



In the late fall, winter, and early spring seasons in most parts of Canada, it is important to be mindful of the potential for staff and visitors to slip and fall while on your property.

A slip and fall can result in serious injuries, particularly amongst the elderly, where these accidents often result in fractures. Injuries suffered by the elderly can be slow to heal, and often, recovery is not complete. This leaves the person more vulnerable than they were prior to the fall. Such vulnerability can be emotionally devastating to the victim and can impact not only the injured party,

but their immediate family and other members of the community as well.

There are legal obligations that flow to the management of the organization. In Ontario, for example, under the "Occupier's Liability Act", the onus is placed on the property owner to ensure safe conditions for visitors to the property. Similar legislation exists in many other Canadian provinces.

If someone is injured in a slip and fall, you must be prepared to demonstrate that an appropriate standard of care was provided. The following criteria are generally applied :

- Whether the danger was foreseeable
- Whether the occupier's conduct was in accordance with acceptable standards
- Whether there was an adequate system of inspection in place and being carried out

- Whether the danger was allowed to exist for an unreasonable amount of time
- The ease with which the danger could have been prevented

So, what can you do to reasonably protect staff and visitors during the winter months? Instituting and following a Snow and Ice Clearing Program will go a long way to reducing the risk of slips and falls on your property.

Recommendations

Snow and Ice Clearing Program

WRITTEN POLICY

A snow and ice-clearing program should identify and explain the steps required to ensure that all parking areas, walkways, and entrances are well maintained and kept clear. Prepare a written document outlining responsibilities for snow clearing, salting and sanding, as well as incident reporting and emergency response. This policy must be read and understood by all staff, volunteers and contractors tasked with maintaining the property.

KEEP A WRITTEN LOG

Keeping a legible, written logbook of snow clearing activities is a critical part of the program.

It serves as a record of when activities were carried out. The logbook should record :

- The locations checked
- Date and time
- Weather conditions (temperature, type and amount of precipitation)
- Physical condition of the area
- Actions taken to correct adverse conditions (e.g.amount of salt/sand applied, shoveling)

- The name and signature of the person performing the activity. In addition, if a slip and fall occurs, a written record (in the form of an accident report) should be made detailing:
 - Who fell
 - Where and when they fell
 - Their address and phone number
 - Staff attending
 - Names and contact information of witnesses
- Actions taken

Your insurance broker should be advised as soon as possible and provided with these details.

Finally, staff should be aware that they should not say anything that could be construed as admitting fault. Make sure that the person who fell is comforted and cared for. If the person suggests that the fall was the fault of the organization, advise them that you are unable to comment. Such determinations are best left to your insurers, once the situation has been fully investigated.

Tips to Help Keep Your Property Safe

- Parking areas, walkways and entrances (outside and inside) should be well lit. This allows anyone walking to observe the conditions ahead.
- Ensure that contractors and staff understand the necessity to monitor the weather conditions and adjust how frequently they check the property.
- On sunny days, or days where the temperature goes above freezing, watch for “refreezing” during the late afternoon and evening hours when the temperature dips back below freezing. Refreezing can lead to the formation of patches of very clear ice known as black ice. During such weather, more frequent checks, salting and sanding are necessary, as meltwater will wash the salt away during the day.
- Keep all drains and catch basins clear of ice and snow. Remember, standing water can hide an icy surface.
- Position downspouts so that water cannot collect on walkways during thaws.
- Watch for the formation of frost during late fall or early spring, as frost can also create slippery conditions.
- If your property includes a public sidewalk, check to see if there are municipal bylaws requiring the property owner to keep the walk cleared, salted and sanded. Even if there is no bylaw, it may be prudent, as a good neighbour, to clear the sidewalk.
- Wheelchair ramps are a particular concern because of their inherent design (i.e. an inclined ramp). Because of this, sanding and salting may be necessary on a more frequent basis to keep the ramp clear and accessible. Able-bodied people should be discouraged from using the ramp during the winter months.
- Check stairs for loose or worn treads. Keep handrails in good condition and free of ice. If deficiencies are found, repair them as soon as practical. If repairs are not possible, restrict the access to that entrance.
- Regularly check the condition of the floors inside each entrance. Do not allow water to accumulate.
- If the floors do become wet, mop them dry. Place a caution sign in the immediate area to indicate that the floor is wet and to alert visitors to watch their step. Check the condition of the floors frequently, particularly during times of heavy use.
- In order to remove moisture and slush from footwear, and help to keep floors dry, install heavy rubber backed mats during the winter months. In areas of heavy use, these mats become saturated and must be changed. In many communities, such services are available through a contractor.
- Winter mats should lay flat on the floor. If they are allowed to roll or bunch up, they themselves can become a tripping hazard!

Educating Your Staff and Visitors

Educate your staff and visitors about the need for caution when walking during the winter months. People are often slow to adjust to the changing weather conditions. Remind them to *slow down* in winter.

Encourage them to wear appropriate footwear during the winter months.

Encourage them to advise the management if they see conditions that could lead to a slip and fall.

Don't Forget Spring Maintenance

After a harsh winter, parking lots, walkways and steps may have suffered damage. The damage should be inspected and recorded.

Repairs should include :

- Patch and level cracks, depressions and potholes in parking areas
- Concrete sidewalk panels that have lifted due to frost (where the offset from adjacent panels exceeds ½ inch or 12.5 mm) should be leveled or replaced
- Repair or replace worn or broken stair treads
- Inside the building, the floors around the entrances should be checked for damage from salt and moisture and repaired

Along with a winter clearing program, spring maintenance will go a long way toward helping to ensure a spring and summer free of trips and falls.

ABOUT ECCLESIASTICAL INSURANCE

Ecclesiastical Insurance Office plc is a specialist commercial insurance company. We are deeply committed to protecting the needs of organizations that enrich the lives of others; to preserving Canada's distinct communities, cultures and history; and to supporting initiatives that help improve the lives of people in need.



This advice or information is provided in good faith and is based upon our understanding of current law and practice. Neither Ecclesiastical Insurance Office plc nor its subsidiaries accepts any liability whatsoever for any errors or omissions which may result in injury, loss or damage, including consequential or financial loss. It is the responsibility of the Insured or any other person to ensure that they comply with their statutory obligations and any interpretation or implementation of the above is at the sole discretion of the Insured or other party who may read these notes.

[ecclesiastical.ca](https://www.ecclesiastical.ca) | [@EIOCanada](https://twitter.com/EIOCanada)

