Real Estate: Slip-and-Fall Prevention

A Guide for Building Owners and Managers

Slips and falls top the real estate general liability risk list. The potential legal costs are significant—and compounded by indirect costs such as negative publicity and reputational risk. Fortunately, these accidents are largely preventable. Help protect your visitors and your reputation by strengthening your slip-and-fall prevention strategy and tailoring it to your property. Use this guide, Chubb's "Slip-and-Fall Prevention Sample Checklist" and Chubb's "Sample Slip-and-Fall Accident Investigation Report" as resources.

Most investments in slip-and-fall prevention are relatively small, but they can pay big dividends.

Assessing the Hazards

Taking control of slip-and-fall hazards, like any other systemic problem, requires a methodical, coordinated and documented process.

A good starting point is to conduct a complete hazard analysis of the property. First, know your slip-and-fall history. Analyze prior claims and incident reports, which may contain actual accidents, near misses, or maintenance records that reveal areas that have already resulted in injuries.

It's also critical to assess the current state of your property to identify potential issues, particularly the following key contributors to slips and falls.

Flooring selection

Appropriate flooring is one of the most important factors in preventing slip-and-fall accidents. Look for material that:

- Is smooth but not slippery. Flooring should not contain ridges or irregularities of 1/4" to 1/2" or greater.
- Has a coefficient of friction or slip-resistance rating of .50 or better (no formal standard exists, but many courts have recognized this value).
- Is compatible with its use. For example, flooring used near entrance/exit doors should be designed to stand up to wet and snowy conditions.

Floor maintenance

Improper floor maintenance can result in slippery floors. Janitorial personnel can help keep floors safer by:

- Applying floor cleaner or wax according to the manufacturer's recommendations and with a high coefficient of friction in mind.
- Using a nonslip wax if wax is necessary. Ensure the wax is compatible with the flooring material.
- Not using products that combine floor cleaner and wax for commercial pedestrian walkways because of the resulting build-up of residue.

Staircases

- Inspect and address irregular steps; poor illumination; poor maintenance; slippery steps; improperly positioned, absent, or broken handrails; and broken or eroded treads.
- Contact the local building authority to ensure your staircases comply with building codes.

Walkways

- Ensure walkways are smooth without being slippery, pitched to provide proper drainage, and well illuminated.
- Use chemical treatments and other coatings if needed to increase the coefficient of friction of slippery walkways.

Ramps

- Attain a slip-resistance rating of .8 or higher (recommended by the Americans with Disabilities Act) by using brushed concrete, cross cleats (cuts by a concrete saw), friction strips, and nonslip paints or coatings.
- Consider the ramp slope: More than 7° can be difficult for wheelchairs; less than 4° may be difficult to see and can surprise a pedestrian, especially when handrails are absent.

Parking lots

- Ensure the surface is regular and smooth; eliminate speed bumps unless they're necessary.
- Provide safe, conspicuously marked access routes for pedestrians.
- Provide adequate illumination.

Speed bumps and wheel stops

- Speed bumps, if necessary, should be brightly painted with contrasting, slip-resistant paint or paint additives, and not located in the direct walkway of pedestrians. A flat, three-foot walking area should be provided at both ends.
- Wheel stops should also be brightly painted and positioned to prevent parked vehicles from extending into walkways.

Maintaining Safe Conditions

The information derived from your hazard analysis helps guide your accident prevention activities moving forward. The following are also key considerations.

Self-inspections

Checklists can help identify slip-and-fall hazards and translate them into work orders for corrective action. You can start with Chubb's "Slip-and-Fall Prevention Sample Checklist" and tailor it to the unique characteristics of your property. Assign a knowledgeable person to conduct detailed inspections and report the results to management. To augment these inspections, have supervisors conduct informal walk-through inspections daily.

Inclement weather precautions

Poor weather calls for specific precautions. Among them is the placement of walk-off mats at all entrance doors. Mats should allow for at least 10 paces in the normal direction of travel to absorb water or snow. Snow removal should begin as soon as snow begins to accumulate, with the quick application of snow/ice melt products on walking surfaces. Contractors should be pre-positioned to address the issue of snow removal in areas with large walking surfaces and parking lots. Enter into written contracts with snow removal contractors and gain insurance protection by having yourself added to the contractor's insurance policy as an additional insured. Review the contract to ensure there is "indemnification/hold harmless" wording in your favor within the contract. Confirm the contractors have the appropriate insurance by obtaining copies of their certificates of insurance.

Tracking your progress

Monitor your results, and confirm that all safety procedures are properly and consistently followed. Implement and regularly review a thorough accident and incident investigation procedure to ensure that the actions being taken are indeed preventing slips and falls. Investigate both injury accidents and non-injury or "near miss" accidents. Utilize a standard accident investigation form that focuses on root accident cause and allows for clear documentation of information and corrective actions.

Engaging expertise

Finally, this guide is a resource but no substitute for legal advice or guidance from an expert in slip-and-fall management. Consult your agent or broker, your Chubb representative, or other professional resources for more information.

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