

Risk Insights

Advice for you and your business

Slips, Trips & Falls



In a Statistics Canada Report, it was estimated that slip and fall incidents represented 41% of preventable injuries in Canada with a total cost of over \$3 billion each year.¹

In the past decade, the insurance industry has experienced a rise in the frequency of slip and fall claims against property owners, occupiers and snow maintenance contractors. With an **increase in the number of slip and fall related lawsuits**, there has been an increase in the number of large awards from the courts for personal injury, lost employment income and other resulting expenses incurred due to a slip and fall related injury.

What this means is that property owners as well as occupiers of rented or leased property are well-advised to maintain an effective snow maintenance program that minimizes the potential for a slip and fall occurrence on their property.

The purpose of this document is to briefly suggest some items that a typical effective winter maintenance program could include to help property owners and occupiers minimize the slip and fall hazard. An effective winter maintenance program may help establish a defence in the event that a slip and fall incident does occur on the property and a claim is brought against the owner or occupier of the property.

Slip and fall hazards can manifest in a variety of ways throughout the property. The last thing on a patron's mind while on the property is to be wary of slip and fall hazards. As an occupier, you have to be mindful of inherent hazards that may cause slip and falls. The only way to reduce this hazard is to be aware of the conditions on the property and manage them appropriately.

*An effective **winter maintenance program** may help establish a **defence** in the event that a slip and fall incident does occur.*

Slips, Trips & Falls *(continued)*

1 The following are some suggestions for snow and ice removal completed by an employee or a third party contractor.

1a. Removal done by an employee

- **Clearly define the tasks** to be performed by employees. This includes training employees in: which areas on the property are to be maintained, how often those areas are to be serviced and what equipment and materials are required to service those areas. The maintenance of entrances, stairways, and exits should be completed before the arrival of other staff and visitors.
- An important message that can be given to employees is: document, document, document. **Maintain a log with all entries** as to what has been completed, at what time, by whom, and note the climatic conditions at the time of snow and ice removal. The use of a log book is important to record all of these activities.
- In the event that a slip and fall incident is reported, an **Accident Report Form** should be available on site and completed by the claimant and/or any available witnesses outlining the details of the accident. The report should include the individual's contact information, be dated when it is completed and witnessed by a manager or employee. It is important to document the incident, including 'what', 'where', and 'when' with all appropriate details. Taking dated photos of the conditions at the scene of the accident, as well as the footwear the person was wearing on that day, are also important pieces of information to collect.

Note: It is important to keep records of all accidents.

1b. Removal done by third party contractor

- Ensure there is a **written contract/service agreement** that clearly defines the work to be done and the roles and responsibilities of each party. Obtain a certificate of insurance from the contractor, and have your Commercial Insurance Specialist review the coverages, etc., to make sure their liability insurance is in order.
- The **contractor's obligation** to apply snow and ice melting material such as salt should be clearly defined in the contract. The contract should outline the conditions under which such material is to be applied, and areas to be treated.

Did you know?

Snow and ice removal is an integral part of managing slip and fall hazards. Snow and ice removal can be done by a third party contractor, or by your own employees.

Slips, Trips & Falls *(continued)*

2 The following are some tips to help safeguard against slip and fall hazards on your property

- The **parking lot** should be inspected at regular intervals for potholes, uneven surfaces, and other debris. Areas of concern should be clearly marked and repaired as soon as possible. Debris that could cause slip and falls should be removed at the time of inspection.
- The **walkways** throughout the property should be regularly inspected. Uneven surfaces and tripping hazards should be clearly marked and repaired as soon as possible.
- **Stairways** should be regularly inspected to ensure that walking surface and handrails remain in good condition.

3 The following suggestions apply to the inside of the property – floors, hallways, and interior stairways

- Snow equates to accumulations of water puddles, wet and slippery floors. All employees should remain vigilant and keep an eye on the **condition of the floors**, including floor covering such as carpeting, to help control the risk of slip and falls. It is important that any wet floors are dealt with immediately.
- **Emergency exits and exterior stairways** should be maintained snow and obstruction free at all times. This includes pathways leading to established gathering points in case of an emergency evacuation of the building.
- **All floor mats** should be replaced at regular intervals and inspected regularly on a daily basis. A log book should be maintained if this is done by employees. If mats are replaced by a third party contractor, then a copy of the maintenance contract, certificate of liability insurance and purchase orders or invoicing should be kept on file.

Takeaway

It is important to establish and implement an inspection and monitoring procedure for identifying and managing slip and fall hazards on your premises. A routine which is undertaken on a daily basis, or more frequently when dictated by the weather, may help you control and reduce the risk of slips and falls.

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