



AmTrust North America
An AmTrust Financial Company

Safety Zone

Liability Exposures for Managers - Grocery

Slips and falls are the most common cause of liability claims in a grocery store. Liability exposure, however, is not limited to falls. Failing to maintain a safe place can lead to a variety of liability claims.

“Reasonable care” is one of the standards that grocery stores must meet to prevent or reduce liability when accidents occur. The owner of a property must exercise reasonable care to keep the premises safe. The longer a dangerous condition exists without appropriate response, the greater the likelihood that an injured person will be successful in presenting a claim. The three components of reasonable care are inspecting the premises within a reasonable time, placing warnings, and correcting unsafe conditions when discovered.

Employees must use regular, preventive measures to ensure the premises are safe. More than the sales floor requires attention. Landowners are also responsible for parking lots, adjacent sidewalks, and the store interior. Areas not routinely open to the public may present the opportunity of a liability claim if a customer enters there, even if clearly marked.

Four elements needed to prove liability

- Duty owed – What duty do we owe the public that is reasonable?
- Duty breached – Did we fail to do something we should have done; for example, failing to use ice melt in freezing conditions?
- An injury
- Proximate cause – meaning the cause of the injury ties directly to our breach of duty

Here are some tips to help reduce and prevent injuries to customers and other store visitors.

Slips, trips, and falls

- Develop a written program addressing cleaning procedures, accident procedures, identifying potential hazards, floor maintenance and monitoring, and incident response.
- Ensure displays do not block access or cause a tripping hazard.
- If you display garden items or other items outside, add this area to the floor maintenance inspection.
- Keep thorough sweep schedules. Ensure supervisors check the sweep logs to make sure they are timely and consistent. Sweep logs are instrumental in defending claims.
- Immediately document incidents, even if the customer insists they are not injured.
- If an incident occurs, take pictures. A photo speaks volumes.

Food handling

- Develop a written program addressing customer safety, food-handling procedures, temperature controls, cross contamination including pesticides, and proper personal hygiene.
- Ensure proper documentation of incidents. Doing this holds the key to a successful defense of a food-related illness claim.

Late-night retail

- Eliminate outside night storage to prevent theft or vandalism.
- Maintain clear visibility by cutting trees and bushes that might block views or that are close to the building.
- Strap items that could fall or tip over due to strong winds.
- Do not store pallets near the building. These provide an “attractive nuisance” to children.
- Post “No Loitering” signs.
- Either work with little cash on hand or prevent employee access to the safe during operating hours and post signage to that effect.

Shoplifting and violence in the workplace

- Install closed circuit video, the best defense against shoplifting or in-store crime. This helps to provide evidence about an incident if needed.
- Develop a written program to address potential workplace violence.
- Train all employees on personnel safety procedures, including the tips below.
- Employees must not chase to apprehend thieves or others. Only trained loss prevention personnel should apprehend. Allow the police department to pursue.
- When detaining a shoplifting suspect, make sure at least two employees maintained sight of the suspect at all times, having witnessed the suspect enter the aisle, pick up the item, hide the item, and exit the store
- Employees should never argue when a crime is being committed. Give thieves what they want to ensure employee and coworker personal safety.

Parking lot, Sidewalks, and Entrances

- Inspect the grounds frequently and document these inspections.
- Shopping carts can be hazardous. Develop a program of accountability with monitoring, a schedule of retrieval, and a maximum of five or six carts retrieved manually.
- Post signage that warns customers to lock their cars.
- Document automatic-door inspections and maintenance of doors.
- Routinely check emergency lights.
- Ensure emergency door access is not blocked.

Vendors

While vendors are generally responsible for their own safety, you can still be responsible if the vendor uses your equipment or is injured on your property. Make sure the vendors you use, such as a plumber or a roofer, furnish you with a current certificate of insurance proving that they have their own insurance policies in place.

Following these suggestions can help you prevent injuries. Even though a customer or vendor files a claim against your store, proper documentation can help prevent your insurer from paying a claim you do not owe.

Are You In The Zone?

1. The owner of a property must exercise _____.
2. What are the some examples of “reasonable care”?
 - a.
 - b.
 - c.

3. What are the four elements required to prove negligence?
 - a.
 - b.
 - c.
 - d.
4. List four controls that can help protect your store against liability claims from slips, trips, and falls.
 - a.
 - b.
 - c.
 - d.
5. List four controls that can help protect your store against liability claims based on food handling procedures.
 - a.
 - b.
 - c.
 - d.
6. List four late-night retail controls that can help protect your store against liability claims.
 - a.
 - b.
 - c.
 - d.

I have received information on Grocery Liability Exposures.

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>

AmTrust distributes this e-newsletter as a service for its customers. It is provided in the spirit of professionals sharing their work with each other. The information provided in this document is intended for use as a guideline and is not intended as, nor does it constitute, legal or professional advice. It is not intended to provide authoritative answers to safety and health questions. AmTrust does not warrant that adherence to, or compliance with, any recommendations, best practices, checklists or guidelines will result in a particular outcome. Before using the information here, the accuracy and appropriateness of the information to your specific situation should be verified by a person qualified to assess all the factors involved.

CONTACT INFO:

PHONE: 888.486.7466 ext. 363275
WEB: www.amtrustnorthamerica.com
EMAIL: lcinfo@amtrustgroup.com

MAILING ADDRESS:

AmTrust North America
Loss Control
2605 Enterprise Road, Suite 290
Clearwater, FL 33759