27 - THE OBLIGATORINESS OF REGISTRATION OF ENTERPRISES PROVIDERS OF SERVICES IN PHYSICAL ACTIVITY AND RELATED IN REGIONAL COUNCIL OF PHYSICAL EDUCATION 12TH REGION CREF12/PE-AL IN MACEIÓ - AL: AN EXPEREINCE REPORT IN ACTIONS OF SURVEILLANCE

ANTONIO ALVES DE MELOS NETO[1]
ANDRÉ LUIZ DE SOUZA[2]
1.Conselho Regional de Educação Física 12ª Região
Pernambuco e Alagoas – CREF12/PE-AL, Maceió, Alagoas – Brasil.
Graduado em Educação Física pela Universidade Federal de Alagoas, Pós-Graduado em Psicopedagogia Institucional pela FATEC-PE, Mestrando em Educação para Saúde pelo Instituto Politécnico de Viseu Portugal, Agente de Fiscalização do Conselho Regional de Educação Física da 12ª Região CREF12/PE-AL.
2.Conselho Regional de Educação Física 12ª Região
Pernambuco e Alagoas – CREF12/PE-AL, Recife, Pernambuco – Brasil.
Graduado em Educação Física pela Universidade Federal de Pernambuco,
Pós Graduado em Ginástica Laboral e Qualidade de Vida pela UNIGRANRIO-RJ,
Assessor Técnico de Fiscalização do Conselho de Regional de Educação Física da 12ª Região CREF12/PE-AL.
neto_che@hotmail.com

INTRODUCTION

For some time now it is common knowledge that physical exercise in gyms and fitness and bodybuilding companies providing services in the area of physical activity and the like made regularly brings many benefits to the individual, these benefits that underlie the physiological field and reach down to the psychological and social aspects through the interaction between individuals during the time they are in the same environment. WERNECK, F.Z et al. (2005) reports that "depending on the individual, exercise and environment, different factors may contribute in varying degrees to improve the mood of people who exercise." Many people report that even the best time to socialize that have on is during the time they are in the gym.

Then, you realize that bodybuilding and fitness gyms and service providers of physical activities and the like have much more than the goal of fitness improvement. Become spaces for socializing and meeting with friends. But we must not forget that the main action to be performed in a gym is exercise, and for this, it should be guided by Professional Physical Education.

It is thinking of the quality of performance that legislation is built to prevent and protect citizens seeking academies bodybuilding, fitness and service companies in the area of physical activity and the like, of any damage that may occur during the same practice.

Maceio, capital of Alagoas state now has a large number of establishments selling physical activity as a product. But the supply of this product should not be seen as simple, because the physical exercises without guidance and / or the wrong way can lead individuals to be suffering from injuries from poor execution of the exercises, or structural failures and physical environment or the equipment used for this act.

Upon the facts above, it is necessary to pay attention on the risks that the population maceioense running for dereliction of establishing the Laws mandating that businesses and service providers in the area of physical activity and the like must be regularized.

DEVELOPMENT

The Federal Government's concern with the quality in the provision of services that are offered by the companies to the population comes from the 80's, when it was enacted Federal Law 6839/80 which requires companies to be registered in the supervisory bodies, as shown in Article 1:

> The business registration and annotation of legally qualified professionals, their supervisors, will be binding on the authorities responsible for supervision of the exercise of the various professions, because the basic activity or in relation to that in which they provide service to others. (BRAZIL, 1980)

And this care was expanded with the Code of Consumer Protection by Federal Law 8078/90, and protects the consumer against possible irregularities that may occur during the provision of the service or sale of the same (BRAZIL, 1990):

> Article 3 Supplier is any person or entity , public or private , national or foreign, as well as loved depersonalized , to develop production activity , assembly, creation , construction, processing, import , export, distribution or sale of products or provision services.
> § 2 Service is any activity provided in the consumer market , remuneration, including those related to banking , financial , credit and secondary , except those resulting from character relationships labor .
>
> Article 4 The National Consumer Relations aims to meet the needs of consumers , respect their dignity , health and safety , the protection of their economic interests , improving their quality of life , as well as transparency and harmony of consumer relations , attended the following principles : (Amended by Law No. 9008 of 21.3.1995)
> I - recognition of the vulnerability of the consumer in the consumer market ;
> II - government action to protect consumers effectively :
> a) direct initiative ;
> b) incentives for the creation and development of associations ;
> c) the State's presence in the consumer market ;
> d) the guarantee of products and services with appropriate standards of quality, safety , durability and performance .

