

Risk Managers Forum : STF issues

David Evans

Partner, BLM Liverpool

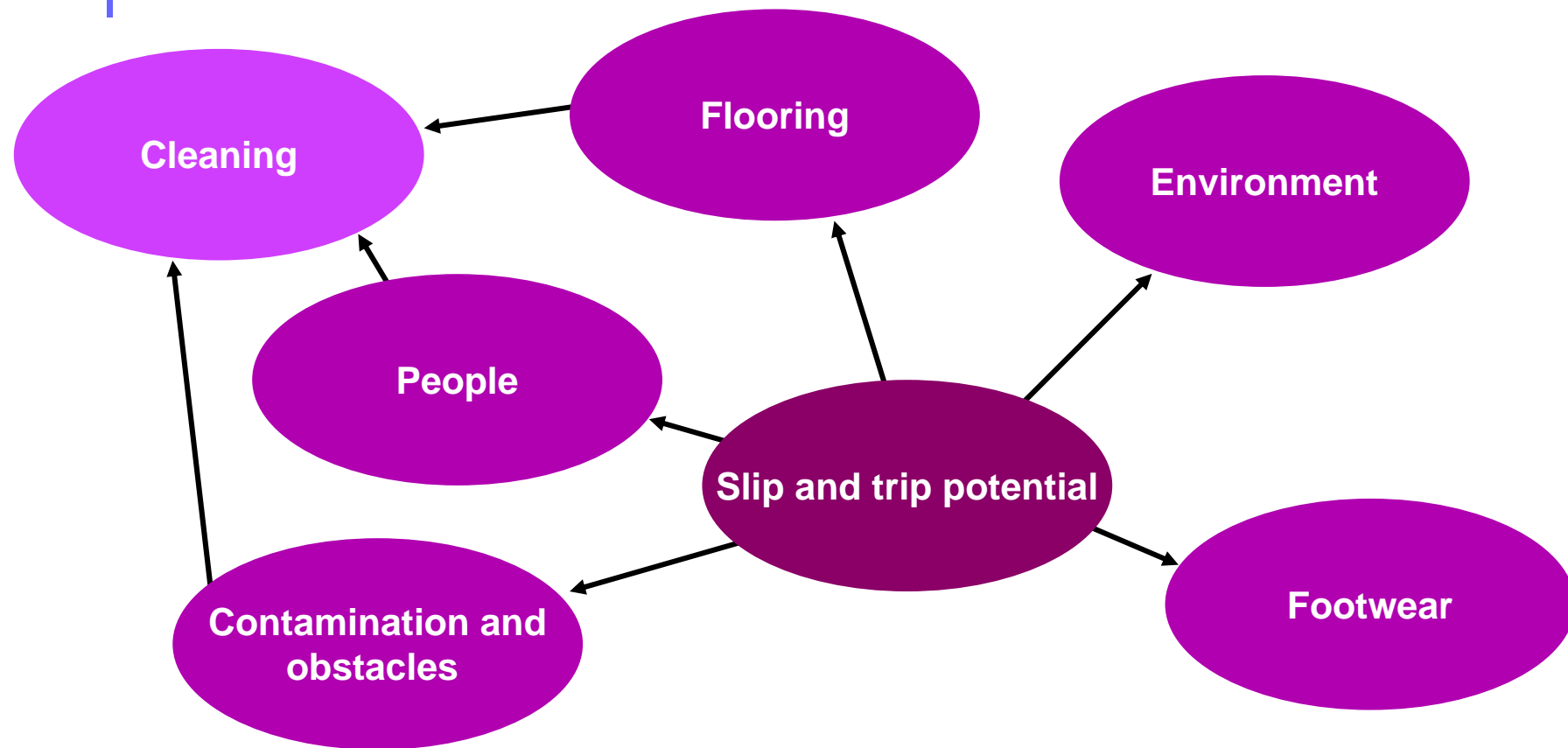


business services construction & property insurance & indemnity leisure media & technology public sector retail transport

Setting the scene

- Slips and trips; over 35,000 a year
- More than 25,000 over three days
- More than 10,000 major accidents
- No decrease in past five years
- 50% caused by poor housekeeping

Causes of slips and trips



Legal duties

- Common law negligence.
- Management of Health and Safety at Work Regulations 1999
- Workplace (Health, Safety and Welfare) Regulations 1992
- Occupiers' liability

The Workplace (Health, Safety & Welfare) Regulations 1992

- Apply to non- domestic premises made available to any person as place of work
- Do not apply to workplace where only activities are building operations or engineering construction
- Duty on employer in control of workplace and any person who has any control of workplace
- Duty owed to any worker in workplace, regardless of whether employed by person in control

Workplace Regulations 1992

- Reg 5: efficient state, working order and repair
- Reg 8: suitable and sufficient lighting
- Reg 12: floor and traffic routes suitable
 - no holes/slope/uneven/slipperiness
 - free from obstructions/slipping hazards
 - reasonable practicability
- Reg 17: organisation of traffic routes

STF: risk assessment issues

- Flooring suitability
- Slip resistance
- Cleaning and maintenance
- Sources of contamination
- Obstacles-housekeeping
- Monitoring/inspection
- Documentation

STF: case law

- *Palmer v Marks & Spencer plc* [2001] EWCA 1528
- *Lowles v Home Office* [2004] EWCA 985
- *Coates v Jaguar Cars Ltd* CA 4 March 2004
- *Bassie v Merseyside Fire & Defence* [2005] EWCA 1474
- *Lewis v Avidan Ltd* [2005] EWCA 670
- *Ellis v Bristol City Council* [2007] EWCA 685

STF case study: Facts

- Worker on night shift slips in foyer 20/1/09
- Carpet replaced by 'Poly-flex' Dec 07
- Shiny smooth finish
- Accident witnessed by best friend
- Knee ligament and lumbar injury
- Claimant carries on for rest of shift and three more

STF case study: Evidence 1

- Claimant says floor contaminated, wet and damp
- Friend says floor wet due to rain, very slippery
- Floor cleaned by sub-contractors
- Cleaner refuses to co-operate
- Evidence from head cleaner
- Evidence from your site manager
- How was the flooring chosen?
- Leaking roof

STF case study: Evidence 2

- Claimant's friend - water walked in
- Generic risk assessment
- RIDDOR report
- Basis of flooring choice

STF case study: Other factors

- Shifts and working conditions changed
- Workers aware of possible redundancies
- Increased frequency of STF claims
- Claimant has had two previous such accidents
- Claimant keen amateur footballer