



TRIPPING UP THE FALL GUYS

Whole Foods Market's program to track in-store maintenance practices helps keep slip-and-fall lawsuits at bay.

By Joseph Tarnowski

Accidents happen. But sometimes in-store "accidents" are actually the result of deliberate slip-and-fall scams, and stores can find themselves trapped in lawsuits, especially if the effectiveness of their maintenance practices is hard to prove.

It's a dilemma that Whole Foods' Los Angeles unit is addressing with increased vigilance and due diligence when it comes to store maintenance.



Retailers log on to the GleasonESP system to access a secure server that hosts inspection log data and management reports.

Austin, Texas-based Whole Foods Market's Fairfax store in Los Angeles. "You need to know things like how recently

"When you are investigating a slip-and-fall incident, many factors come into play," explains George Khoury, team leader for

the area was cleaned, how many times a day the area is cleaned. Are you showing due diligence in maintaining the store, from a legal standpoint? Did this person allegedly slip and fall two minutes after the janitor documented that he cleaned up the area?"

While paper-based systems help keep track of maintenance schedules, they're not foolproof, and, as far as the legal system goes, they're not any

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—George Khoury, Whole Foods Market

kind of proof at all. "With our old system we had a piece of paper that listed times of the day, and sometimes maintenance would sign off on it and sometimes they wouldn't," says Khoury. "If you take that with you to a court of law, it is difficult to show that maintenance is being done consistently—you'll have a problem."

A bit of ESP

To build a bulletproof system, Khoury installed a maintenance-tracking system provided by the Gleason Group of Wayne, Pa., an independently owned property and casualty insurance broker that develops and manages customized programs for insurance, risk manage-

ment, employee retirement, and benefits. Specializing in retail, the company handles insurance for 350 stores.

The solution picked up by Whole Foods, GleasonESP, is a patented, behavioral-based safety, loss prevention, and cleanliness system that provides accurate record keeping of systematic premises inspections. The system soon will be expanded to all stores in Whole Foods' Southern California region.

Using strategically placed iButtons (see the sidebar on page 57) and a data reader, or "wand," that time/date-stamps each iButton touched on the premises, GleasonESP can track routine safety inspections and provide detailed maintenance reports to

An ounce of prevention

LIKE SHOPPERS, supermarket employees are prone to the occasional slip. Some, unfortunately, are more prone than others—like the stock clerk who drops a case of bananas and continues to carry more cases over the mess rather than cleaning it up first. Such an action may be completely unintentional, but careless nonetheless.

Some employees actively seek a little extra time off on the supermarket's tab. Unfortunately, by the time the supermarket manager discovers this, it's too late.

To help grocers spot such workers when it's most beneficial to the supermarket—before they're hired—Portland, Ore.-based Unicru, Inc., a provider of Total Workforce Acquisition solutions, has launched an additional component for its line of hiring assessment software.

Called the Unicru Safety Performance Assessment, the tool was developed to reduce worker compensation claim rates and lower the cost of claims that do occur, by identifying the likelihood that an individual will be involved in a workplace accident and how long that person is likely to stay off work afterward.

Applicants who score well on the assessment are more likely to follow rules and procedures closely, work carefully, return quickly from time off, and show good "organizational citizenship." They're also less likely to take risks, act impulsively, take inadvisable shortcuts, and seek retaliation for perceived unfairness.

Through a stringent validation process using employee data from Springfield, Mass.-based Big Y—a longtime customer of Unicru's hiring

module—Unicru was able to show that had its Safety Performance Assessment program been used during the hiring process, it would have helped decrease the number of accidents, cost per accident, and length of time away from the job for those employees deemed low-risk.

"They used our employee data to verify the assessment," explains Jack Henry, Big Y's v.p. of employee services. "It provided them with a realistic base from which they could draw conclusions."

Big Y provided Unicru with data on its employees that included people who filed a claim, what type of claim was filed—such as an injury or noninjury, the dollar amount of the claim, and the number of days

lost. "Big Y was a design partner for the test," says Adam Mertz, grocery market manager for Unicru. "The data they provided us helped determine the strength of the test."

