

Podcast

# Ladder Safety: Dos and Don'ts for the Retail Industry

By Laura A. Pierson-Scheinberg &

November 29, 2022

## Meet the Authors



**Laura A. Pierson-Scheinberg**

(She/Her)

Principal

415-796-5408

Laura.PiersonScheinberg@jacksonlewis.com

## Related Services

Labor Relations

Retail

Workplace Safety and Health

## Details

November 29, 2022

Maintaining a competitive edge in the brick and mortar retail space can involve taking risks—having employees use ladders in day-to-day operations is one most retailers cannot avoid. However, preventing and reducing ladder-related accidents and injuries is essential to keeping your workers and customers safe.

Jackson Lewis P.C. · Ladder Safety: Dos and Don'ts for the Retail Industry



## Transcript

Alitia Faccone:

Welcome to Jackson Lewis's podcast, We Get Work. Focused solely on workplace issues, it is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate an engaged, stable and inclusive workforce. Our podcast identifies issues that influence and impact the workplace and its continuing evolution and helps answer the question on every employer's mind. How will my business be impacted?

Maintaining a competitive edge in the brick and mortar retail space can involve taking risks. Having employees use ladders in day-to-day operations is one most retailers cannot avoid. However, preventing and reducing ladder-related accidents and injuries is essential to keeping your workers and customers safe. On this episode of We Get Work, we discuss basic rules for maintaining ladder safety and how to avoid literal missteps. Our host today are Laura Pierson-Scheinberg, a principal in Jackson Lewis's San Francisco, and Baltimore offices, a member of the firm's labor group and leader of the retail industry group. Laura also spearheads the Caffeinated Organizing Service Team, which addresses the recent uptick of union activity in the retail and restaurant industries. She has spoken in front of numerous professional associations, including the Retail Industry Leadership Association's Retail Law Conference, the National Retail Federation, and the National Restaurant Association's Sixth Annual Law Summit. Our cohost, Kristina Brooks of council in the Albuquerque office is a veteran of the Department of Labor. She focuses her practice on

occupational safety and health issues in the workplace. Kristina is an avid believer in the saying, "An ounce of prevention is worth a pound of cure." Laura and Kristina, the question on everyone's mind today are, "How do I eliminate or reduce accidents, falls, and injuries from using ladders in my retail space or warehouse? And how will this impact my business?"

Laura A. Pierson-Scheinberg:

Kristina, we've been talking about workplace safety a lot in our retail group and I really appreciated the tidbits that you provided on ladders. I had no idea that ladders were so dangerous. Can you talk to us a little bit about ladder safety and why we need to consider this specific issue?

Kristina T. Brooks:

Absolutely, Laura. This might sound a little bit nerdy, but I am a safety and health person, and ladder safety is critical, especially during the holiday seasons when we're in a rush, we're trying to get the shoe boxes down from up in storage to get it to the customer, or the baked goods are up too high at the bakery, and we're rushing because falls from ladders are the number one cause of injuries in general industry, which wouldn't include retailers.

Laura A. Pierson-Scheinberg:

And so what are some good takeaways for clients ensuring that their workplace is safe and ladder safety in particular? If they were to do, for example, a ladder talk, what would that ladder talk include?

Kristina T. Brooks:

Well, I think you have to consider a few things. What type of ladder are you using on a daily basis? Are we looking at extension ladders? Are we looking at step ladders? What are you asking your employees to use? So you need to actually do an inventory and ensure that you're using the right type of ladder for what you're asking your employees to do. It may sound super easy and super basic, but that's the number one rule, is let's do an inventory and make sure that your ladders are in safe working condition, that they're not rickety, that you actually, when you step down from it, you're going to hit the ground rather than have a broken rung. Those are the first basic tips when you talk about ladders.

Laura A. Pierson-Scheinberg:

And so when we think about ladders, I mean, it seems so basic because we all have one in our house or have climbed one before. Are there any special training or any guidance that is out there, whether in OSHA or in other spaces as to what a ladder safety plan is?

Kristina T. Brooks:

There is. So the number one rule, especially when you're talking about extension ladders, I don't know if you ever watched the Griswolds Family Christmas, but Clark Griswold goes outside, he puts his extension ladder,

and he does not maintain three points of contact. That's a huge rule and he ends up falling off the ladder. He ends up the ladder going backwards, and frankly, he's lucky he was not severely injured. Thank you, Hollywood, for that, but in the normal, someone is going to sustain an injury without maintaining three points of contact.

