

HELPING RESTAURATEURS PROFIT AND GROW

# Restaurant

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## Risky Business

Restaurant Workplace Hazards and How to Prevent Them

BY DAVID DENNEY, ESQ.

**W**ork in a restaurant can appear fast-paced, fun and exciting. The reality, however, is that grueling hours, dangerous conditions and ignored safety policies can leave employees susceptible to injury. Cooks can slip in kitchens, servers can be injured in fights between customers, and dishwashers can cut themselves on knives lurking in soapy water. To guard against these occurrences, many restaurants carry workers' compensation insurance to cover on-the-job injuries, but operators must realize that the act of signing an insurance policy alone does not make one a responsible restaurateur.

In fact, the chance for injuries in the restaurant workplace is extremely high. According to the National Institute for Occupational Safety and Health, the leisure/hospitality sector accounted for 46 percent of all employer-reported work-related injuries for youth under 18 years in 2007. There simply are not many industries in which employees are required to handle sharp tools, operate dangerous machinery and constantly move at break-neck speeds — all the while surrounded by fire.

Despite the kitchen imagery, though, all restaurant employees, both front- and back-of-the-house, are at risk for

## A Few Words on Workers' Compensation Insurance

Mike Larriviere, an insurance broker with Keystone Southwest Insurance Agency Inc. in Rockwall, Texas, explains how he handles a question he is frequently asked. "When people ask me, 'How much insurance should I have,' I answer by saying, 'I don't know, how much are you going to be sued for?'" The reality is that workers' compensation insurance is a relatively inexpensive way to protect employees and the businesses for which they work.

Contracts, such as the restaurant's lease, often mandate the minimum amount of workers' compensation insurance a business must carry. In many instances, however, operators are left with the choice of how much coverage to purchase. That freedom of choice often results in underinsured operators looking to save money on premiums.

Driven by training, technological advances and reduced fraud, workers' compensation premiums for restaurants have dropped significantly in the past decade or so. In reality, says Larriviere, a \$1 million policy will often cost only 2 percent to 3 percent more than a \$100,000 policy. Ten times the coverage for a few dollars more makes sense in any economy.

Restaurateurs must be aware, however, that their insurance poli-

cies could require them to take certain actions to maintain coverage. Most policies, for example, require biannual cleaning of vent hoods and exhaust systems. If an operator fails to comply with the cleaning requirements and experiences a fire, the insurance company might be able to deny a claim based on noncompliance with the policy's terms. This denial could extend to workers' compensation claims for employees injured in that fire.

Insurance companies generally take a two-pronged approach in determining premiums, looking both at the individual insured and the market as a whole. "If an insured pays in \$5,000 in premiums and makes a \$10,000 claim, his rates will likely go up," Larriviere said. "This means operators should focus on implementing a safety program for their employees and, by extension, claims."

Almost all insurance companies provide materials for their customers to use in a safety program, including short videos and handouts that can be viewed or discussed at staff meetings.

the most common injuries, which include slips/falls, cuts and burns. Moreover, there are numerous other possibilities that can pose a danger to employees, such as foot injuries from standing for long periods of time, delivery driver accidents and physical violence in the workplace. Workers are

even exposed to latent threats, such as the possibility of sticks from needles thrown into a garbage can.

In short, operators have a responsibility to train staff to watch out for and address potential injury-causing hazards before injuries occur. This article looks

at some common (and some uncommon) workplace injuries, discusses workers' compensation insurance and suggests how to set up a safety training program in-house.

## Most Common Injuries and Prevention Measures

**Slips and falls.** Slips and falls are often caused by slick floors or stairs, loose floor mats or carpet and poor visibility. To prevent back-of-the-house slip-and-fall injuries, lay no-skid mats on smooth floors or install slip-resistant tiles. When cleaning, make sure to use the proper amount of cleaner necessary to remove grease or oil from floors. Ensure doors have a window or are marked with "In" and "Out" signs, and establish a set traffic flow pattern.

