

## **\*\*PREVENTION OF WEATHER-RELATED SLIP & FALLS\*\***

### ***Property Owner's Liability Update***

Last year we informed you that on July 26, 2010, the Massachusetts Supreme Judicial Court reversed the longstanding “natural accumulation” rule regarding slip-and-fall accidents. The case prompting this new ruling was Papadopoulos, et. al. v. Target Corporation, et. al.; **457 Mass. 368 (2010)**. Upon leaving a Target store and returning to his vehicle, the plaintiff slipped and fell on a piece of ice that had frozen to the pavement. The accident resulted in a hip injury which required surgery. Although the parking lot had been plowed, a small pile of snow had been deposited onto a median, eventually melting and refreezing.

The previous rule held that a property owner was not in violation for failing to remove natural accumulations of snow or ice and could not be found responsible for any resulting injuries. **The new decision eliminates the distinction between “natural” and “unnatural” accumulations of snow and ice. Therefore, in a situation where a parking lot has been plowed to form a pile of snow (unnatural), but the snow melts during a warm-up and freezes into black ice over night (natural), the property owner can now be held liable for failing to properly sand and salt the icy conditions.**

This decision was confirmed in the 2011 case of Carolyn French vs. Friendly’s Ice Cream Corporation. The Massachusetts Court has ruled in favor of this plaintiff and the case is now being reviewed by the Superior Court.

**Below is a list of some of the actions that can be taken to reduce the risk for injuries associated with inclement weather conditions.**

Please share this information with your staff. It may be necessary to formally assign some of these responsibilities to specific individuals to ensure they are not overlooked. With everyone’s help we can make this an injury free winter season.

### **Ice and Snow Removal**

- Maintain an ample supply of ice melting chemicals. Keep containers in accessible locations near all entrance/exit doors.
- Facilities with large grounds, parking lots, and long sidewalks should consider contracting out snow removal if possible, and/or utilize snow throwers or special shovels.
- Assess where standing water collects in parking lots and walkways which can form black ice. Areas near building downspouts and other poor draining spots along sidewalks should be carefully evaluated. These slippery spots may need additional attention throughout the course of the day.
- Inspect and safely remove (from the ground) icicles that pose a hazard. You may consider temporarily redirecting pedestrian traffic as well.

## Safe Tips for Shoveling Snow

- Shoveling snow can be excellent exercise, but it can also be hazardous to people who overdo it.
- If you are older than 40, or if you aren't in good shape, be careful.
- If you have a history of heart trouble, check with your doctor before grabbing that snow shovel and clearing the driveway or sidewalk.
- Don't shovel snow just after you eat.
- Don't smoke while shoveling.
- Pace yourself. Snow shoveling is a strenuous exercise that raises both your pulse and blood pressure. Treat shoveling like an athletic event: warm up before you start, and stretch during and after shoveling.
- Try to shovel fresh snow, which is easier to handle than snow that has partly melted or become packed-down.
- Try pushing the snow forward instead of scooping and lifting it.
- Push or pick up small amounts at a time.
- Concentrate on using your legs instead of your back. Bend your legs and keep your back straight.
- Take breaks. And don't work until you are exhausted.
- If your chest feels tight, stop immediately.
- Wear layers of clothing, and keep your hands and feet warm.

Source: [www.safetycenter.navy.mil](http://www.safetycenter.navy.mil)

## Inside Facility Factors

- Implement a policy to regularly inspect entryways and halls to keep them free from excessive snow and water. Consider the winter related materials (e.g., shovels, buckets) stored near doorways which may pose tripping hazards as well.
- Use signs to warn of wet floor hazards and make sure they are removed after the floor is dry.
- Evaluate winter entrance carpets/mats at all entryways to make sure they are not ripped or curling at the edges. They should be inspected regularly to make sure they do not become buckled and create tripping hazards as well.

