

## Corporate Exposure: Slips and Falls

Harry P. Mirijanian



Recently, while conducting a claims analysis for a client, we noticed what we believed to be a disproportionate number of slip and fall claims for their operation. Further research indicated just how large a problem this was for our client and, in fact, for most businesses.

It has been estimated that more than 12,000 deaths occur each year as a result of falls; nearly 20 percent of all disabling work-related injuries are directly related to these types of losses. As if these statistics were not enough to heighten business concerns, consider the increased trend in slip/fall litigation, workers compensation costs and health care expenses, and legislative efforts to improve working surfaces. For example, ADA design guidelines require slip-resistant surfaces on level areas, stairs, ramps, and specific slope and handrail designs. As a general rule, hand railings should be designed to allow for quick, easy grasping in the event that an individual loses balance, thus preventing a full fall injury. The individual should be able to grab completely around the railing—able, in fact, to touch his or her thumb to the other fingers. Specific building codes in your area will detail more exact standards.

The causes of slips and falls span the entire realm of possibility. For our particular client (this is backed up as well by national accident statistics), only a small percentage of fall claims (4 percent) resulted from accidents on steps. More than 60 percent of the falls were caused by operational conditions such as wet

surfaces, debris, and poor footwear selection. All of these conditions can be controlled. Although many companies do not want to incur the cost to provide specifically designed or selected footwear for their employees, they may end up spending much more if they don't. Yet the problem remains, and few companies consider mandating specific types of footwear as a requirement for certain positions. It is difficult to understand why company personnel, who recognize the need for appropriate footwear, ignore the proper safeguards.

Businesses today are required to exercise "reasonable care" for their employees and guests. The implication of this requirement is the fundamental root of the increasing number of lawsuits

*A much bigger  
problem than many  
companies realize.*

against companies today. The obligation to provide "reasonable care," however, can also be used to defend an organization in a lawsuit, if such care was in fact administered. The specifics of "reasonable care" will vary by operations performed, geographical location, and other variables, but the guidelines below provide a general framework for businesses:

1. Review your historical claims experience and determine what patterns, if any, are identifiable by day of week, time of year, time of day, specific location, etc. Once identified, correct or minimize conditions that may be contributing to this pattern.
2. Before construction or redesign of an area, document your research efforts to

select the proper floor surface. Be prepared to enter into evidence the "reasonable care" efforts used to select the floor surface.

3. Make sure all cleaning activities are documented. Most companies have some housekeeping standards and the adherence to these standards should be documented. Note in your records the date and time of the maintenance, as well as the individual who performed the job.
4. Provide adequate training to your staffers on the procedures they must follow to minimize slip and fall injuries. Discuss the practice of placing absorbent mats in appropriate areas, cleaning up spills immediately after they occur, etc. Documenting this training will go a long way in displaying your "reasonable care" efforts.
5. If appropriate, mandate the proper footwear for specific jobs or functions. Consider providing the proper footwear to your workers, or offering an allowance to be used for its purchase.

6. Retain an outside, independent lab to test your floor surfaces. Using a horizontal pull slip meter allows the professional to measure frictional forces. Slip resistance is based upon the frictional force needed to keep a shoe from slipping on a surface. Be certain to test the surface under all the conditions likely to be found in your specific areas.

Preventing slips and falls and implementing appropriate defense strategies are effective means toward reducing your overall insurance costs. ■

*Harry P. Mirijanian is president of Applied Risk, an independent risk management services firm established to assist the business community in reducing exposure to loss and insurance costs. He is a frequent speaker at AMA seminars.*

Published as a supplement to the October 1995 issue of *Management Review*.

Finance Forum Editor: George Milite  
Forum Group Editor: Florence Stone  
Associate Editor: Anne Skagen  
Senior Editorial Assistant: Grace Lander LoPinto  
Artist: Tony Serio  
Copyright: 1995, American Management

Association. All rights reserved. Editorial offices: 135 West 50th Street, New York, NY 10020-1201; tel: 212-903-8073; fax: 212-903-8083; e-mail: amapubs@aol.com

For permission to reproduce articles, contact Theresa New at 1-212-903-8283; fax 1-212-903-8083.

For multiple reprints, call 1-800-644-2464; Canadian & foreign, 717-560-2001.

For a single copy request, telephone UMI InfoStore at 1-800-248-0360 Ext. 2786 (overseas, 415-433-5500).

Additional *Forum* subscriptions are available to members at \$40 each. Contact Diane Laurenzo, Membership Director, AMA, 135 West 50th Street, New York, NY 10020-1201. For sample issues, call the Editorial Office at (212) 903-8073.