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## **Avoiding Slip And Fall Lawsuits**

**Regardless of who is accountable, it is your job to ensure a clean, slip-resistant floor for building occupants.**

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A woman fell and injured herself when walking through a bank lobby.

After caring for the woman, bank administrators tried to locate the cause of the fall but could not find one.

They called the cleaning contractor and asked if the lobby had been cleaned the night before and, if so, whether anything different had been done that might have caused the accident.

The contractor responded that an autoscrubber had been used the night before to scrub the floor and a fresh coat of finish had been applied.

To bank administrators, this was nothing less than an "a-ha" moment.

Immediately, they assumed the accident was caused by the application of the finish and focused blame for the accident on the contractor.

The woman, not sure who was at fault, sued both the bank and the cleaning contractor.

The contractor denied any responsibility for the accident, but investigators could pinpoint no other explanation.

As a result, the bank administrators then sued the contractor as well to cover their own possible exposure.

Fortunately, the cleaning contractor hired an attorney well-versed in slip and fall accidents.

The attorney ordered photographs to be taken of the accident scene.

The pictures showed what had been missed during previous inspections of the location: The fall was caused by a dip in the floor, where a wall had been removed by the bank.

The dip could not be seen from the area of traffic flow used by the victim.

## **Slips, Falls And Lawsuits**

Although this situation legally turned out well for this cleaning contractor, slip and fall accidents do happen frequently, and blame — whether justified or not — may be directed toward the cleaning contractor.

Because of this, it is wise for cleaning contractors to have some understanding of the legalities of slip and fall accidents to help protect themselves in a similar situation.

Slip and fall accidents are usually the result of carelessness, inattention or poor conditions.

In many cases, such accidents occur because people are simply not using commonsense or paying attention to where they are walking.

This is referred to as "personal carelessness" and is not the responsibility of the property owner or cleaning contractor.

In general, for a slip and fall accident to become a legal matter with potential liability, courts will look at the following criteria:

Was there some degree of damage or change to the property, making it unsafe and possibly grounds for liability?

Did the building owner or cleaning contractor know of some damage or change to the property that could have been repaired but was not?

Was there damage or change to the property that a diligent owner or cleaning contractor should reasonably be expected to have discovered and corrected?

Was the property where the slip and fall accident occurred poorly or inadequately maintained?

If the answer to any of these questions is yes, there may be legal complications for the building owner or cleaning contractor.

And, the one question that might most directly implicate cleaning contractors is the last one: Were the floors being properly cleaned and maintained?

### **Slips, Falls, The Law And Floor Care**

Cleaning professionals developed what was probably the first test, often called the beanbag test, to determine how slippery a floor is.

A 10-pound bag of beans connected to a rudimentary scale was dragged over the floor.

If there was more than six pounds of drag, the floor was considered safe; if there was less than six pounds, it was considered slippery, with the potential for a slip and fall accident to occur.

This was the forerunner of the coefficient of friction (COF) measuring system, which we use today to measure how slippery a floor is or to test the products, such as finish, applied to the floor.

Far more precise, a COF of 0.5 or less is considered slippery and, more than this, safe.

Let's suppose that a contractor cleans and maintains a floor that has a COF greater than 0.5 and that the finishes, glosses and related products used to maintain the floor also have a COF in the safe range.

Let's also suppose that the contractor believes that, to the best of his or her understanding, the work performed is proper and adequate.

Now, suppose a slip and fall accident occurs and investigators place the blame for the accident on the cleaning contractor, claiming poor maintenance — even negligence — caused the accident.

How could this be?

Two of the more common cleaning-related causes are the following:

Hard surface floors are cleaned using a dust mop with an oil treatment to help collect dust. Over time, the oil builds up on the floor's surface, causing a "degree of damage or change" to the floor, referring to the first criterion mentioned earlier. This causes the COF to decline, resulting in a slippery condition and leading to the accident.

The mops and buckets used to maintain the floor are quickly soiled during the cleaning process and actually spread impurities and soiled chemical solution on the floor instead of removing them. This causes a slippery residue to build up on the surface of the floor, increasing the likelihood of a slip and fall.

To prevent these situations, cleaning professionals should consider avoiding oil-treated dust mops and using vacuums instead.

This would at least prevent the buildup of oil on the floor's surface.

To prevent the second situation from happening may require an entirely new way of cleaning floors, one that does not use mops or traditional buckets.

For instance, to help ensure the cleaning solution stays fresh, conventional buckets can be replaced with "trolley" bucket systems that dispense measured amounts of fresh solution directly to the floor.

With some systems, components can be added to the trolley bucket, turning it into a dispense-and-vacuum system to dispense chemical solution to the floor and then remove it.

In either case, brushes may be used instead of conventional mops, if necessary, to help loosen and dissolve soils for easy removal.

### **Protecting Yourself And Building Users**

Slips and falls are complicated and can be caused by an entire range of situations and conditions.

Many lawyers specialize in slips and falls because there can be so many legal issues and complications involved.

Fortunately, if problems arise, responsibility is more often than not directed to building owners as opposed to cleaning contractors.

But, cleaning professionals must still do their part to protect themselves and, even more important, protect the people using the facilities they clean.

The steps mentioned herein can help accomplish this.

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