Front-of-the-house slip-and-fall injuries can be avoided by posting adequate signage for wet surfaces, inspecting carpeting for loose edges or bumps, keeping walkways clear and keeping kitchen floors grease free to prevent grease from being tracked into the public areas. Though these suggestions seem to fall solidly within the realm of common sense, it is shocking how often they are ignored.



**Cuts.** Cuts can be caused in numerous ways, from knife accidents to shattering glass. When using knives, simple rules can make all the difference in employee safety. For example, if

your restaurant kitchen is not fully staffed with skilled culinary school graduates, train employees on using the proper knives for certain jobs.

The prep cook who uses a chef's knife to pit avocados will ultimately spend some time in the emergency room. Require that knives be inspected and kept sharp at all times — dull knives slip more frequently and cause more injury than sharp ones. Dishwashers should never place a knife into a soapy sink because another employee could reach in and be injured by an unseen blade.

Machinery should be used according to the manufacturer's specifications, meaning that guards must remain in place even though they can slow down production. An employee should not be putting her hands into a mixer while the implement is moving, or slicing vegetables on a mandoline when the food itself is sliced too thin to protect her fingers.

Glassware that is chipped or cracked should be immediately discarded. Stacked glasses that stick together after washing can be rolled apart on a flat surface rather than twisted apart (it can shatter glasses in a worker's hands). Finally, glassware should never, ever go into the ice maker. Being forced to dump out the entire ice maker during service to clean out glass shards and blood can certainly put a damper on tea and soft drink sales.

**Burns and scalds.** Burns are among the most painful and debilitating restaurant injuries. Operators who provide an adequate number of gloves or mitts, while also providing training on burn prevention, stand to keep employees safer, and therefore on the job longer, than those who do not. Refreshers about handling hot items, organizing a hot line, and proper use of pressure cookers and fryers (to name a few) can keep kitchen employees thinking about important safety issues.

One item that continually escapes attention, however, is the correlation between burns and footwear. Despite the

popularity of open-toed or holey rubber clogs in the kitchen, operators might consider banning those shoes from the kitchen and warning employees that such footwear offers little protection if someone accidentally spills hot oil or grease onto a foot shod in one of those.

### Uncommon but Serious Risks

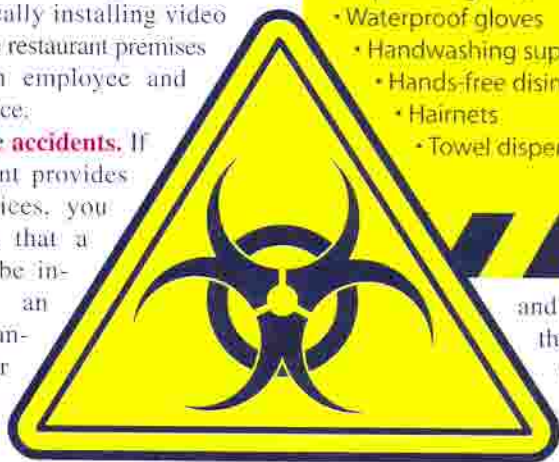
**Violence.** Violence in the workplace, whether resulting from acts by co-workers, customers or criminals, can pose a threat to your staff. While these situations can be nearly impossible to predict, employees can be trained on the warning signs that point to potentially violent outbursts, how to deal with intoxicated patrons and how to seek help in the event an incident occurs. Threatened or attempted acts should be taken seriously by management, and implementation of a zero-tolerance policy for such behavior is critical. Operators might also consider strategically installing video cameras on the restaurant premises to deter both employee and stranger violence.

**Automobile accidents.** If your restaurant provides delivery services, you run the risk that a driver could be involved in an accident. Mandating that your drivers follow local safety regulations can only provide a modicum of comfort, however, because third parties are so often involved. At the very least you will want to review the employee's driving record before he or she becomes a driver, and only hire those drivers who have clean records.