Among the fastest growing markets in the country, the market for physical exercise is one of the most important in. And worried about the quality and safety of services provided by these companies are being created laws rules, regulations and resolutions to better serve the public, and protect it from possible damage.

According to Article 1 of Federal Law 9696/98 The practice of the Physical Education and the designation of Professional Physical Education is the prerogative of professionals regularly recorded in the Regional Councils of Physical Education (BRAZIL, 1998). This implies that only qualified professionals affirm the Regional Councils of Physical Education have the legal prerogative to act with the deprivation of physical education interventions. This fact is also considered a misdemeanor, because according to Article 47 of Decree-Law 3688/41 (BRAZIL, 1941) - Criminal Offences Act - exercise profession or economic activity or advertising that has, without fulfilling the conditions to which by law is subordinate their exercise has simple imprisonment or fine

Given the importance that should be given to how they are offered to individuals practice exercise was that by Item III, Section 5 of the Federal Law 9695/98 (BRAZIL, 1998) was established to install or maintain in operating companies exercise with the participation of agents engaged in professions or occupations techniques and ancillary health-related unlicensed health agency jurisdiction or in disobedience other relevant legal norms, has worth of warning, intervention, interdiction, cancellation of license and / or a fine. The law 9695/98 considers this heinous practice, since the same "adds items to art. 1 of Law 8072 of July 25, 1990, which provides for heinous crimes, and amending arts. 2, 5 and 10 of Law No. 6437 dated August 20, 1977, and other provisions." (BRAZIL, 1998)

The profession of Physical Education in Brazil since 1997 has been recognized as a health profession by resolution of the National Health Council, CNS Resolution 218 of March 6, 1997. And it is this fact that gives the justification that establishments providing physical activities and the like are in your first instance companies that treat people's health and well being, they have a legal obligation to possess Sanitary Permit to operate.

In 2009 the National Agency for Sanitary Surveillance (ANVISA) in partnership with the Regional Council of Physical Education of the 1st Region (CREF1/RJ-ES) created the Guidance Manual for Sanitary Inspection in Establishments Providers of Physical Activity and Related, informs in its Article 5 that:

> Technical responsibility of the establishment shall be evidenced by a declaration and / or certificate of registration of the company with the Regional Council of Physical Education, according to their coverage area, stating that the full name and registration number of your respective technical manager . (ANVISA, 2009).

Considering this fact, it is clear that only companies that are registered in the Regional Councils of Physical Education are able to tell who is the professional who will respond technically the establishment, through the Technical Responsibility Certificate issued by CREF's.

The Technical Responsibility Certificate is the document that is required for the issuance of Sanitary Permit. Thus, the service providers of physical activity and the like that have no record in the Regional Councils of Physical Education, lack of Technical Responsibility Certificate. Consequently, do not possess the necessary documentation to have done its Sanitary Permit and are violating the Federal Law 9695/98 which deals with Heinous Crimes.

It is against the above facts is that the explicit requirement that the service providers of physical activities and the like have to be registered in their respective Regional Councils of Physical Education and maintain membership in professional, only those who have legal authorization (registration at CREF) to act. Failure to comply with all these obligations entails several breaches of the Brazilian Penal Code.

MATERIALS AND METHODS

Through enforcement actions undertaken by the Regional Council of Physical Education of the 12th Region / Pernambuco and Alagoas - CREF12/PE-AL was possible to perform the mapping of service providers and related physical activities in the city of Maceió - AL. It is worth noting that enforcement actions took place in all establishments for more than once, as a routine work. This is a study of quantitative character, which is shown the amount of establishments that have the product of the market Exercise and whether they are regular with requiring legal norms.

