



Reduce Your Risk | September 2022

Guest Slips & Falls

The most frequent guest injuries continue to stem from slips and falls. Many slip and fall claims are preventable with regular maintenance and a proactive approach to guest and employee safety. Over time, the majority of the claims dollars a hotel will incur come from a guest slip and fall.

Bathtubs and showers are frequently the location of guest slips, falls, and other injuries. These areas are in need of continuous inspection and maintenance. **Your team should include the following in your safety program and regular room inspections:**

- The tubs and showers of all rooms should be inspected regularly. The hotel should record the results of all inspections and any repairs.
- Keep records of all maintenance procedures on bathtubs and showers. This includes floor care activities, such as repairs performed, times and dates of those services, and care products used.
- Non-slip surfaces should be inspected by Housekeeping each time the bathroom is cleaned. If there is excessive wear or breakdown on the non-slip surfaces, this should be reported to management and maintenance immediately.
- Non-slip surfaces should be maintained in accordance with the maintenance instructions provided by the manufacturer. This includes only using recommended cleaning supplies and chemicals. Using incorrect techniques and cleaning agents can increase the likelihood of a slip or fall on these surfaces. Failure to maintain these surfaces in

accordance with these requirements limits liability on behalf of the manufacturer or installer in the event of a claim.

- All repairs to the tub, shower, or its non-slip surface, should be completed by a licensed, insured contractor. A Certificate of Insurance should be on file at the property for all contractors prior to work commencing.
- Be on the lookout for foreign substances on the floor such as water, food, grease, oil, soap, dirt, or debris in and around all bathrooms.
- Always use “Wet Floor” signs.
- Use a doormat inside each entrance during inclement weather. Routinely inspect mats for damage and excessive wear, replacing them as necessary.
- Investigate & thoroughly address the source of spills.
- Do not allow guests into unauthorized areas.
- Promptly repair any broken or damaged walkways, curbs and stairs. Clearly mark any areas under repair.
- Clear walkways of litter, debris, cords, and furniture.
- Provide handrails for any set of stairs with more than three steps, up or down.

Make it clear to all team members that they are responsible for the safety of everyone on the property. This responsibility is shared by all staff, not just management and maintenance.

Did You Know?

The Blue Campaign, an initiative of the U.S. Department of Homeland Security, provides online resources to educate team members on human trafficking and aid in identifying and reporting incidents at:

<https://www.dhs.gov/blue-campaign>

From You?

Q: Does the ADA mandate bed height for the hotel's ADA compliant rooms?

A: No. There is currently no standard bed height mandated by the ADA for hotels. However, a guest can request a "reasonable change or accommodation" which may entail lowering or removing the bed frame.

Human Trafficking

The Blue Campaign has identified hospitality as a target industry for human trafficking and the campaign has provided additional information below in order to further educate GMs and team members.

Traffickers often take advantage of the privacy and anonymity offered by the hospitality industry. They can operate discreetly because employees and other guests may not know the signs of human trafficking. Human trafficking can occur in any hotel segment, from economy to luxury.

A hotel may also have employees who are victims of forced labor. If a third party applied for a position on behalf of an employee or if employees are not receiving their own paychecks, these could be signs of human trafficking. Hotels are also locations where traffickers force sex trafficking victims to provide commercial sex to paying customers. Victims may be forced to stay at a hotel where customers come to them, or they are required to go to rooms rented out by the customers.

Each hotel plays a significant role in helping to stop this crime.

- Know the signs of human trafficking.
- Design a plan of action to respond to a report of human trafficking at your hotel.
- Partner with local agencies that provide services to victims of human trafficking.
- Provide employee training to help staff understand and identify signs of human trafficking.

Employees are often in the best position to see potential signs of human trafficking. Indicators that an individual may be a victim of human trafficking include:

- Guest checking into a room appears distressed or injured.
- The same guest is reserving multiple rooms.
- A guest has few or no personal items when checking in.
- A room is paid for with cash or a pre-paid credit card.
- Guests are not forthcoming about full names, addresses or vehicle information when registering.
- Minors taking on adult roles or behaving older than actual age (paying bills, requesting services).
- Guest appears with a minor that he or she did not come with originally.
- Rentals of pornography when children are staying in the room.
- Individuals are dropped off at the hotel or visit repeatedly over a period of time.
- Guests leave their room infrequently, not at all, or at odd hours.
- Minors are with a guest late at night or during school hours (not on vacation).
- Guest checking in to the hotel have no identification.
- Room is rented hourly, less than a day, or for a long-term stay that does not appear normal.
- Guest requests information or access to adult services or sex industry.
- Guest room has fewer beds than patrons.
- Individuals selling items or begging from staff.
- Individuals enter or exit through side or rear entrances, instead of lobby

- Guests entertaining a minor at the bar or restaurant that he or she did not come in with originally.
- Guest claims to be an adult although appearance suggests he or she is a minor.
- Individuals asking staff or patrons for food or money.
- Individuals taking cash or receipts left on tables.

