

**Slips, trips and falls remain a problem across a wide range of facilities and industry types.
Leigh Carter spells out the regulatory position and examines issues and solutions**



Now that winter is past, we can hopefully breathe a sigh of relief that we have emerged unscathed from another slipping season. Unfortunately, slips and trips in the workplace are not restricted to periods of poor weather, not least because people are more conscious of risks at such times, take more care and dress appropriately.

So what are the issues? First things first, and it's important to note that there is a variety of legislation in place to ensure that workplaces are as free from slip and trip hazards as possible. For example, under the Health and Safety at Work etc Act 1974, employers must ensure that employees (Section 2) and others (Section 3) are as safe as reasonably

practicable. Suppliers and manufacturers are required to ensure that articles provided, such as footwear, are safe and come with appropriate usage information (Section 6). Equally, employees are expected to take reasonable care for their own and others' safety. This includes using equipment safely and wearing the PPE (personal protective equipment) provided (Section 7).

Next, workplace risk assessments are covered by Regulation 3, Management of Health and Safety at Work Regulations 1999. These should include recognition of dangers not directly caused by the work activity – and where the employer has five or more employees, these must be recorded. Employers must also implement any preventive or protective measures arising (Regulation 4).

In addition to these general requirements, the Workplace (Health, Safety and Welfare) Regulations 1992 address conditions in the working environment. In particular, floors must be constructed so that the surface is fit for the purpose and be kept clear of obstructions (Regulation 12). Floor surfaces must also be cleanable (Regulation 9); traffic routes must be arranged to ensure safe movements (including consideration of slip risk deposits from vehicles (Regulation 17); and adequate lighting must be provided (Regulation 8).

With this plethora of legislation, it is hardly surprising that the courts have little sympathy with employers where injuries are sustained due to foreseeable risks. For example, in the case of *Susan Ellis v Bristol City Council* (2007), where the employee in a care home slipped on urine left by one of the

residents, Court of Appeal Lady Justice Smith stated: "Taking all these factors into account, it is my view that this floor was not suitable for the purpose for which it was used. The floor was dangerous when wet. Wetness occurred frequently and regularly, and could not be avoided. Accidents had already occurred and were likely to recur. Staff could not be expected at all times to concentrate on the possible presence of urine. Therefore, the floor was unsuitable for the purposes for which the staff used it."

So, what is the extent of the problem? The HSE states that slips and trips are responsible for more than a third of all reported major injuries and half of all reported injuries that happen in workplaces. They

also cost employers £512 million each year, including hidden costs, such as production delays, equipment damage, labour cover and loss of expertise.

As for the causes, prime among these is the nature of the flooring. So this needs to be designed for the work being undertaken. It must also be in good condition and correctly fitted. Given that most slips are due to surface dampness or spillages, a design that maintains good grip is beneficial.

Flooring solutions

Flooring is now available with a number of anti-slip surfaces. Epoxy particles, for instance, can be added to surfaces during manufacture or applied as paint. Chemical etching can also be an effective application to hard flooring, such as ceramic tiles and concrete. Equally, fibreglass sheeting impregnated with grit can be attached to walkways and staircases.

However, care must be taken to ensure that installation has been properly undertaken. The owners of one swimming pool found that the epoxy resin in a newly laid floor had been poorly mixed, resulting in smooth patches. The problem only became apparent when slips were reported.

Additionally, there are concerns that, in some industrial circumstances, a rough surface can cause hygiene issues. In fact, effective grip can be provided with a minimal profile and manufacturers now provide easy maintenance floors for such areas. One bakery found that a combination of an epoxy floor covering and anti-slip footwear, with a profile that did not clog with food waste, addressed its needs.

Falling foul of

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Meanwhile, in industrial environments the source of floor contamination is often dust and oils. There are circumstances where such deposits cannot be fully avoided – and, where this is the case, it is vital that such risks are recognised. Best advice is to: institute an oil leak or dust management plan that quickly identifies the source of the contamination; and ensure a planned maintenance scheme is implemented, with service records kept and an inspection notice attached to the machine, showing the next service date. Additionally, where leaks cannot be prevented, contain them with resistant bunding.

Traditionally, metal chequer plate surfaces are used on gantries, industrial steps, working platforms and vehicles. While hardwearing and providing a profiled grip, it is well known that resistance to slipping in wet conditions is poor. In one factory, fine dust was resulting from graphite machining and

it was there to be seen, so staff had failed.

You need to get this right. The financial penalties for injuries are not only compensation. A West Country food firm was fined £7,500 and ordered to pay £1,692 prosecution costs for breaching the Workplace Regulations, when ice was allowed to build up at entrances to walk-in freezers. The company had been aware of faulty seals for over a year, without addressing the problem.

During a routine inspection of a furniture manufacturer, HSE inspectors found concrete floors covered in a film of wood dust and lacquer. Several improvement notices were served, but a follow-up inspection found that only cursory action had been taken. Magistrates fined the company and sole director £8,000 and £9,730 costs.

In another case, wooden decking was provided as a walkway for drivers filling their vehicles at a diesel pump. This was inappropriate for an area prone to diesel spillages and wet weather. A driver slipped and broke his ankle, resulting in fines totalling £5,600, plus £8,951 costs.

So, look again at your work place. Safety starts with management and often requires an attitude change throughout the

organisation. Undertake audits. Record realistic risk assessments. Develop safe systems of work and ensure they are properly implemented. Provide appropriate PPE, especially footwear.

In the long run it will be cost effective, raise morale of your employees and enhance your reputation with the HSE. **PE**

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causing a slip hazard, particularly on the raised surfaces of chequer plate stairs. In this case, application of an epoxy coating, providing 33 microns of roughness, dealt with the issue. Nevertheless, consideration should be given to fitting anti-slip strips and specifying other surfaces.

The presence of comparatively dense contaminants, such as oil, requires deeper roughness. Information concerning assessment of your flooring can be found at <http://www.hse.gov.uk/pubns/web/slips01.pdf>.

Another related point, however, concerns poor installation and/or maintenance of flooring, leading, for instance, to curling carpet tiles and cracked concrete. And other issues concern obstacles, such as trailing cables, raised plinths and clutter.

Consider yourself lucky not to be in the retail business. Picture the scene: a famous London store dressed for Christmas; Santa is in his grotto, with an elf entertaining the children and escorting them in. Granny arrives with the little ones, steps on a plastic icicle, falls and is injured.

The floor was four by three metres. Event organisers had undertaken risk assessments and provided a safe system of work. Part of the responsibility of the elf was to ensure the floor was clear. Santa also had a 90 second gap between guests to check around. However, the Court of Appeal held that, while the system was excellent, if the icicle was there to be stepped on,

