

HOSPITALITY COVER PLUS+

Hospitality Risk Management



POOL SAFETY

Few things are more appealing to your guests than a refreshing swim in your hotel's pool. However, a swimming pool also significantly increases the liability exposure for your property. A swimming pool is considered an "attractive nuisance," similar to a construction site or playground equipment, in that it strongly appeals to children. An attractive nuisance is a building, structure, area, or activity that attracts visitors who may not be welcome.

The hotel has the power and ability to deny entrance onto its property and into its pool by trespassers. A case decided in the Ohio Supreme Court determined that property owners may be held liable for the injuries of trespassing children. In this case, the hotel's pool was closed, awaiting repair, when a child crawled through a hole in the fence and fell in. His mother proceeded into the pool after him and they both drowned.

Drowning remains the second leading cause of unintentional, injury related, deaths to children under the age of 14. Two minutes following submersion, a child may lose consciousness and irreversible brain damage may occur after four to six minutes. This time period determines the immediate and long-term survival of the child. Nearly all children who require CPR either die or are left with severe brain damage.

A recent study suggests that medical costs for a near-drowning victim can range from \$75,000 for emergency room treatment to \$250,000 per year for long term care. The cost of a near-drowning incident that results in severe brain damage can exceed \$5,000,000.

In the past 20 years, at least 36 children have died and 147 others have been injured after becoming trapped underwater in pool and hot tub drains. The *Virginia Graeme Baker Pool & Spa Safety Act of 2007* provided new requirements for pool construction, retrofitting and maintenance. In addition to installing anti-vortex drain covers, pools operating with single drains may also be required to install devices which automatically shut off suction when a drain is blocked. Violators can face fines or criminal penalties.

With regard to attractive nuisance situations, negligence can mean that the property management or ownership were aware that someone could get hurt and did not provide adequate protection. This negligence can significantly increase the liability and financial exposure to ownership and management. Your team should take all necessary precautions to protect all guests on property, invited or otherwise.

DID YOU KNOW?

Mulch should never be used in the areas surrounding any buildings. Given its flammable attributes, mulch can be easily ignited by a cigarette or spark. As guests frequently use these areas to smoke, all ground cover should be non-combustible material (gravel, concrete, etc.) Additionally, smoking should not be permitted within 10 feet of the building.

FROM YOU

- Q:** How often should we hold safety committee meetings?
- A:** *Internal safety committee meetings and inspections should be completed at least monthly. Safety committee meetings should be documented and include notes related to attendees, topics, recent claims, corrective measures, loss control and any outstanding concerns. There should be representation from all key departments as well.*

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POOL REGULATIONS

Every hotel is required to be in full compliance with all federal, state, and local pool regulations. While not an exhaustive listing, The Hospitality Cover Plus+ Risk Management Team strongly recommends implementing at least the following regulations:

- The pool is only for the use of registered guests. Use of the pool and exercise facilities by individuals other than current guests as well as the rental of the pool area for parties or events is prohibited. The risk associated with the exposure of non-hotel guest use or event rental is extremely high.
- Inspect the pool area daily and conduct safety checks at least three times a day, or according to your local pool regulations. Correct any unsafe conditions immediately. Document the date, time, and personnel involved with all inspections.
- The pool must be fenced and secured by a self-locking gate or door accessible only via valid key card. Gates should never be propped open. Any openings in the pool fencing must meet local Health & Safety Code.
- If no lifeguard is on duty, conspicuously post "Swim at Your Own Risk" signage.
- Provide the required adequate and accessible rescue equipment.
- If your hotel is considering hiring a lifeguard or lifeguard firm, consult in advance with the Hospitality Cover Plus+ Risk Management Team.
- Post all pool rules prominently. This includes the maximum number of guests allowed in the pool, minimum age, supervision requirements, no glass containers, location of the emergency phone and phone instructions.
- Acceptable swimwear must be worn by all guests (no belts, buckles, denim, etc.).
- Any person with a visible infectious disease or open wound should not be permitted to use the pool, hot tub, or sauna.
- Guests who appear to be under the influence of drugs or alcohol should be asked to leave the pool immediately.
- Require all children to be accompanied by an adult.
- Individuals who excrete bodily fluids in the pool should be asked to leave immediately and the pool should be closed for disinfecting, as required by state regulations. Children who are not potty-trained should only be allowed in the pool if they are wearing an approved swim diaper and a swimsuit. Cloth or disposable diapers are not appropriate attire.
- Mark pool depths with clear markings on the deck, at maximum and minimum depths, slopes, and on all sides of the interior of the pool.
- Ensure that pool water meets all clarity requirements according to local, state, and federal code.
- Always walk, do not run, on a pool deck and around the facility.
- No diving, somersaults, or dangerous jumping.
- Provide first aid equipment in an accessible location for use by guests and employees. At a minimum, the kit should include disposable gloves and sufficient materials to stop bleeding, clean and bandage minor wounds.
- Place a telephone within 100' of the pool, with emergency phone numbers clearly posted. The phone should also be well lit.
- Maintain poolside furniture in good condition. Firmly secure any outdoor poolside furniture or move it indoors in advance of severe weather.
- Maintain the floor in and around the pool area. The floor must be free of any conditions that may injure bare feet (holes, chips, glass, debris, etc). This includes the interior walls and bottom of the pool.
- Keep pool deck free of any items that may present a slip or trip hazard. This includes hoses, cords, tools, toys, and other debris.
- Ensure that all chemicals are stored properly, in labeled containers, with necessary MSDS signage, and secured out of access to the public.
- Keep a daily record of all injuries and operational data; including fecal accidents, chemical levels, water temperature, water clarity and any chemicals added throughout the day. Record every four hours during operation.
- A recent CDC study found that one out of eight public pool inspections resulted in immediate closure because of at least one identified violation that represented a serious threat to public health. Use a DPD testing kit for measuring the concentration levels of chlorine or bromine, pH, total alkalinity, cyanuric acid and water temperature.
- Ensure that the pool water is circulated continuously during any time that the pool or hot tub is in operation and that the pool water temperature does not exceed 90°F.
- Animals should not be allowed in the pool area, or on the pool grounds.