In the validity study, Unicru found that high-risk individuals took 18.5 percent more time off following an accident than the average worker and had an average claim cost 18 percent greater than the average. These percentage differences were even more dramatic for workers in their first year of employment. "There was a disproportionate amount of claims among employees who worked less than a year," says Mertz. "Unicru's hiring software helps identify employees who will likely remain longer than a year, which will also help reduce slip-and-

fall incidents among employees."

Unicru designed the Safety Performance Assessment to measure such qualities as detachment, learned helplessness, entitlement, and manipulation that lead to employees taking more time off work than needed. The test also measures carelessness, sensation seeking, conscientiousness, and dependability to identify applicants who work more safely and have fewer accidents, whether they involve injuries, property damage, or both.

During the next few months Unicru plans to work with Big Y to streamline the Safety and Performance Assessment, after which the grocer will begin a formal pilot.

Farm Fresh gets flooded

AT VIRGINIA BEACH, VA.-BASED Farm Fresh, shoppers may stare at the floors, but they certainly won't slip on them. The Supervalu grocer recently installed a portfolio of flooring solutions in its new Portsmouth, Va. store—with each floor handpicked by president and c.o.o. Ron Dennis.

For those areas that experience occasional spills, Dennis installed Armstrong's Safety Zone slip-retardant tile, which gives the areas a safer walking surface as well as a colorful framing effect. In the store's entryway a more neutral color of Safety Zone is used to provide an added measure of safety for shoppers walking in from the parking lot.

The tile meets or exceeds ADA slip-retardant performance ranges and has a low profile, for easy maintenance.



the store's operation management.

"It is basically a tracking system," notes Khoury. "It gives you a concise way of tracking how your floors are being maintained, how your restrooms are being cleaned, how often they are being cleaned, and what types of issues the maintenance team members are dealing with."

The magic wand

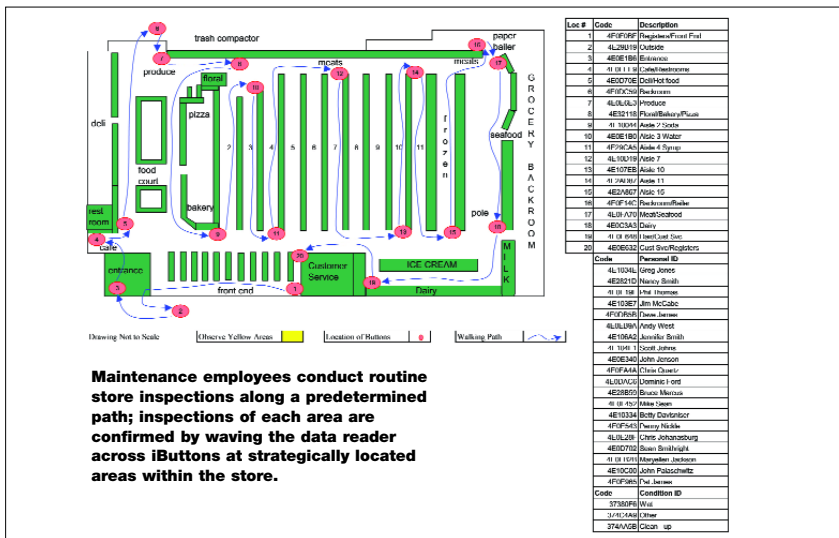
At the start of every shift a worker picks up a wand in the maintenance office and waves it past an iButton tied to that specific employee's ID;

hour, and we can track that they are following the new protocol."

Secure data capture

Once the maintenance worker returns to the office, the wand is set in a cradle, and the maintenance tracking data is encrypted and transferred to the GleasonESP system in the office PC. The data is then sent via the Internet to a remote server hosted by Gleason and can't be altered by anyone in the store—a key factor in defending against slip-and-fall scam artists.

