

## **Repairs and Maintenance**

### **Dave Magill**

#### **Don't Wait for the first Snowflake, Reducing liability from slips and falls**

This may be a surprise to many, but most slip-and-fall incidents don't happen on snow, nor do they happen during the heaviest periods of snowfall. The majority of falls occur in the days following a snowfall, and they almost always happen on ice.

While many facility managers focus on maintaining access to their businesses by quickly clearing freshly fallen snow, too often they fail to recognize that the job is only partially completed and the biggest risks are yet to come.

When left untreated, snow that is compacted by the weight of vehicles and runoff created by the thaw and freeze cycles will lead to the formation of ice. Although slips and falls can happen anywhere, they have a much higher likelihood of happening in transition zones: the areas where surfaces change or where footing and balance need to be re-established. The most common transition zones are where parking lots meet sidewalks or in parking spaces, where guests exit their vehicles and transition to the parking lot. Another problem area is where a customer transitions from a sidewalk to a new surface that they presume to be dry.

#### **Promote the Safest Conditions**

When it comes to snow and ice programs, the best practice is to take action long before the first snowflake falls. Set strict specifications. Ask yourself a simple question: If properly executed, will this specification deliver a result that will create a safe environment for my staff and guests? If you set high standards, such as a specification to begin services at the first flake or at the 1-inch threshold, you will minimize the risk for slips and falls. Don't allow snow to accumulate; it will be harder for guests to navigate, and it increases the likelihood that snow will be compacted by vehicles, creating our nemesis: ice. Even small areas of ice shouldn't be ignored, as they can lead to a far greater expense should a slip and fall occur.

Consult with a trusted snow and ice management professional to develop a program that relies on reasonable discretion when determining the need for de-icing treatments. Also consider the placement or storage of snow. Snow should be placed away from the heaviest travelled areas of the property and near storm water inlets, minimizing the impact of thaw and refreeze. In markets where stored snow is likely to remain for an extended period of time, snow piles should be removed from the site.

In the end, remember that there is a direct relationship between the standards you set, the financial burden to achieve that standard and the level of liability that you are creating for yourself and your snow service provider.

#### **Prepare for Claims**

Unfortunately, even when you set the strictest specifications, enlist the best snow providers and they deliver the best results, you will most likely be faced with claims alleging injury due to your negligence. Most states give a claimant two or more years to file a formal complaint or suit. This

extended time often makes it difficult to recall the conditions or events that may have contributed to a slip-and-fall incident. This raises the need for a robust documentation requirement. As a general rule, the more detailed information you collect and maintain, the better your defense against the claim. Working with your service provider to identify and collect crucial data points, such as weather data, service times and materials used, can be the difference between a successful defense and a less favorable settlement.

Regardless of your efforts, you may be forced to defend your organization against liability claims for slip-and-fall incidents. When evaluating such cases, the responsibility and the financial restitution associated with that responsibility will be assessed to all involved. This assessment will include you as the property owner, the organization providing the actual service, as well as the claimant. By developing a strict specification, partnering with the best service organizations and maintaining strong records, you can eliminate or minimize your exposure to slip-and-fall liability.

Dave Magill is the Vice President of Program Management for Ferrandino & Son, Inc. He has more than 28 years of experience in snow and ice services.

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