## Motor Vehicle Safety

- Plan your route before starting to drive and allow for extra travel time during inclement weather.
- Listen to local radio stations and/or dial 511 on your cell phone, which provides real-time traffic, construction and weather conditions. Limit trips outside the facility during poor weather conditions when possible.
- Prepare your vehicle
  - Carry supplies to help you keep windows clear at all times, including a scraper, brush, and extra windshield washer antifreeze.
  - Perform regular inspections of your vehicle: check tires, lights, and windshield wipers.
  - Keep Emergency Supplies In Your Car: cell phone, jumper cables, first aid kit, blanket, and a flashlight.
  - Winterize Your Car – check antifreeze, check battery, appropriate snow tires, windshield washer fluid, and winter wiper blades before the cold sets in. Encourage employees to keep a supply of ice melt in their cars that they can spread as needed.
- Before you leave your home or office,
  - Clean the entire car of snow and ice before you begin to drive including all windows, the roof and lights.
  - Let your car warm up and fully defrost for a few minutes before driving.

- Make sure all lights and heater/defroster are working properly.
- **Driving Safety Tips**
  - Start off slowly on ice or snow so the wheels won't spin or lose traction.
  - Drive smoothly and allow plenty of space between your vehicle and the one ahead when poor weather reduces visibility.
  - Leave plenty of extra space between you and other vehicles whether your vehicle is moving or stopped.
  - Do not talk on the cell phone while driving or engage in any other distracting activities.

## Parking Lot/Walkway Maintenance

- Consider emergency repairs or marking areas in parking lots and walkways where there may be pot holes or raised pavement due to frost heaving.
- Be sure painted markings and signs in parking lots are in good condition and visible particularly when snow banks get high.
- Mark speed bumps, curbs and driveway perimeter with appropriate markers to prevent damage during plowing.
- Consider implementing a "directed parking program" during storms to maximize the ability to clear the parking lots of ice and snow. For example employees during each shift are directed to park in designated areas so that the other areas are open to plowing.

## Footwear

- Encourage employees to wear safe, slip-resistant footwear when working or walking outside. Provide employees and visitors with a place to change from outside footwear such as boots to inside footwear (i.e., bench or chair).
- Investigate a program to assist employees with the purchase of ice traction cleats if your workforce is outside frequently. There are several different brands, many are inexpensive. They are easy to use and are amazingly efficient. Some vendors are:
  - STABILicers™ Lite Icewalker: [www.32north.com/Products/Work/STABILicersLite](http://www.32north.com/Products/Work/STABILicersLite) Approx \$21.95/pair (4 sizes) - steel cleats.
  - Ice Trekkers: [www.shoechoain.com/prodIceTrekkers.htm](http://www.shoechoain.com/prodIceTrekkers.htm) Approx. \$23.95/pair (4 sizes) - carbide spikes
  - Various Styles: [www.cozywinters.com/ice-cleats/ice-cleats.html](http://www.cozywinters.com/ice-cleats/ice-cleats.html) & [www.noslipstore.com](http://www.noslipstore.com)

## Working Outdoors

- Dress warmly and stay dry
- Employees should wear a hat, scarf or knit mask to cover face and mouth, sleeves that are snug at the wrist, mittens (they are warmer than gloves), water-resistant coat and boots and several layers of loose-fitting clothing. Do not ignore shivering. It's an important first sign that the body is losing heat. Persistent shivering is a signal to return indoors.
- Prolonged exposure to cold temperatures can cause hypothermia.
- Watch for these symptoms:
  - shivering, exhaustion
  - confusion, fumbling hands
  - memory loss, slurred speech
  - drowsiness
- If a person's body temperature drops below 95 degrees Fahrenheit, get emergency medical assistance immediately! Remove wet clothing, wrap the person in warm blankets and give warm, non-alcoholic, non-caffeinated liquids until help arrives.
- People working outdoors during the winter can develop frostbite and not even know it. There is no pain associated with the early stages of frostbite, so learn to watch for these danger signs:

- The skin may feel numb and can become flushed. It then turns white or grayish-yellow.
- Frostbitten skin feels cold to the touch.
- If frostbite is suspected, move the person to a warm area. Cover the affected area with something warm and dry and seek medical attention.