

With winter on the doorstep (literally!) a few of my clients have asked for clarification about their obligations in clearing snow and ice.

There is a requirement under regulation 12 of the Workplace (Health, Safety and Welfare) Regs 1992 to ensure the safe condition of floors and traffic routes. Pph 96 of the Approved Code of Practice (ACOP) to these regulations makes specific reference to minimising the risks from snow and ice, and contains a recommendation regarding snow clearing and gritting.

Some employers are worried that they will attract liability if this is not done adequately. There have been civil cases which have clarified the situation. They concluded that.....

'A system for controlling the hazards of snow and ice discharges liability if it fulfills best practice, but is not expected to extend to unreasonable lengths'.

In particular these cases established that devoting the resources available to clearing the most used areas in priority to those less used was reasonable. Gritting twice a day (early morning and late afternoon in the cases of a 9 - 5 workplace) just before peak traffic times is considered best practice, though individual circumstances will vary (a community centre, for example, will need to be cleared before each hiring).

It is valuable to remind staff that under section 7 of the Health & Safety at Work Act 1974 they have a duty to take care of their own safety, particularly when moving in slippery conditions. One hazard often overlooked is the slippery floor caused by people bringing in water / slush from outside. Doormats, cleaning and warning signage are used to reduce this hazard.

When clearing snow and ice it is advisable to stop at the boundary of your property if you do not have the facilities to clear snow and ice thoroughly. If an area of the public highway is cleared there is then a common law duty of care to ensure that it is cleared properly and remains clear!! If this duty is not fulfilled there is a possibility that it could lead to an action for damages. (eg, a member of the public assumes that an area is clear, but slips and injures themselves).

* Policy & Technical Director of IOSH Richard Jones writes:

“Deciding whether to grit beyond the boundaries of their property needs to be carefully considered by companies. If access to the premises is covered in ice, companies may choose to grit the access to help their staff and visitors arrive and leave safely, even though it’s not their property. However, in this instance, if they failed to grit the surface properly and someone had an accident as a result, then they could incur some liability.

“As a general rule, though, it’s sensible for firms to consider the risks and take reasonable steps to prevent accidents from happening. If this means gritting outside the boundaries of your workplace, then it’s better to do that than to have people slipping over or involved in car crashes on your doorstep.”

In other words, our position is to encourage businesses to be a good employer and neighbour by gritting beyond property boundaries **and to make sure that the task is carried out thoroughly.**

* **Ref HSE Bulletin 18/1/10**