



AmTrust North America
An AmTrust Financial Company

Safety Zone

Reasonable Care Management – Grocery and Retail Locations

Slips and falls that arise from unsafe conditions are one of the most frequent liability claims in Grocery and other retail businesses. Spilled products and wet spots cause accidents. But these are not the only hazards faced by grocery stores.

The owner or lessee of a property has a responsibility to exercise “reasonable care” to keep the premises safe for the public. Dangerous conditions, such as slippery floors, can cause injury to customers and employees alike. Such injuries may cause an organization to pay a claim for damages. Part of the reasonable care legal standard includes knowing the amount of time a hazardous condition exists without employees discovering and removing it. This is why management must assign employees to constantly monitor the store and all public areas. And immediately manage all hazards on the premises. This includes public areas and areas where customers may enter by mistake.

When an incident happens, the injured party must prove that the owner and/or employees knew of the hazardous condition or had ample time to discover and fix it. Those injured may allege that the owner failed to exercise reasonable care. This is why sweep schedules that record housekeeping activities are so important. Inspecting the store with reasonable frequency, placing warning signs, and immediately correcting hazards such as spills, are evidence of reasonable care. Sometimes an employee forgets to clean or complete a sweep. Other times, an employee completes a sweep or cleaning but fails to record it on the housekeeping schedule. That lack of record or inaction can make it harder to defend an injury claim.

Inspections are another important part of reasonable care. Store employees must be watchful for potential conditions that may contribute to an accident.

Conditions that can cause injuries

- Falls from wet floors
- Trips and slips on mats not laid flat or that have moved
- Ice or water in front of, and at the entrance of, stores during stormy conditions
- Cardboard boxes left in aisles
- Produce on the floor
- Box cutters left on a shelf
- Items falling from shelves and striking customers
- Unsafe food handling which causes illness
- Poor lighting
- Floors slick with wax
- Automatic door injuries

As a guideline, include these items as part of a written floor maintenance program.

- A proactive maintenance and cleaning policy that employees can follow
- Training to communicate the requirements to workers and follow-up to be sure all employees understand and follow the procedures
- Documents that prove that store employees follow the store’s policies and procedures, such as keeping timely and legible sweep schedules

Train and coach staff in reasonable care. Consider a “buddy system” to help new staff follow procedures and ensure they understand the importance of good maintenance. Inspect and analyze all potential hazards. While slips and falls are one of the top reasons for store claims, there are many other hazards, as well.

Investigate all incidents to find the root cause. Encourage teamwork. Never leave a hazard until you control the area, remove the hazard, and thoroughly clean and dry the area.

Are You In The Zone?

1. Explain what reasonable care is.
2. If you find something on the floor that should not be there, who is responsible for the cleanup?
3. List some conditions that can cause injury.
4. What are some of the items in a written floor maintenance program?
5. How can a buddy system help new employees?

I have received information on reasonable care.

Employee Name: _____ Date: _____

For additional information and resources on this topic and other safety and risk management subjects be sure to visit the Loss Control section on our website:

<https://www.amtrustgroup.com/small-business-insurance/claims/prevention>

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