



Best Practices Volume 2, 2011-2012: Winter Season Risk Management

As we approach the winter season, it is evident that there is a need for more cautious driving. Roads are often slippery due to snow and ice and as a consequence, the need to be cognizant of the “other driver” is even greater. We often hear the first storm is the worst, but in reality concerns last until the weather warms again. So, our efforts must be consistent, constant and encompassing all season. In addition to our normal focus on driving behaviors during the winter, here are some helpful best practices with respects to risk management and the winter season.

Slips and Falls - This issue is two-fold as it is an exposure to both your employees and your customers. The vast majority of us have some element of visitors to their premises (mail carriers, delivery personnel, solicitors, customers, etc), and all of us have employees entering and exiting the building. Maintaining walkways, parking lots, and other areas of assembly to mitigate against ice and snow accumulation is essential. Injuries that arise from slips and falls may be expensive to resolve and difficult to mitigate, and for employees, can lead to time away from work and decreased production. To reduce unwanted and unnecessary costs such as these, here are some helpful tips:

- * Arrange to have snow and ice removed as soon as safely possible and maintain a snow and ice removal log - Document the time, and the activity, to show what efforts were imparted to maintain the walkways, parking lots, etc.
- * Keep a readily available supply of ice melt and/or sand. Keeping a bucket of this at an entry way is a reminder to employees that there could be ice, and brings awareness level up. Further, employees may get into the habit of checking the grounds to see how icy it is, and as a result, throw some extra salt down to keep it clear.
- * Regularly inspect your external premise. Designate someone to regularly walk the lot or perimeter of the building to see if any areas are hazardous. Have a plan in place to then address these areas (i.e. notify personnel, customers with signage, prohibit access (i.e. certain areas of parking lot), etc.
- * Monitor Weather Forecasts. With technology as rampant as it is today, nearly all of us have the ability to log on to The Weather Channel or your local news station. So, by monitoring the upcoming weather forecasts, you can plan accordingly to make sure that you are prepared to handle accumulations.
- * Be Consistent! Develop a plan and stick to it.

Natural Accumulation Rule, (MA) - For those of you that have Massachusetts based premises, or outlying offices or terminals in MA, it is important to note a recent 2010 ruling wherein Massachusetts’ highest court found that “natural accumulation” is no longer a valid defense against slips and falls on snow and ice. This ruling makes Massachusetts consistent with legal theory that nearly all other states have followed for some time. Bottom line is that the best practices mentioned above should be implemented and followed consistently, wherever your property is, to reduce the likelihood of claims against your operation based on snow and ice accumulation at your external premises.



Contractual Risk Transfer – Snow Plow Companies – Any time you hire out the snow removal, premise maintenance, etc., it is important to consider that the exposure to you as a business and/or property owner, is not completely removed. Some ways to help mitigate against claims against your business based on the faulty work or negligence of a snow plow or other contractor are as follows:

* Formally documenting the agreement. By establishing a written agreement or contract with the contractor, you can formally document expectations, scope, and most importantly, responsibilities. Hold harmless clauses, indemnification clauses, insurance requirements and limits, additional insured status, and obtaining certificates of insurance for verification, are all critical pieces to help protect your company from claims based on the negligent acts and omissions of these contractors. Liability associated with the performance of work by subcontractors presents a real exposure to your business, and formalizing this relationship as such can assist significantly in helping reduce liabilities and defense costs. As with any contractual arrangement, Acadia Insurance stresses the importance of having these documents drafted or reviewed by an attorney.

* Monitor the work. Make sure they are meeting the performance requirements, and that the job is performed to your desire. Winters can be demanding, and the last thing you want is a contractor who is not abiding to requirements you have set forth.

These best practices—when implemented—can supplement your over-the-road loss control practices, and provide a well-rounded risk management approach to controlling costs. Efficient operations are essential, more so now than the years previous, and controlling accident related costs proactively can help provide for healthy management of operating costs. Acadia Insurance is committed to helping its customers better manager their risk, particularly as we enter into another winter season. Please do not hesitate to contact me directly at:

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