ANALYSIS AND DISCUSSION OF DATA

During the period from September 2011 to September 2013 the Regional Council of Physical Education of the 12th Region / Pernambuco and Alagoas - CREF12/PE-AL conducted enforcement actions in academies and companies providing physical activity and the like in the city of Maceió - AL and can be seen as follows:

Table 1 – Number of firms audited

YEAR	REGISTERED COMPANIES	COMPANY WITHOUT REGISTRATION	TOTAL
2011	15	106	121
2012	45	128	173
2013	134	111	245

Souce: CREF12/PE-AL

Through this survey , we can see that during the years 2011 and 2012 the number of enforcement actions undertaken was higher in companies that do not have registration in CREF12/PE-AL is essential since the record business for irregular law abiding . From the year 2013 was also the intensification of inspections recorded in gyms , for guidance and supervision of professionals and companies who did not undergo renovations Certificate and Certificate of Technical Responsibility , since these documents are valid for one (01) year. In addition, during the years 2011 and 2012 there was a significant increase in the quantity of academies and companies providing services and related physical activities in the city of Maceió , making the amount of inspections in companies without registration is diminished with respect to the proportionality registered companies compared to the two previous years.

Table 2 – Quantitative persons notified in exercise of Illegal Occupation in Maceió - AL

YEAR	PERSONS NOTIFIED
2011	73
2012	54
2013	56

Source: CREF12/PE-AL

In addition to the quantitative verification of audited companies , individuals who are acting as physical education teachers without being legally entitled - graduates without registration , students without the Commitment Stage document that is required , and without guidance by a qualified professional stage , lay - are reported to refrain from exercising the profession private professionals regularly enrolled in CREF12-PE/AL . It can be seen from Table 2 that there is a major change in the average number of persons reported during the years 2012 and 2013 . In relation to the year 2011 is a perceptible decrease in the quantity of individuals notified within academies and companies providing services in physical activity and the like. One can then check that the role of guidance made by Sector Surveillance CREF12/PE-AL could promote awareness of owners and professional firms audited on the importance and need legal services to be provided by physical education professionals.

Table 3 – Quantitative companies and their current situation regularity in Maceió - AL

EMPRESAS REGISTRADAS	EMPRESAS SEM REGISTRO	TOTAL
107	55	162

Source: CREF12/PE-AL

However, there is still a reluctance to approximately 33.95% of the owners of establishments that provide physical activity and related to regularize the situation of their companies before the CREF12/PE-AL. It is on this fact that the situations are aggravated risk to the population, because it was found that in most of these irregular academies, which are still found precarious situations of structure, lack of physical education professionals to advise clients / students, appliances in disrepair and utter breach of legislation.

CONCLUSION

The physical exercise is a well-oriented major factor in health promotion for individuals. So you can not see a picture in which there is no Professional Physical Education intervening and mediating the implementation of this practice. Likewise it is not acceptable that establishments must provide quality service and safety deprive their customers / students of this offer. The breach of the legislation is more than an attack on the legality of the actions of one country is an attack on human life, and pillar basic principle of human rights, the right to life.

It is in this perspective that we see the formation of a partnership between the Regional Council of Physical Education of the 12th Region CREF 12/PE-AL and Agencies and Entities partners, such as prosecutors, City Hall, Department of Health, Health Surveillance, Civil Defense, POCON , Civil Police and the Military Police the true form of action for society maceioense not suffer from a disorder disqualification and public health being affected by companies that insist on staying illegally.

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ABSTRACT

Justification: Gyms, weight training and services companies and related physical activities are part of a growing market and occupying a large proportion of the health and aesthetics in Brazil. Despite the demand for an ideal body, these establishments have responsibility for the lives of their users and comply with the regulations that are imposed, ensuring quality and safety of services provided to the population. Objectives: Check the current adequacy of the regularity companies operating in the city of Maceió, Alagoas State during the period September 2011 to September 2013. Methods: This is a study of data analysis done on the result of the actions of guidance and supervision of the Regional Council of Physical Education of the 12th Region CREF12/PE-AL. Results: It was observed that within two years there has been significant increase in the number of companies that were regulated. Conclusion: However it is clear that approximately 33.95% of the companies are still illegal, which reinforces the need for action in partnership with all enforcement agencies to ensure the safety of users.

KEYWORDS: Regularization. Health. Surveillance.

