Fall has arrived, which means winter is just around the corner. In fact, it has already snowed in some parts of the country this October. For property and business owners, winter brings the added responsibility of snow and ice removal.

Accumulation
Every business owner has a duty to provide a reasonably safe premises and to warn customers of a potentially dangerous condition on the property. When dealing with slip and fall cases involving snow and ice, the courts distinguish between natural and unnatural accumulations.

A natural accumulation is one created by Mother Nature. When it snows, the natural fall of the snow is not altered. An unnatural accumulation occurs when a man-made design alters the natural flow of water and causes the water to pool or accumulate. Property and business owners generally have a heightened duty to respond to unnatural accumulations compared to natural accumulations.

Reasonable Expectations
Business owners are expected to take reasonable measures to clear snow and ice within a reasonable time following the accumulation. This expectation does not mean all snow and ice must be removed from the parking lot and sidewalks. It means the property or business owner should make a reasonable effort to keep the premises reasonably safe. The reasonableness of one’s efforts is determined by reviewing the facts and circumstances leading up to, and including, those that existed at the time of the fall.

There are steps each property or business owner can take to cast a more favorable light on the reasonableness of their efforts. Before winter weather arrives, take these steps:

- Identify areas prone to unnatural accumulation
- Establish a snow and ice removal plan
- Consider hiring a contractor and transfer the risk
- Create an accident investigation plan
- Train employees on their responsibilities related to these plans

Establish a Plan
Establish and document a snow and ice removal plan and communicate the plan to employees. Everyone should know who is responsible and how to respond when inclement weather strikes. This plan should include a record of steps taken each day, including the inspection times and snow and ice removal efforts. It is important to follow the plan once developed.

Conduct regular inspections throughout the day and take immediate action to remove any snow and ice deemed to create an unreasonable risk of injury to your customers.
Employees are busy and it is easy to lose track of time. Make sure your employees do not lose sight of the importance of regular inspections and timely response.

Likewise, it is easy to overlook the importance of keeping records for these activities. Your employees have a lot of responsibility. It is not possible to remember every event that occurred, especially with the passing of time. Written documents and records provide a clear picture and lend credibility to your efforts.

Consider a Contractor
Consider hiring a contractor to perform the snow and ice removal work. Entering a contract with a landscape professional affords a property or business owner the opportunity to transfer risk through the contract with the appropriate contract provisions. It is recommended that you contact an attorney to assist you with drafting a contract of this nature. Despite entering a contract, the property owner may not be completely relieved of liability should an accident occur. Property owners are ultimately responsible for providing a reasonably safe property.

Accident Response
If an accident occurs, respond immediately and provide assistance to the injured party. Contact the appropriate emergency personnel. Gather the facts of the accident and document these facts in writing. Obtain the names and contact information from the injured party, those who are with the injured party, witnesses, and any employees on duty at the time of the accident. Consider taking photos of the conditions that exist at the time of the accident. Contact your insurance company immediately following the accident.

Obligations
Many of the steps discussed above are simple and straightforward. As simple and straightforward as they appear, they are often overlooked by property and business owners. As a business owner, you have an obligation to take reasonable steps to provide for the safety of your customers. It is important not to overlook these steps. Not only is it important for your customers, it is also important for the safety of your employees.

If you have questions, need additional information, or would like assistance in developing a snow and ice removal plan, contact your insurance professional today.

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Follow a Snow and Ice Removal Plan

- Monitor weather conditions
- Remind employees of their responsibilities
- Conduct regular inspections
- Respond in a timely manner
- Keep records of your activities
- Gather the facts and document each slip and fall incident reported

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