Housekeeping, maintenance, and room service staff have the most access to guest rooms, where signs of human trafficking may be apparent. **Signs in a guest room that an individual may be a victim of human trafficking include:**

- “Do Not Disturb” sign used constantly.
- Guest requests room or housekeeping services (additional towels, new linens, etc.), but denies team members entry into room.
- Refusal of cleaning services for multiple days.
- Excessive amounts of cash in a room.
- Presence of multiple computers, cell phones, pagers, credit card swipes, or other technology.
- Children’s items or clothing are present, but no child is registered with the room.
- Individuals loitering in hallways or appearing to monitor the area.
- Excessive amounts of alcohol or illegal drugs in rooms.
- Minors left alone in the room for long periods of time.
- Excessive number of people staying in a room.
- Extended stay reservation with few or no personal possessions.
- Provocative clothing and shoes.
- Constant flow of men into a room at all hours.
- Guest room is stocked with merchandise, luggage, mail packages, and purses/wallets with different names.

Service Animals & ADA

A service animal is frequently used by persons with impairments so they can participate fully in daily life. Dogs can be trained to carry out a variety of crucial activities to help people with disabilities, such as picking up objects for a person in a wheelchair, stopping an autistic youngster from straying, or

warning a person with hearing loss when someone is coming up behind them.

The Department of Justice continues to receive many inquiries related to The Americans with Disabilities Act (ADA) and service animals. In order to accommodate people with disabilities, the ADA mandates that companies must make "reasonable changes" to their policies, practices, or processes. As a result, organizations that have a "no dogs" policy typically change it to permit service animals inside their facilities.

What is a service animal?

A service animal is a dog that has been specially trained to work for a person with a disability, according to the ADA. The dog's task(s) must be specifically tied to the person's impairment.

What does “to do work for a person” mean?

To help the disabled person, the dog must be trained to perform a certain activity when necessary. For instance, a diabetic person may own a dog that has been taught to alarm him when his blood sugar levels rise or fall. Or a person with epilepsy might have a dog that has been taught to recognize the signs of a seizure and then keep them safe while they are having one.

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

No. These names are used to identify animals that make people feel better just by being around them. They are not considered service animals under the ADA since they have not been taught to carry out a particular duty or task. The use of emotional support animals in public areas is, however, permitted by some State or local laws.

Does the ADA require service animals to be professionally trained?

No. Disabled individuals are not compelled to undergo a specialized service dog training program; they are free to train the dog on their own.

What questions can hotel employees ask to determine if a dog is a service animal?

Staff members are only allowed to inquire about two specific things when a dog is not immediately apparent to be a service animal:

- Is the dog a service animal required due to a disability?
- What duties or responsibilities has the dog been taught to carry out?

The dog's documentation cannot be requested, the dog cannot be asked to perform its job, and staff cannot ask questions about the person's impairment.

Do service animals have to wear a vest or patch identifying them?

No. This is not required by ADA.

Can the hotel assign designated rooms for guests with service animals?

No. A guest with a disability who relies on a service animal must be given the same opportunity to book any open rooms as visitors without disabilities. They may not be limited to "pet-friendly" accommodations.

Can the hotel charge a cleaning fee for service animals?

Hotels cannot charge guests to remove the hair or dander left behind by a service animal. However, a hotel is allowed to charge the same cost for damages as it does for other guests if a guest's service animal damages a room.

Are hotel guests allowed to leave their service animals in their hotel room when they leave the hotel?

No. The dog must always be under the handler's control.

Are hotels that have pools required to allow a service animal in the pool with its handler?

No. The ADA does not override public health rules prohibiting dogs from entering swimming pools. However, service animals must be permitted on the pool deck and in other areas where the general public is permitted.

