

Winter Weather

Any business that invites members of the public onto its premises should undertake a risk assessment of reasonably foreseeable winter weather conditions and the ways in which they might affect the safety of persons on their premises. The aim of the risk assessment is to determine what precautions are needed to make the premises, so far as is reasonably practicable, safe for employees and visitors - although it is not possible to eliminate risk entirely.

The precise circumstances facing your employees and visitors in the conditions created by winter weather will determine the nature and extent of precautions that should be taken for their safety.

Under the Health and Safety at Work etc Act, employers have legal duties towards their employees and others who may be affected by the conduct of their undertaking - and these duties extend to providing safe access and egress to and from their premises. How that is achieved is a matter for each employer to decide.

There is also a legal duty of care to visitors under the Occupier's Liability Act. Occupiers of premises must take reasonable care to ensure that visitors are reasonably safe whilst using the premises for the purposes for which they have been invited or permitted to be there. In many circumstances, this might include making pathways safe for visitors in winter weather conditions.

Clearing snow and ice is a matter over which each organisation or individual must make their own decision, based on their legal obligations and ability to do the work properly, including making adequate provision for the safety and health of the employees and/or contractors engaged to perform it.

A winter weather risk assessment should cover the ways in which reasonably foreseeable winter weather conditions could affect the safety of employees and visitors, bearing in mind that reasonably foreseeable winter weather now includes freezing temperatures and snowfall sustained over a period of days or weeks, without any thaw during the daytime - and your assessment should also:

- Prioritise areas to be cleared and/or treated within your winter weather action plan, according to your knowledge of the routes pedestrians and vehicles will use
- Identify particular areas where there is likely to be a more significant hazard, for example, places where: black ice could form; there are high levels of pedestrian traffic; pedestrians and vehicles share the same routes; there are changes of level; there is a history of accidents in bad weather

Action to implement the findings of your risk assessment should include:

- A system for monitoring weather conditions and deciding when and how the action plan is to be invoked and whether any treatment programme (gritting/salting etc) is to be preventative or reactive - it is easier to remove freshly fallen snow than hard-packed frozen snow, so it is best to start work in the morning after a night of snowfall and maintain the ways you have cleared throughout the day, covering the cleared path with salt to prevent re-freezing
- Continuing monitoring of weather conditions after the initial invocation of the plan, so that any improvement in ground conditions is maintained
- Planning how to take reasonably practicable measures and who is going to carry them out, including, for example:
- Obtaining and storing adequate supplies of grit and/or salt for an extended period of bad weather
- Training employees in winter weather procedures
- Not using water to clear snow - it is quite likely to re-freeze and form black ice, which increases the risk of injury as it cannot be seen and is extremely slippery
- Planning where cleared snow is placed - avoid blocking drains or other pathways and work by shovelling snow from the centre of the path to the sides
- Obtaining pedestrian barriers and other equipment so as to undertake any required work safely and effectively
- Providing appropriate personal protective equipment for employees required to do such work
- Devising and disseminating a policy on work attendance by employees who might face great difficulty over their journey into work in extreme weather conditions
- Including the possibility of employee absence in your business continuity plan
- Recording everything you do, including risk assessments; standard operating procedures for any work to be done; winter weather action plans; training provided to employees and all work done to clear or treat ground surfaces on your premises - if you can show clearly that you have taken reasonably practicable precautions for the safety of your employees and visitors, it is much more likely that legal claims brought against you or your organization can be successfully defended.

You can use any kind of salt to melt snow or prevent the formation of black ice - but do not use the supplies in local authority salt bins, which they use to treat roads. Sand or ash grit can be used instead of salt; it provides some grip on the surface - but it is not as effective in preventing the formation of ice.

It is true that it is probably better to do nothing than to make matters worse by doing a bad job of snow and ice clearing (which is a principle that applies to anything we do as organisations or individuals) - but it is best to make a good job of snow and ice clearing to make conditions safer, if you are responsible for the safety of people on your premises.

For further help and information regarding Risk Management, please contact:
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