

Safely



## SPEAKING

BY JOHN BRYCE

# Slips and falls – part 1: warning signs

**A** COUPLE of months ago, I walked into my local DVD rental store and faced a seven-foot high brightly colored cutout display advertising a newly released series. Naturally, it caught my attention, which is precisely why it was there, and I read the display as I walked into the store. About one second later I was sitting on a wet floor rubbing a very painful part of me and listening to the store manager yelling at me that I should have read the warning. Sure enough, beside the entrance, was a yellow and black plastic cone about 18" high warning customers of a wet and slippery floor. The manager walked away from me without attempting to help me up and without a single inquiry about my well-being, despite my obvious pain (and even greater embarrassment).

### What's in a warning?

So how effective are such warning notices in deterring claims and lawsuits? In a nutshell, they are highly effective in preventing frivolous claims for trivial injuries and damages (mere bumps and bruises). However, they have considerably less value when we get into serious claims for anything that requires real medical attention or causes significant property damage. In fact, warnings frequently work against the person who posted them for the simple reason they are an undeniable acknowledgement and admission of a dangerous condition. For claims that have more nuisance value than real merit, the presence of warnings and disclaimers will make a potential claimant think twice about whether or not it is worth a long, drawn out legal

battle. But an injured party that chooses to engage legal counsel to seriously pursue a claim will quickly get around the defense offered by many warnings.

### Common causes

Some of the most common causes of slip and fall accidents are from cracked and broken surfaces and ice and snow (whether on outside walkways, paths and parking lots or, perhaps more dangerously, on the inside of building entrances, such as a highly polished floor where the slipperiness of the surface is increased. Interior causes result from spilled foods and liquids (a common cause of accidents in supermarkets), wet floors from washing and other spills, and from raised carpet edges. Of these, the one that is 100 percent preventable is the washed floor.

If you've a mind for technicalities, the amount of "slipperiness" is actually referred to as "the coefficient of friction." The greater the friction the less slippery the surface will be. Therefore slipperiness is determined by measuring the friction then calculating the reciprocal – or coefficient. There are machines available for performing just this measurement and these are often used in new construction when selecting tile and other floor surfaces that will be high-traffic areas.

### Choose wisely

One feature that differentiates floor tile from wall or decorative tile is the way in which the surface is designed to provide a good footing, particularly when wet. Choosing the right sort of surface for your customers to walk on safely and comfortably should be a consideration when selecting new or replacement flooring. Slip and fall accidents result in many serious and high-value claims.

There are several components to the sort of accident described herein. First and foremost, washing a floor means getting it wet. That sounds almost stupidly simplistic but the fact that it was intentionally made wet (and dangerous) takes it well out of the realm of pure accident and sets up an entirely foreseeable event. It creates a known dangerous condition.

A sign may indeed warn people away but how does that remove liability if someone slips and gets hurt? The first question a court will ask is, "If you knew the floor was wet and you also knew a wet floor was dangerous, why then didn't you dry it?" There is no simple solution. ■

The information provided is intended to be general in nature, and may not apply in your province. The advice of independent legal or other business advisors should be obtained in developing forms and procedures for your business. The recommendations are designed to reduce the risk of loss, but should not be construed as eliminating any risk or loss.

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