

SLIPS, TRIPS AND FALLS: WHAT TO DO FOLLOWING AN ACCIDENT

ALLIANZ RISK CONSULTING



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When someone is injured on your property, how you and your staff respond can have a dramatic impact on the ultimate costs to your company. Besides the potential negative publicity from a disgruntled customer, your company could also be held responsible for the costs of the injury.

When an accident occurs, the following steps can help you assist the injured person and manage a potential insurance claim:

1. CARE FOR THE INJURED PERSON AND SHOW APPROPRIATE CONCERN FOR THEIR WELFARE

Addressing the injured person's immediate needs should be your primary focus following an accident. If a customer

is injured, instruct your staff to provide only the level of care they are qualified to offer. Offer to call an ambulance or provide pre-printed directions to local medical care facilities. Adopt a policy that does not allow employees or managers to drive an injured person to a medical facility, but instead, arrange local cab service. The key is to remove any barriers preventing the customer or employee from receiving necessary treatment without placing your business at risk by transporting an injured person.

In some cases, a customer may only want to complain to staff about their misfortune. Focus on good customer service and listen to the injured person with understanding and compassion. Allow the customer to express what they feel would satisfy the situation and decide if what they are asking for is reasonable.



However, your staff should never accept or place blame. And don't ever offer some form of compensation in exchange for the customer not reporting a claim. Instruct employees to tell the person that the situation will be discussed with the manager and a response will be provided soon. Follow up is important. Treat the injured person the way you would want to be treated if you were in their shoes.

Train employees on how to respond when a customer is injured. Many companies engage in role-playing sessions as a training device. This allows employees to practice reacting to likely situations and responding to an upset customer.

2. DOCUMENT THE ACCIDENT AS SOON AS POSSIBLE.

Critical fact-gathering and incident reports should be completed immediately after an accident occurs.

In the event of an incident, each manager on duty should be well-versed on how to respond and document the incident. Prepare a "customer incident packet" in advance that includes step-by-step instructions and an accident form. A camera should be available so the manager can photograph the scene. With the popularity of cell phone cameras, managers may already have access to a high quality camera.

Many companies now use two incident forms. One form allows for the injured person to explain what happened. The other is an accident investigation form that the manager uses to collect key data. The benefit of this strategy is that you can capture the injured person's information in their own words immediately after the incident. Also, you can make a copy of their own statement for their records, if requested.

At a minimum, the following data should be captured in an accident investigation form:

- Name, address and phone number(s) of the injured person.
- Time of day, exact location and a good description of the events that led to the incident.
- Names and contact information of witnesses.

- Names of employees working in the area, including all managers on duty at the time.
- If appropriate, photos of the area (be discreet) and a diagram of the area in question.
- Description or documentation of any medical treatment.
- Any relevant facts, such as signs of alcohol use or the types of shoes worn, if these could have had an impact on the incident (i.e., customer wearing high-heel shoes in a snow storm).
- The name and signature of the manager completing and documenting the investigation.

Employees and managers should be trained to document details and limit their comments to facts. For instance, if a customer tells the manager that they fell on ice in the parking lot, the manager should report that the person "claimed" or "stated" that they slipped on ice near their car. If a manager saw the customer slip and fall, it would be appropriate to state that the person slipped in the parking lot near their car and that subsequent investigation revealed there was some ice in the area. Even if ice is found following an incident, you can state that it is present but need not document a conclusion that ice caused the fall.

The key point is don't state as fact what you don't know for sure. Allow the insurance adjuster or a court to make a judgment based on the facts.

Photographs greatly enhance documentation of a slip and fall incident. Take close-up photos of the area of the alleged fall, using a ruler or pen to show scale. Back away from the area of the incident and take photos from four angles, if possible. Back up again and take more photos from all four angles, each time keeping the ruler or pen in the photo.

Finally, take several photos of the overall area in the direction of travel. Include close-ups of any warning signs present such as slippery floor signs. These photos can be very helpful if future allegations include floor defects, poor lighting or other hazards.

Gather and document other supporting information, such as the last time an employee or manager inspected the area and when the floor was last cleaned or maintained. If the area is covered by a security camera, make a copy of the recording for future use. Document all incident related conversations with your customers, witnesses or employees in a log with the date, person(s) interviewed and a synopsis of the conversation.

3. ELIMINATE THE CAUSE OF THE ACCIDENT.

Once the cause of the accident is known, take steps to eliminate the hazard and reduce the likelihood of an accident happening again. This could mean removing the hazard (e.g., cleaning up water) or providing additional protection, such as floor mats at entrances.

4. PROMPTLY NOTIFY YOUR INSURANCE CARRIER.

To prepare for a potential insurance claim, set up a file with any documentation and reports you have filled out, as well as the phone log and other evidence of the incident. Maintain this file for at least three years after the incident. Each jurisdiction may have different legal requirements on how long a claimant has to file a claim, so it's a good idea to keep all of the documentation even if a claim is not filed.

If an insurance claim is filed, keep in contact with your claims adjusting team. If you have questions on how to proceed – or what to say or not say to the injured person – the adjusters are a good resource. Don't forget your insurance agent or broker. Many brokers have claims specialists who can provide valuable assistance.

5. PROVIDE INFORMATION ABOUT THE ACCIDENT ONLY TO EMERGENCY MEDICAL STAFF AND TO YOUR INSURANCE CARRIER.

Instruct employees to direct all inquiries concerning the accident to management. Designate a management representative to receive all questions or requests for information. If the general manager is not available, the manager on duty should be the primary contact person. Keep a record of these requests and refer them directly to your insurance carrier.



CONCLUSION

Preventing slips and falls should always be your primary focus. Taking steps to protect customers and employees from slips and falls – such as placing mats at all entrances during inclement weather; salting or sanding areas with ice buildup; and establishing a spill control program including employee training – can be effective in reducing risk. When an accident occurs, having a plan of action and well-trained employees are critical to protecting your organization. Your insurance agent and Allianz Risk Consultants can assist you in establishing a slip, trip and fall accident prevention and claims management program.

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