

DANGER ON ICE!

What is the problem in car parks and common areas?

An individual claim for personal injury from slips and trips could exceed £1,000,000. Your reputation with the public whether they are injured or not could be damaged. Injuries can be avoided by sensible and proportionate management of the risks.

Ice and leaves will create perennial problems this autumn, winter and spring. Slips and trips on defects in car parks and other common areas where people walk or pass, is not a new problem. However are you aware just how financially damaging this has been for other public sector organisations? Could it be you? Have you had problems and if so what can you do about it? An organisation is responsible for common areas and can be prosecuted under the **Health and Safety at Work Act, Occupiers Liability Act, Workplace Health, Safety and Welfare Regulations** and other associated regulations for failing to protect against injury. Fines are not the only uninsured cost of slips and trips; wasted time managing incidents can create a substantial cost.

ADVERSE WEATHER CONDITIONS

Your duty is to ensure the workplace is safe and without risks to either workers or visitors. You must adopt methods of removing the added risks by clearing snow and ice, and take appropriate action to prevent it becoming slippery again and increasing the risk. This may involve gritting, snow clearing and closure of some routes. Always remember that it is the conditions that cause slipping; the fault does not lie with the shoes that people wear.

There is a wealth of case law to help define the extent of liability and guide our actions to manage risk in relation to ice and slippery substances on public footpaths and the public highway. Unfortunately this is not so with ice and snow on car parks, yards and other common parts of your premises where there are only a few directly relevant reported cases. Relevant case law includes **Woodward v Renold Ltd [1980]** which held that an icy car park should have been gritted; and **Gitsham v Pearce [1992]** which held there was a duty on the employer to provide a system for clearing or neutralising ice and snow.



An organisation can help to protect itself if it establishes, applies and reviews a system for controlling hazards of snow, ice and leaves which fulfils "best practice", but it is not expected to extend to unreasonable lengths.

It is particularly valuable to remind employees of their duty under **s7 of the Health and Safety at Work, etc. Act 1974** to take care of their own safety, particularly when moving about in slippery conditions. One hazard that is frequently forgotten is the slippery floors caused by people bringing in water and slush on their shoes. Extra care with doormats and floor cleaning is likely to help reduce this hazard.

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RISK CONTROL MEASURES

- Use claims and reported incidents to identify “hotspots”.
- Assess the risks in writing and implement reasonably practicable control measures. (**Management of Health and Safety at Work Regulations 1999** require you to assess slip and trips hazards).
- Review risk assessments annually and if an incident occurs.
- Ensure the risk assessments are accessed if a claim arises.
- Ensure suitable and sufficient inspection and maintenance systems.
- Ask employees to be involved in reporting and tackling hazards.
- If ice and snow is cleared beyond the boundary of premises you are at risk of being held liable for an injury if this is not done adequately or maintained free of ice. Guidance in this area to employees must reflect resource available and then to follow it.
- Ensure employees are clear on what to do with unambiguous rules and procedures for snow and ice clearing, and gritting and salting to maintain clear and non-slippery surfaces.
- Monitor weather forecasts as a means of becoming aware that below freezing temperatures are likely, or that snow may fall, and that precautionary measures are triggered.
- Appropriate staff should be appointed and know what action to take.
- Ensure that adequate supplies of grit and salt are stored and available when needed.

DOES YOUR RISK ASSESSMENT:

- Identify the car parks and common parts for which you are responsible?
- Assess the risks associated with these areas?
- Take into consideration factors such as frequency of use, type of user (e.g. users at greater risk such as those with restricted mobility), previous history of incidents / accidents, is lighting adequate, special features such as slopping or exposed ground?
- Does your risk assessment identify problem locations where ice tends to form on a regular basis and ensure the requisite levels of resources are allocated to address this?
- Identify if plans been developed and responsibilities clearly defined?
- Reflect availability of resource (it may be necessary to prioritise based on the risk assessment)?
- Demonstrate that priorities have been based on the risk assessment and available resources?
- How do you know that plans are adhered with?

Gallagher Bassett

We can provide additional support and guidance on a number of risk related issues that could affect your ability to deliver your services effectively where you think this would help.

FOR MORE INFORMATION

please contact your Risk Control Consultant or email:

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