



AmTrust North America
An AmTrust Financial Company

Safety Zone

Grocery Liability Exposures

Slip and falls are the most common reason for liability claims in a grocery store. Liability concerns, however, are not only for falls. Failing to maintain a safe store can lead to liability.

To keep the premises safe, the property owner must exercise “reasonable care.” If a dangerous condition exists, the claimant will use the amount of time without an appropriate response as evidence against the owner. The components of reasonable care are inspecting the premises within a reasonable time, placing warnings, and correcting conditions when discovered.

Employees must use regular, preventive measures to ensure the premises are safe. More than just the sales floor needs attention. The law considers the parking lot, sidewalks, and the store interior as a business premises.

Four elements needed to prove liability

- Damage (actual injury)
- Duty owed (prevention of injury)
- Breach of duty (not taking care to prevent injury)
- Proximate cause (the cause of the injury ties directly to our breach of duty)

Here are some areas to control in order to prevent injuries.

Slips, trips, and falls

- Keeping the premises safe from slips and falls is not a once a day task.
- Employees should perform and document sweeps throughout the day.
- Picking up debris and liquid spills is everybody’s responsibility.
- Report displays that block access or could be a tripping hazard.
- If the store displays garden items or other supplies outside, add that area to the floor maintenance inspection.
- Make sure mats are flat and edges unrolled.
- If automatic-doors are not functioning properly, always report them.
- Never block emergency door access.

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.

Shoplifting and violence in the workplace

- Install closed circuit video, the best defense against shoplifting while providing 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.
- Only trained loss prevention personnel should apprehend. Employees must not chase to apprehend thieves or others. Allow the police department to give chase.
- Employees should never argue when a crime is being committed. Give thieves what they want to ensure employee and coworker personal safety.
- When detaining a 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.

Parking lots, 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. One of the most common reasons for customer claims is _____.
2. What is "reasonable care"?
3. Describe what makes up the "premises" at your store.
4. Keeping the premises safe from slips and falls is not _____.
5. List four ways to prevent slips, trips, and falls.
 - a.
 - b.
 - c.
 - d.
6. List steps to reduce hazards in parking lots, on sidewalks, and at entrances.
 - 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>

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