



Preventing Slip & Fall Claims

For the last decade, insurance companies have been paying an increasing number of claims for "slip-and-fall" accidents. Generally, these claims involve injuries to customers and other visitors who slip, trip or fall while on the premises of a business.

Canadians in general are becoming more willing to sue. Therefore, when a visitor is hurt on your premises, there's a good chance that a claim will be brought against you.

Note that:

- You have responsibilities under the law as an owner or "occupier" of your premises. An occupier is anyone with "physical control" of the premises.
- Most provinces have outlined the responsibilities of business owners in various occupiers' liability legislation.
- The duty that you owe to a visitor is to take care "that is reasonable in the circumstances" to ensure that person is reasonably safe while on your premises. As such, you must take precautions to keep your premises safe.

THOROUGH DOCUMENTATION IS ESSENTIAL

Your best defence against claims in court is **documentation**. You want to prove that:

- Your company had adequate inspection and maintenance procedures in effect but despite those procedures, the accident was not "reasonably foreseeable".
- Your employees were trained to complete housekeeping logs and to quickly report and act on hazards.
- You have completed an Incident Reporting Form for any visitor who has slipped and fallen on your premises, even if he/she wasn't injured.
- Your system of inspection and maintenance is thoroughly documented.
- You had clearly marked and barricaded any temporary hazard (and/or provided a route around it), and that the hazard existed only short-term.



3 STEPS TO PREVENTION

Step 1: Identify Existing Hazards.

- Inspect your premises for potential accident sites paying particular care to: entrance ways and aisles, washrooms, parking lots, walkways, patios, stairs, ramps and areas with unexpected elevations or uncleared ice and snow.
- Eliminate/reduce the incidence of:
 - a) slippery surfaces (tile and wood floors);
 - b) buckled or torn carpeting/rugs;
 - c) uneven surfaces (cracks or potholes);
 - d) debris or boxes in aisles/walking routes;
 - e) produce on floors;
 - f) inadequate lighting; and
 - g) missing/loose handrails on staircases.
- Melting snow, ice or rain-water can form slippery pools on floors very quickly.

Step 2: Establish Procedures and Train Your Employees to:

- Perform inspections at regular intervals;
- Maintain the premises in a safe condition;
- Identify and fix potential hazards quickly;
- Warn others of hazards; and
- Investigate and document any incidents that occur;
- Handle injured parties without admitting liability.

Step 3: Use Your Floor/Exterior Housekeeping Log.

The successful legal defence may depend on a commitment to inspect, repair and document the state of your premises on a regular basis.

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