does not stop at finding legitimate business opportunities. Actions are also taken to enforce compensation from the State Treasury. According to estimates of the Polish Fitness Federation, the losses due to lockdowns amount to as much as PLN 4.5 billion. A lawsuit being prepared by the fitness industry will argue that the restrictions and bans introduced by the government are unconstitutional (Dziennik Gazeta Prawna, 2021b).

Conclusions

At the onset of the coronavirus pandemic, few predicted that societies and economies would be forced to function for more than a year under these extraordinarily difficult conditions. In many ways, governments managed to organise socio-economic life to reduce the risk of virus transmission. Social distancing rules are common, gathering regulations are in place. Modern information technology has been particularly helpful in organising work, learning, and interpersonal communication under the new conditions. However, not all human activities can be transferred to virtual space. As literature studies have shown, while digital technologies are applicable to sports, competition in the real world seems irreplaceable. The research results cited in the paper showed that playing sports and competing positively affects the physical and mental health of athletes. This is especially important during a pandemic where physical activity and human contact have been greatly reduced.

During the pandemic, sporting activities are usually allowed outdoors, but largely hindered or banned in indoor facilities such as gyms and fitness clubs. This puts the owners of such facilities in a very difficult situation. They have to bear the costs connected with facility rent, salaries of employees, loan and lease instalments, while earning very low or zero income. According to fitness industry representatives, the implementation of government restrictions on physical activity and businesses during the COVID-19 pandemic should take into account several issues simultaneously. The endeavours to reduce the risk of development of the pandemic should be accompanied by an analysis of the negative socio-economic consequences of the decisions taken. The analysis of the regulations limiting the activity of the fitness industry during the pandemic and aid programmes directed to the entrepreneurs in this market sector, as well as the manner of their introduction, has shown a lack of strategy in the actions of the authorities.

During the first wave of the coronavirus, the spirit of solidarity was palpable in the behaviour of the public. Responsibility for the fate of the country, and in particular the state of the health care system, was also seen in the attitudes and behaviour of fitness industry representatives. Entrepreneurs complied with restrictions and bans, expecting state financial assistance in return. However, the state aid provided to the fitness industry during the first wave of the disease was insignificant and covered only a small percentage of businesses. The lack of financial support during the second wave of the coronavirus, coupled with relatively little financial support at the dawn of the third wave, caused entrepreneurs to restart gyms and fitness clubs despite the bans in place. Entrepreneurs were forced to exploit various loopholes in the law to save their businesses from bankruptcy. Therefore, it can be assumed that actions taken by entrepreneurs and standpoints presented in the media by representatives of the fitness industry in Poland clearly indicate insufficient financial assistance from the state. Thus, there are no grounds to reject the research hypothesis formulated in the paper.

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