"It can be used in the legal proceedings, show-



Maintenance employees conduct routine store inspections along a predetermined path; inspections of each area are confirmed by waving the data reader across iButtons at strategically located areas within the store.

the action logs the worker on to the system. As he or she moves through the store along a predetermined route, the worker waves the wand over iButtons posted in key areas of the store. If there are any maintenance needs along the way, such as a spill or fallen products, the maintenance worker performs the necessary action, and then identifies the type of action that was taken, via a button on the wand, again waving the implement across the nearest iButton.

"The regular route through our store is probably once every 45 minutes, approximately 20 stops," says Khoury. "We have the maintenance route broken up into different sections. The places that have more regular stops are the retail sales floor, restrooms, salad bar, and foodservice area. Of course, there are a lot of incidentals, such as spills. There are separate codes for particular hazards, such as a wet spill or a dry spill. Maintenance will do the cleanup, and then the system will show what they cleaned up, where it was, and what time it occurred, so they are able to put that code in that they handled a spill in the beverage aisle at 12:30, for example."

The prescribed maintenance route can be adjusted as needed. "Even though they were originally only supposed to review an area once an hour, if we notice that an area is getting a lot of traffic, we can change the schedule to every half-

ing that we have done our due diligence in cleaning the area," observes Khoury. "It enables us, while doing our investigation, to track slips and falls through our security camera. Was it a legitimate accident? Maybe the maintenance guy cleaned it up and there was nothing there. It is similar to the equipment used by security people or night watchmen that shows the times they were in the area. You physically have to wand that station to show you were there."

"The inspection logs that are generated from the maintenance walk-throughs are unalterable," says Brian Rosen, GleasonESP's national sales manager. "When someone looks at it—such as a plaintiff's attorney—there is no [claiming] that the retailer fudged those logs. It helps the retailer prove that it has shown evidence of reasonable care. All of the management reports and all of the files reside in our database, which, from a legal perspective, is better for them. There is an arm's-length distance between the stores, the company, and the data they are collecting."

Fewer ambulance chasers

Khoury says the resulting reduction in threatened legal action has been palpable. "I don't know if it reduces our insurance premiums, but I do know that the system reduces the number of slip-and-fall inci-

dences that actually go to court,” says Khoury. “You have to show negligence [to file a successful suit], and what we are showing is that we are doing everything possible to maintain a clean and safe retail environment.”

Indeed, the folks at GleasonESP often joke around the office that they’re still waiting for somebody to take one of their customers to court. “We are dying to be subpoenaed one day, so we can see how the evidence provided by the system’s records stands up in court,” says Rosen. “Unfortunately—or fortunately, I guess—we never had to go to a jury trial.”

Whole Foods has experienced other dividends, as well. For instance, the system captures a great deal of data relative to maintenance, and Khoury has found many ways of putting that intelligence to use, particularly in developing proactive measures. “Because it is so detailed in how it tracks, if you had a wine bottle break in aisle five, and in that same

day you had to go back there and clean up five additional separate wine [bottle breaks], well, there may something wrong with the way the product is being merchandised, so we can

investigate the section.” By measuring how often maintenance is being performed, the system can also help forecast maintenance supply needs.

Another side benefit: The store is

much cleaner because the maintenance team knows it’s being tracked. “That is extremely important to our customers and has a value that can’t be measured,” says Khoury. ■

How GleasonESP works

THE PRIMARY TOOL of the GleasonESP system is a hand-held data retriever that collects information every time it’s touched to an iButton. These silver buttons contain a data chip that holds one piece of information, such as the name of an employee, a location in the store, or a description of a hazard.

On a regular schedule a store employee conducts a floor walk, which begins when the employee touches the data retriever to an iButton matched with his or her name. The employee then follows a predetermined route around the store and touches the data retriever to location iButtons along the way.

The route is strategically designed to take employees past high-risk areas such as the produce department. If the employee discovers a hazard, he or she touches one of the hazard iButtons to a touch card attached to the data retriever, which describes the hazard as either “wet” or “other.” He or she then calls for a cleanup and remains at the site until the hazard has been removed. Then the data retriever is used to touch the “cleaned-up” iButton on the card, and the monitoring continues.

Afterwards the data retriever is placed in a cradle, where a log of these activities is transmitted electronically to Gleason Technology.