Company policy should mandate that no personal business may be conducted when a driver is en route to or from a delivery. This will help define the scope of the driver's work-related responsibilities,

### Must-have Items for Employee Safety

- First-aid kits
- Burn treatment
- Ointments and sprays
- Eye wash station
- Biohazard cleanup kit
- Bloodborne pathogens cleanup kit
- Medications
- Sharp disposal (knives, glass, etc.)
- Signs with emergency procedures and phone numbers
- Material safety data sheets binder
- Spill response equipment
- Caution signs/mirrored corners
- Shatterproof bulbs
- Mats
- Fire extinguisher
- Goggles
- Sanitizing test kits
- Disposable gloves
- Waterproof gloves
- Handwashing supplies
- Hands-free disinfectant
- Hairnets
- Towel dispensers



and could protect the restaurant in the event an accident occurs while the driver is

on a personal errand.

**Bodily fluids exposure.** Restaurant employees may, at times, be called upon to deal with the bodily fluids of another. Responsible operators will try to prepare employees to deal with these unfortunate incidents. Whether cleaning up after a sick guest or finding a used needle while cleaning the restroom, employees should know proper disposal procedures and be given adequate resources to properly deal with these situations. Such resources

include clean-up kits, cleansers, masks and disposal containers. Employees should be instructed to be on the lookout for needles and broken glass (e.g., behind trash cans, atop paper towel dispensers) and to never pick them up without the aid of pliers or tongs. When cleaning up vomit or blood, workers should wear protective equipment such as waterproof gloves and use proper disinfectant. If an employee comes into contact with bodily

fluid through penetration of the skin (such as a needle stick) or via the eyes, mouth or nose he should receive immediate medical attention.

### Training and Prevention is Vital

Address workplace safety in your employee handbook. A commitment to employee safety should be thoroughly outlined in the operator's employee handbook. Include a bullet list of house safety rules that must be followed, and consequences for noncompliance should be spelled out, including verbal and written warnings for first minor infractions (e.g., using a glass to scoop from the ice maker), suspension for repeated or more serious infractions (continued failure to practice knife safety or keep a floor grease free), and termination "for cause" in the event of gross misconduct (threats of violence or fighting).

First, ensure each employee receives the employee handbook when hired and that each employee returns a signed sheet (usually the back page of a new handbook) stating that they received the book and will abide by the company's policies, including attending required staff meetings scheduled by the management. Moreover, include a section on health and safety in employee review materials so they can be rated on these issues specifically.

These policies, though, are only effective if they are enforced. Creating a written policy and failing to enforce it may actually expose the restaurant to more liability than not having a policy at all (because the existence of the policy shows that the company recognized the potential for harm, and failure to enforce them could amount to negligence).

**Adopt a safety training program.** Starting a "safety training program" is not as daunting as it sounds. First, inspect your restaurant for potential hazards and the availability of first aid.

Second, develop written employee health and safety policies if you do not already have them in place. Then integrate those policies into regular staff meetings. You will not be asking employees to give up whole Saturdays on a quarterly basis for lectures on how to use knives or avoid bloodborne pathogens.

Instead, managers and workers can receive direction about their roles with regard to safety in the workplace. Videos on safety like those available from insurance providers or the National Restaurant Association often run only a few minutes and can focus attention on specific topics. Similarly, handouts can provide a basis for discussion and questions on discrete topics covered across various meetings. The goal of the training is simply to keep the idea of workplace safety in employees' minds, not to make them safety experts.

Next, regularly instruct managers to ensure the policies are followed.

Finally, recognize that restaurants are ever-changing environments. Schedule regular re-inspections of the premises, looking for new hazards or wear and tear on equipment, and adjust policies or precautions accordingly.

### The Value of a Safe Workplace

Operators, as employers, have a responsibility to provide a safe working environment for their employees. Safer facilities and alert employees will reduce the number of work-related injuries and the costs associated with insurance claims, missed days and the general inconvenience caused by these incidents, allowing your restaurant to focus on its primary goal: serving customers and making money.

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