PARKING LOT SAFETY

Slip, trip, and fall are the most frequent claims in the hospitality sector. These aren't limited to pool decks, tubs, and lobbies. Parking lots also create areas of concern as wheel stops, speed bumps, cracks, and curbs are among the most frequent causes of slips, trips, and falls.

Lining, striping, and painting, should be done at least every two years, not just for aesthetics, but for guest and employee safety as well. This may need to be done more frequently in locales with more harsh weather conditions. When repainting, consider the following strategies to potentially minimize slip, trip and fall exposures:

- Consider removing the existing paint with high-pressure washing that provides a clean, flat surface for application of the new paint.
- Utilize bright yellow or white paint with slip resistant additives for use in high traffic areas such as crosswalks, ramps, curbing, and ADA markings. Certain polymer based additives provide increased traction even as the paint becomes worn with usage and time.

Wheel stops, whether concrete or rubber, should be installed to provide a barrier between vehicles and pedestrian walkways. They are a leading cause of trips and falls as they sit low to the ground and are frequently out of the guest's line of sight. Even in locations where wheel stops are already in use, it is important to evaluate if they are needed or an alternative solution is more appropriate. Alternative solutions may include bollards, landscaping, and flexible signage. If there are wheel stops installed, they should be clearly marked, with high visibility or reflective paint or tape.

Speed bumps come in a variety of sizes, configurations, and materials, which can pose slip, trip, and fall hazards. It is important to assess their size, location, and markings.

- When possible, look to install speed bumps in areas of low pedestrian traffic. Speed bumps should not be installed in ADA parking or access points, crosswalks, sidewalk ramps, or directly in front of the main entrance. Instead, consider signage and traffic lighting in these areas as needed.

- Accompany speed bumps with signage alerting pedestrians of their presence and ensure that they are properly installed, designed, maintained, and repaired as necessary.
- Speed bumps should be identified with markings that increase awareness. The paint used should be slip resistant.

Landscaping should be trimmed and maintained on an ongoing basis to reduce any areas of low visibility for either pedestrians or drivers.

Adequate, working lighting is crucial for both guest and employee safety in the parking lot.

- All overhead lighting should be in full working order and repairs should be made promptly.
- Ensure that there are no dark or shadow zones between light poles. These areas are the highest risk for pedestrian incidents.
- Consider LED lighting for better color rendering, visibility, and energy savings
- Consider adding focused lighting at crosswalks. This lighting should light the pedestrian, not just the pavement, from a driver's perspective. Avoid placing bright fixtures directly behind pedestrians, from a driver's viewpoint, as this creates silhouetting, where the person disappears against a bright background.
- Motion activated lighting may be an option in lower traffic areas

Walk the lot as a pedestrian monthly to identify new or changing hazards. Also consider consulting with the local fire marshal for recommendations related to your specific hotel.

ADDITIONAL RISK MANAGEMENT RESOURCES, INCLUDING YOUR GUIDE TO CLAIMS REPORTING, ADDITIONAL CLAIMS FORMS ARE ALWAYS AVAILABLE ONLINE AT:

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