

2. Peril-Specific Critical Interests

HIGHLIGHTS:

- Consider contractual accountabilities and their relevance
- If an abnormality or contaminant is involved; preserve evidence that may be pertinent
- Secure and copy all records related to the work for which damage is alleged

Premise Slips, Trips, Falls

1. Determine whether another party has responsibility for maintenance, housekeeping or inspection of the involved premises. Consider contractual accountabilities and their relevance to the facts of the incident.
2. Ascertain why the injured party was on premise and their purpose for being there. The claimant's legal status (i.e. business invitee, licensee, trespasser, etc.) determines legal duty owed by the premise operator.
3. Explore anything about the injured party that might have contributed to the incident:
 - a. Footwear
 - b. Carrying objects
 - c. Distraction
 - d. Mental or physical state
 - e. Corrected vision (were they wearing glasses or contacts)
 - f. Gait or mobility limitations
 - g. Rushing
4. If a walking surface abnormality or contaminant is involved; was the injured party cognizant of the hazard before traversing it?
5. If a walking surface abnormality or contaminant is involved; preserve evidence that may be pertinent to estimating how long condition may have existed prior to incident.
6. If incident involves recognized hazard, was warning or separation provided?
7. Are maintenance records, housekeeping inspection records (i. e. sweep logs, etc.) and/or housekeeping policies kept and available?
8. If the walking surface was treated, who treated it, when was it treated and what types of slip resistance tests were taken?
9. If weather was involved, indicate start/stop date and time of inclement conditions.
10. If weather was involved, indicate time of last inspection, housekeeping, shoveling, plowing or ice treatment of premises, especially those areas of the premises involved in the incident.

11. Is injured party likely to file a claim or legal action? What is their attitude toward the premise operator and the event? Are they blaming the premise operator for their injuries or are they accepting of their own culpability?

Products (Food)

1. When and from whom did the third party purchase the product?
2. Do you have contracts with the food suppliers, component parts (lettuce), vendors?
3. How long did the third party have product in possession before using or consuming?
4. Was the product purchased before or after the "sell by" date?
5. Did the third party suspect something was wrong with the product before using or consuming?
6. Is there a foreign object involved (i.e. food)?
7. What had the injured party eaten in the past 24 hours?
8. Might other persons have been injured by the same product?
9. If possible, secure the subject product from the third party.
10. If not possible to secure the subject product, collect all product identification information possible.

Property Damage

1. Secure and preserve any damaged or defective product.
2. Take still photos or collect video footage of all damage before enacting repairs.
3. Determine whether any other parties may have contributed to the damage or have responsibility for the condition.
4. Secure and copy all records related to the work for which damage is alleged, including contracts, purchase orders, requisitions, change orders, specifications, blue prints, etc.
5. Identify material or equipment that may have contributed to the damage. Secure and copy all records related to the purchase and maintenance of these items.

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