Laura A. Pierson-Scheinberg:

At the meeting that we had for our retail industry team, you had mentioned some interesting statistics regarding ladder falls. I know you said it was the single most workplace in injury, but what really is the issue here with ladders?

Kristina T. Brooks:

So the ladder is, retailers would fall into what OSHA categorizes as general industry. It means they're just not construction employers so it's general industry and in general industry, 20% of fatal and loss workday injuries were falls from ladders. And so when we first talked about this, I had in my mind that I want to go buy the perfect pair of shoes to go with my holiday outfits and it just happens to be the largest box of boots and is not in my size and I have to talk to someone to go get me the pair of boots. I can't even pull the box out without them falling on the floor and it made me really think about when you go back to go get the extra inventory to check for a customer, how are you accessing your extra inventory? How are you going to get that box of boots down while maintaining three points of contact while not rushing? Your body should maintain itself inside of the side rails, you have to make sure that when you step down, you're not missing a rung, and so all of these things came together for me of, this is a potential for a very dangerous situation for an employee and a costly error for an employer by just not slowing down and teaching proper ladder use to their employees.

Laura A. Pierson-Scheinberg:

Could you walk through what a proper ladder use for employees are so that our clients can hear this and take it back to do their own spot check to make sure that there's that starter shift reminder or just a refresher for their folks that are climbing ladders, getting that merchandise?

Kristina T. Brooks:

So the basics, because there are different types of ladders, but in general, make sure the ladder's placed on solid ground. Many times the ladder's not quite tall enough and they're putting it on a box or a barrel or some other unstable material to get a little bit higher. Do not do that, stable ground. When climbing the ladder you need to maintain three points of contact, two hands and a foot or two feet and a hand, three points of contact when climbing and descending a ladder. Many times that's going to be difficult in the shoe example or maybe you need a special tool in order to access, unlock a box or whatever you need to do. You need to make sure that your

hands can make contact, so tool belts become important, maybe some creative ways where if you can't maintain three points of contact, you need a different method to get the product down from high spaces. People should not be walking under ladders. Isn't it the old adage with the black cat? You just don't walk underneath ladders.

Laura A. Pierson-Scheinberg:

Bad luck.

Kristina T. Brooks:

Very bad luck to walk under a ladder, but it becomes important if you have different people working in a warehouse or two people trying to get different supplies for customers and you accidentally bump into the ladder or it's not the intent, but make sure that you are staying on the outside of the ladder, maintain your surroundings, know who's around you to avoid those types of issues.

Laura A. Pierson-Scheinberg:

Is there any spotting requirement or any issue where you want actually a buddy in that regard?

Kristina T. Brooks:

There's not but in the situation with boots, it may be that you want to have a buddy there that you can hand it down to or have some sort of system where you should never be standing on the top run of a ladder. I hate to say it, but sometimes just some employees can't reach that spot. I couldn't, I'm very short, but maybe in those situations you want to ensure that you've got someone who can actually reach it in a safe manner when going up there. The other thing, a lot of people during the holidays, more people are out shopping. When you go to one of the large stores where they might have those rolling ladders that always tell you don't access, ask an employee for use, please talk to them to come do this, should never let a customer themselves get onto a ladder. And if you see that, a manager should be contacted to have them come down and to remind folks, make sure that the placards are up there. You do the same thing with employees. You can restrict access to people who've received training on ladder safety.

Laura A. Pierson-Scheinberg:

Great. Well, I really appreciate this tidbit of ladder safety. I know when I heard it and those statistics, it shocked me, so I really appreciate this refresher that you provided.

Kristina T. Brooks:

You're very welcome, Laura. Anytime.

Alitia Faccone:

Thank you for joining us on We Get Work. Please tune into our next program, where we will continue to tell you not only what's legal, but what is effective. We Get Work is available to stream and subscribe on Apple Podcasts, Google Podcasts, Libsyn, Pandora, SoundCloud, Spotify, Stitcher, and YouTube. For more information on today's topic, our presenters, and other Jackson Lewis resources, visit [jacksonlewis.com](http://jacksonlewis.com). As a reminder, this material is provided for informational purposes only. It is not intended to constitute legal advice, nor does it create a client-lawyer relationship between Jackson Lewis and any recipient.

©2022 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.