Certificates of Insurance

Any and all individuals, vendors, contractors, or third-party firms performing services on the property must provide a compliant Certificate of Insurance (COI) before commencing work. The COI must do the following:

- Show proof of adequate insurance coverage for the individual or contractor as relates the services being provided, including: General Liability, Workers' Compensation, Automobile, and Umbrella coverage
- Reflect an insurance carrier with a financial rating certified by A.M. Best Rating Service as A-, X or stronger
- Reflect insurance coverage currently in force

- Name property ownership entity and management as "Additional Insured"

The specific limits required for each type of contractor and vendor, as well as sample language for requesting COIs, are available in the customized Certificate Procurement Program that you received for your hotel. If your property is in need of an updated copy, please contact the Hospitality Cover Plus+ Risk Management Team.

If Additional Insured status is granted on the COI only "where required by written contract" this stipulation should be included in the contract before execution, or the language should be removed from the Certificate of Insurance.

Sole proprietors, without exception, must also carry insurance coverage (including workers' compensation) which meets or exceeds the levels outlined in the Certificate Procurement Program for your hotel.

Below is a list of some of the types of vendors which must provide a compliant COI to work on your property:

- Staffing Companies
- Landscapers & Snow Removal Services
- Shuttle Services
- Electricians, Plumbers & Painters
- Contractors
- Roofers
- Caterers
- Valet
- Spa Operators
- Lifeguards
- Street & Road Pavers
- Retail Tenants

Upon receipt of a COI from a potential or current contractor, forward it to the Hospitality Cover Plus+ Risk Management Team for review. The team will provide a prompt review and detail any required revisions or inadequacies. Failure to procure necessary COIs leaves property ownership and management open to claims and lawsuits which may arise from the negligence of uninsured or underinsured service providers. If you are unsure as to whether a COI is needed or experience difficulty in obtaining a COI, please contact the Hospitality Cover Plus+ Risk Management Team for assistance.

Hotel Insurance Marketplace Update

Currently, many insurers are carefully reviewing the building and contents values used by hotel ownership and management for their insurance programs. As a general statement, industry-wide, these values have been found to be understated, in some cases severely so, after several years of drastically rising costs for building materials. Compounding the disparity between current property policy limits and the actual cost to **replace** those assets in current dollars is a decision by clients to leave building and contents values unchanged on their renewal policies year over year. As we do each year, we continue to recommend that you review your building, contents, and business interruption values carefully at each renewal, and make the necessary changes to keep your property insurance values up to date with current, and near future, replacement cost realities. A continuing, major concern for insurance buyers is the diminishing capacity (the availability of limits of coverage) of insurers on the property side, especially in geographic locations subject to severe weather events (hurricanes, tornadoes, severe storms, hail, flooding). Modern underwriting no longer considers the coastal regions the main areas of concern in this regard. Due to hail, tornadoes, and severe thunderstorms, the central US has become a major point of underwriting focus. Hotels in Kansas, Missouri, Texas, Oklahoma, Arkansas, Missouri, and other central US locations, continue to see double digit premium rate increases, especially those with adverse claim experience, as well as reduced limits of coverage being offered by many of the top property insurers and reinsurers. In addition, wind and hail percentage deductibles have become the norm nationwide, not just in traditional coastal areas.

The general liability (and umbrella and excess liability) side of the hospitality sector is experiencing increased numbers of claims and increased, drastically in some cases, settlements across the country. Juries continue to award larger and larger settlements to plaintiffs for accidents that occurred on hotel property, with arguably minimal negligence on behalf of the hotel. There appears to be more of a view by guests, and their attorneys, that if it happens at the hotel, the hotel insurer should be responsible for the claim (no matter the degree of negligence). **All of this is leading to significant increases in general liability and umbrella premiums.** Continuing to follow your safety and risk management programs is more critical than ever. It is paramount to differentiate yourselves, as members of our risk management program, from the average hotel around the country. In this way, you can outperform, and thus realize smaller increases than what the marketplace is seeing on average. Our team will continue to assist you in managing the property and liability exposures at your properties, which will serve to reduce claim activity and set you apart from the average hotel. The Hospitality Cover Plus+ Risk Management Team looks forward to continuing to work with you and your team in the implementation and execution of the risk management techniques that continue to make a proven difference.

Additional risk management resources, including your guide to claims reporting, additional claims forms, past and current newsletters are always available online at: <https://www.dii-ins.com/specialty-programs/hospitality-cover-plus/>

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