UN ENREGISTREMENT OBLIGATOIRE DES ENTREPRENEUR DE L'ACTIVITÉ PHYSIQUE ET S'INSCRIT EN CONSEIL REGIONAL DE ÉDUCATION PHYSIQUE 12 CREF12/PE-AL REGION À MACEIÓ - AL: UN RAPPORT D'EXPERIENCE SUR ACTIONS POUR INSPECTER

RÉSUMÉ

Justification: Clubs de gym, fitness et de prestataires de services d'activités physiques et autres font partie d'un marché en pleine croissance et qui occupe une grande partie de la santé et de l'esthétique au Brésil. Malgré la demande pour un corps idéal, ces établissements ont la responsabilité de la vie de leurs utilisateurs et de se conformer aux règlements qui sont imposés, ce qui garantit la qualité et la sécurité des services offerts à la population. Objectifs: Évaluer la pertinence actuelle de ces sociétés pour le bon fonctionnement de la ville de Maceió dans la période Septembre 2011 to Septembre 2013. Méthodes: Il s'agit d'une étude d'analyse des données faite sur le résultat des actions d'orientation et de supervision du Conseil régional d'éducation physique de l'CREF12/PE-AL de la région 12. Résultats: On a constaté que dans les deux années, il ya eu une augmentation significative du nombre d'entreprises qui ont été réglementées. Conclusion: Cependant il est clair que d'environ 33,95% des entreprises sont toujours illégal, ce qui renforce la nécessité d'agir en partenariat avec les organismes d'inspection pour assurer la sécurité des usagers.

DESCRIPTEURS: Régularisation. Santé. Surveillance.

LA OBLIGATORIEDAD DEL REGISTRO DE EMPRESAS PROVEEDORES DE SERVICIOS DE LA ACTIVIDAD FÍSICA Y DEL CONSEJO REGIONAL EN MATERIA DE EDUCACIÓN FÍSICA 12 DE CREF12/PE-AL REGION EN MACEIÓ - AL: UN INFORME EXPEREINCIA EN ACCIONES DE VIGILANCIA

RESUMEN

Justificación: Gimnasios, empresas de servicios de entrenamiento con pesas y actividades físicas y relacionadas son parte de un mercado en crecimiento y que ocupa una gran parte de la salud y la estética en Brasil. A pesar de la demanda de un cuerpo ideal, estos establecimientos tienen la responsabilidad por la vida de sus usuarios y cumplen con las normas que se establezcan, garantizando la calidad y seguridad de los servicios prestados a la población. Objetivos: Comprobar la adecuación actual de las empresas de regularidad que operan en la ciudad de Maceió, Alagoas Estado durante el período septiembre 2011-septiembre 2013. Métodos: Se realizó un estudio de análisis de datos realizado en el resultado de las acciones de orientación y supervisión del Consejo Regional de Educación Física de la 12 ª CREF12/PE-AL Región. Resultados: Se observó que en dos años ha habido un aumento significativo en el número de empresas que son objeto de regulación. Conclusión: Sin embargo, está claro que aproximadamente 33,95% de las empresas siguen siendo ilegales, lo que refuerza la necesidad de adoptar medidas, en colaboración con todos los organismos de inspección para garantizar la seguridad de los usuarios.

DESCRIPTORES: Regularización. Salud. Vigilancia.

A OBRIGATORIEDADE DE REGISTRO DE EMPRESAS PRESTADORAS DE SERVIÇOS DE ATIVIDADE FÍSICA E AFINS NO CONSELHO REGIONAL DE EDUCAÇÃO FÍSICA DA 12ª REGIÃO CREF12/PE-AL NA CIDADE DE MACEIÓ – AL: UM RELATO DE EXPERIÊNCIA NAS AÇÕES DE FISCALIZAÇÃO

RESUMO

Fundamentação: Academias de ginástica, musculação e empresas prestadoras de serviços de atividades físicas e afins fazem parte de um mercado crescente e que ocupa uma grande parte dos estabelecimentos de saúde e estética no Brasil. Apesar da procura por um ideal de corpo, estes estabelecimentos possuem responsabilidade com a vida de seus usuários e devem obedecer às regulamentações que lhe são impostas, garantindo assim qualidade e segurança nos serviços prestados à população. Objetivos: Verificar a atual adequação destas empresas à regularidade de funcionamento na cidade de Maceió durante o período de setembro de 2011 a setembro de 2013. Métodos: Trata-se de um estudo de análise dos dados feito sob o resultado das ações de orientação e fiscalização do Conselho Regional de Educação Física da 12ª Região CREF12/PE-AL. Resultados: Foi observado que no período de dois anos houve aumento significativo no número de empresas que se regularizaram. Conclusão: No entanto percebe-se que aproximadamente 33,95% das empresas ainda estão ilegais, o que reforça a necessidade de atuação em parceria com todas as Agências de Fiscalização para garantir segurança aos usuários.

DESCRITORES: Regularização. Fiscalização. Saúde.