

RESPONDING TO CUSTOMER INJURIES FROM SLIPS, TRIPS AND FALLS ON YOUR PREMISES

Loss Control Services – Technical Bulletin



Despite your best efforts, accidents happen. When an accident involving a customer, vendor or other visitor to your business occurs, what you do in the immediate aftermath can have a big impact on that person's well-being and the possibility of negative publicity about your business. Responding appropriately and compassionately to an injured person's plight can also affect the likelihood of that injured person filing a claim for monetary damages and, if they do, your ability to defend against that claim.

Prior to any injury incident on your premises, ask your attorney to explain your state's Good Samaritan law that affords you liability protection. This will allow you to establish appropriate policies for your staff to follow should an injury occur on your premises.

How to respond to a customer injury:

- Assess whether medical attention is needed. If the customer is unconscious, conscious but confused, complains of blurred vision, bleeding profusely, has obvious skeletal deformity or other obvious indicators of the need for immediate medical attention, call 911. If it is determined that 911 needs to be called, do not attempt to move the injured person (unless they are in imminent danger of increased harm where they lie). Wait for the first responders to arrive and let them decide when and how it is safe to move the person.
- If 911 is called, clear a path for first responders to get to the injured person and cooperate with first responders as needed.
- Treat the person with dignity and respect. Talk calmly with them. Listen to them describe what happened and how they feel. Do not accuse them of lying or being dishonest.
- Show empathy, but do not say anything that could be deemed an admission of fault (ex., "I told the manager a half-hour ago that there was a spill here and that someone was going to get hurt," or, "You're the third person to fall in this spot this week," etc.). It is okay to say that you are sorry that this incident has occurred.
- If the person was alone in your business, offer to call a loved one or friend to come assist the person.
- Train staff not to say that the business will pay for anything, such as medical bills or torn clothing.
- Keep onlookers away so the person does not feel as if they are a spectacle.

- If the person is injured due to a fall and they cannot get up independently, suggest that 911 be called to assist. If there is no obvious serious injury however, and the person asks for assistance getting up, it is often best to have a second person assist them when possible. If the person is unable to stand on his or her own, the two assisting can gently lower the person back down to the floor.
- If not already aware, notify a manager of the incident.
- Have someone begin to document the incident by filling out your business' Customer Incident Report form (or whatever name you have given it). This should not be the employee attending to the person if that person is in obvious distress. That employee should remain with the injured person, reassuring them that help is on the way.
- The employee documenting the incident should seek out witnesses:
 - get their names and contact information
 - ask them to describe what they saw and heard happen
 - ask them to write out a statement, if they are willing to do so. If a witness(es) is unwilling to write out a statement, this employee should write down what the witness(es) told them.
 - This employee should take pictures of the area being sure to include images of whatever it appears or is alleged to have caused or contributed to the incident. If the incident was a fall, photograph the area to record whether there is a visible foreign substance on the floor. If possible, take pictures of the injured person – being sure to include any visible injuries, type of footwear and clothing, specifically focusing on areas that have liquid or obvious indications of having struck the floor. If the injured person denies permission to photograph them, the employee documenting the incident should write down as accurate a description of these items as they can.
- After obtaining witness names, contact information and statements, gather this same information from the injured person. If the injured person insists on leaving quickly, obtain as much of their information as possible before they leave.
- When the injured person leaves, observe them to make sure that they make it safely off your premises with no further incident. Make note of how they leave – for example, drove alone, had a ride waiting, called a cab or took a bus.
- Preserve any surveillance footage from one hour prior to the incident until after the injured person has left your business. This includes from all cameras, not just those of the area where the incident occurred. Cameras showing the person's gait upon entering and out in the parking lot when leaving may be important when defending a claim if there is suspicion that the incident may have been staged.
- Notify your insurance agent and/or insurance company.
- If there is a defect discovered in a fixture or floor that may have contributed to an incident, barricade the area until repairs can be made so no further losses or incidents can occur. Before making any repairs, take pictures at different angles and save those photographs. If an injury is obviously serious, talk with your insurance claims representative before making any repairs. If a fixture, product or object is involved, retain it until your claims representative or defense counsel says you may dispose of it.
- Train staff not to discuss the incident with anyone other than management, first responders, your insurance agent or insurance company representative.

Attending to the immediate medical and emotional needs of an injured customer should always come first, but during that time, these steps will help you defend against any claim that may be filed by the injured person.

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