

Identifying Weather-Related Slip & Fall Hazards

Helping you Prevent Common Snow and Ice Claims

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Did you know that Spring is Colorado's snowiest season on average? Though much of the Colorado is warming up, the weeks ahead could still send us difficult weather conditions such as freezing rain, snow, and ice. This means your exposure to slip and fall claims continues to be high throughout the spring, so it's not quite time to let your guard down. The good news is that most slip and fall accidents are preventable and taking quick action to eliminate or warn of dangerous conditions that may exist can help you provide a safe environment to your staff, students, and visitors.



What About Governmental Immunity?

Though the Colorado Governmental Immunity Act (CGIA) protects our Members from liability in many cases, injuries caused by a failure to remove snow and ice from walkways are excluded from this protection if a Member knew of the condition but failed to act. Specifically, C.R.S. § 24-10-106(1) (d) (III), waives a public entity's immunity for injuries resulting from:

A dangerous condition caused by an accumulation of snow and ice which physically interferes with public access on walks leading to a public building open for public business when a public entity fails to use existing means available to it for removal or mitigation of such accumulation and when the public entity had actual notice of such condition and a reasonable time to act.

This means that you could potentially be held liable for some slip and fall claims. Proper preparation is the best way to avoid these headache-causing claims and help keep your community safe.

Member Claims Involving Slip and Fall Injuries

1. Plaintiff was descending a set of outdoor stairs where light snow had fallen when their feet slid out from under them. They fell on their bottom and braced with their arm causing their wrist to break.
2. Plaintiff allegedly slipped on snow and ice while crossing a basketball court on her way from dropping her granddaughter off in a modular classroom building. Plaintiff sued the Member, alleging a dangerous condition caused by the School District's negligent failure to remove or mitigate the snow and ice on the basketball court where she fell. Plaintiff alleged that no sidewalks or pathways existed to access the modular, therefore the basketball court qualified as a walkway. The Member argued these allegations were unfounded, as an alternate path did exist to the modular classrooms; however, it is not a direct route to these classrooms.
3. Plaintiff attended an evening winter program at a Member high school. Plaintiff was injured when they slipped and fell on ice on a sidewalk near a school entrance. Plaintiff sued the Member, alleging a dangerous condition caused by the School District's negligent failure to remove or mitigate the snow and ice on the sidewalk where she fell.

Coverage

In the event of a slip and fall claim, your School Entity Liability Policy would activate. CSDSIP would provide defense costs and payment of a claim would be dependent on the details surrounding the event and if a waiver of the governmental immunity exists or not. With all slip and fall claims, especially those involving ice and snow, CSDSIP cannot automatically assume that there is immunity and deny liability.

I Identifying Weather-Related Slip & Fall Hazards

We investigate all slip and fall claims. This means it is important that Members take steps to eliminate or warn of dangerous conditions that may exist. Slip and fall hazards represent some of the most common and sometimes most costly CSDSIP claims. We may, at our option, make sub-limited medical payments regardless of fault. Coverage is subject to policy terms, limits, and exclusions. All claims are reviewed on case by case bases.

Hazard Identification

Members can protect themselves and their communities by preventing slips and falls before an accident can happen. Always be on the lookout for hazards and remove them right away when possible. If removal is impossible, take steps to mitigate or warn your community of the hazard.

Slip/Fall and Snow Removal Checklist

The following self-inspection checklist can help you identify and then remove or properly mitigate slip and fall hazards on your premises. You may find it helpful to keep this checklist handy for review during cold weather events.

- ✓ Do you have enough traction material / ice melt compound for your building's sidewalks, stairs, entrance, parking lots, or anywhere else it may be needed?
- ✓ Is the traction material/ice melt compound located near where it is needed (such as near doorways) and are additional supplies easily accessible by staff?
- ✓ Do you have enough snow removal equipment such as shovels, snow blowers and ice chippers where needed and readily accessible?
- ✓ Who oversees tracking the weather impact on school the next day, parking lot and sidewalk clearing, 2-hour delay, and school cancellation? Are these people well versed in their responsibilities and do they have the resources to carry them out effectively?
- ✓ Do snow piles obstruct vision for employees and vehicular traffic?
- ✓ Is there adequate lighting at doorways, parking lots, around dumpsters, etc. so that individuals can easily see potential hazards?
- ✓ Is there a build-up of icicles falling from the roof, overhangs, rain spouts and other overhead fixtures?
- ✓ Are emergency access areas/supplies free of snow and ice accumulation? Pay special attention to fire hydrants, fire lanes and emergency exits.
- ✓ Does melting snow and ice run-off lead to a drain or does it collect in areas where it could freeze and create a new slip and fall hazard?
- ✓ Are downspouts discarding melted snow/ice water onto a walkway or sidewalk that can re-freeze?
- ✓ Are there other areas to address concerning re-freezing of snow and ice?
- ✓ Do you notice any common "shortcuts" or alternative routes that people may use to access a building, outside the areas you normally clear? Do you understand where pedestrians often walk as opposed to where you want them to walk on your property?
- ✓ Are general walking surfaces in good condition before/after winter and free of damaged concrete/black top, trip hazards, potholes, etc.? (You may be only able to temporarily cold patch in the winter, but be sure to note that for a later summer repair.)
- ✓ Are curb and handicap ramps in good condition, free of snow/ice accumulation and highlighted in yellow for easier visibility?
- ✓ Do all interior door entrances have adequate lighting?
- ✓ Are there floor matting and floor runners at all entrances?
- ✓ Is there a back-up runner/rug should one get too soiled, wet, or damaged?
- ✓ Is there "Wet Floor" signage available should there be an accumulation of melted snow and ice indoors?