

Minimizing Visitor Injury Risk

Visitor personal injury claims can be costly and very damaging to a public garden's reputation. They can be much more frequent than employee injury claims and employee safety programs are not sufficient to protect visitors.

Your Liability

You are required to maintain safe premises for your visitors; in legal terms, you have a high duty of care. This includes:

- Your duty to warn visitors of non-obvious, dangerous conditions that you know about;
- Use ordinary care in active operations in the business;
- Make reasonable inspections to discover dangerous conditions and make them safe.

Most visitor accidents are preventable, so it is important to take steps to make your institution safer and less exposed to the risk of visitor injury and litigation.

Common Injuries

Common injuries that could become your liability include:

- Slip and falls. They can be a result of wet floors in your conservatories, uneven pathways and flooring, poor lighting from outdoor evening events, uneven steps, poor handicap accessible entrances and exits and icy conditions. These types of injuries are extremely common.
- Head and body injuries from falling objects or outdoor displays.
- Overcrowding injuries from large events
- Parking lot injuries as a result of cracked, improperly designed lots or failure to remove ice or snow.
- Trams and golf cart incidents.

Methods of Prevention

Steps you can take to minimize the risk of a visitor claim include the following:

- Identify high-risk areas of the public garden and set up an employee inspection schedule to ensure it does not become a dangerous condition. Review past incident reports to find areas where near miss conditions exist.

- Install video cameras to more efficiently monitor the premises for dangerous conditions and provide proof in case of a claim.
- During snowy, icy or rainy weather conditions, take care of dangerous situations on sidewalks, stairs and parking lots promptly.
- Ensure proper lighting in all areas of the garden (including emergency lighting), and check on a regular basis that all bulbs are functioning.
- Ensure that displays are stable and test new exhibit sites for traffic patterns. Perform walkthroughs during various times of day for lighting and crowd variance.
- Control crowds, especially during busy seasons.
- Design parking lots to avoid injury. Repave, repair and check for hazardous conditions regularly.
- Document the inspections of your spaces.

Accident Investigation


Having an accident investigation process is critical to mitigate future loss and properly handle visitor injuries when they arise. Next month the BHS article will focus on best practices for accident investigation.

Protection is our Business

Liability insurance addresses the cost of legal damages and claims up to policy limits. For more guidance and clarification on a liability policy and visitor safety that fits your needs, contact Sharon Van Loon or Kim Slager.

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