

HOSPITALITYLAWYER.COM PRESENTS:

THE **H**OSPITALITY LAW  
**CONFERENCE**

FOCUSING ON LEGAL, SAFETY & SECURITY SOLUTIONS

FEBRUARY 10th - 12th, 2014

# Hospitality Industry: Lessons from Losses

Steve Deig, CSRM, CPSI

*Technical Director  
Risk Control Services*



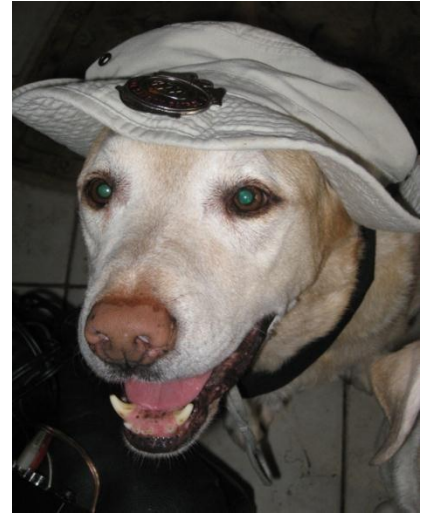
Liberty  
Mutual<sup>®</sup>  
INSURANCE



PROUD PARTNER

# Our Objective for Today

- Our presentation will focus in on your industry
- Discussion on safety
- 5 year data trends on GL losses
- Slip and falls
- Selected serious losses
- Lessons from loss



Rocky the Hospitality  
Safety Dog

# Vision of Safety



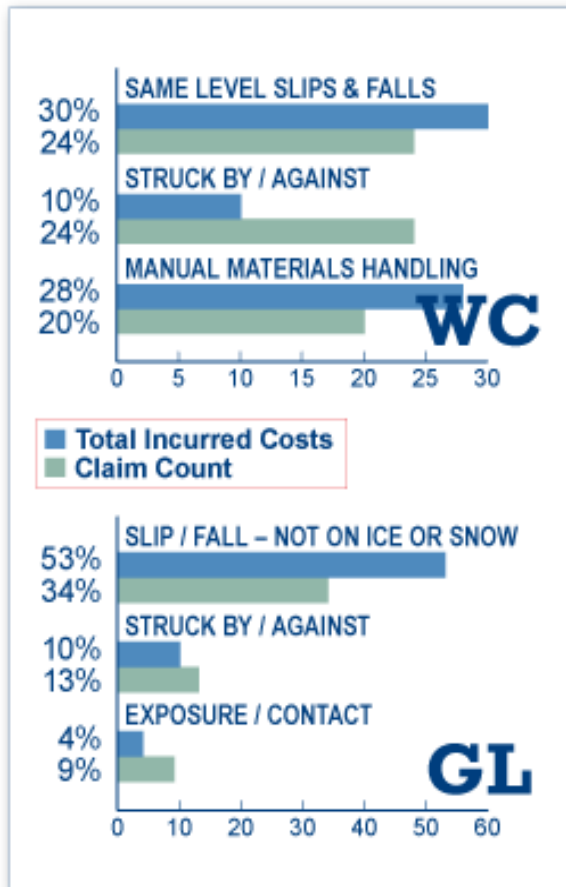
Vision is the art of  
seeing what is  
invisible to others.

Jonathan Swift

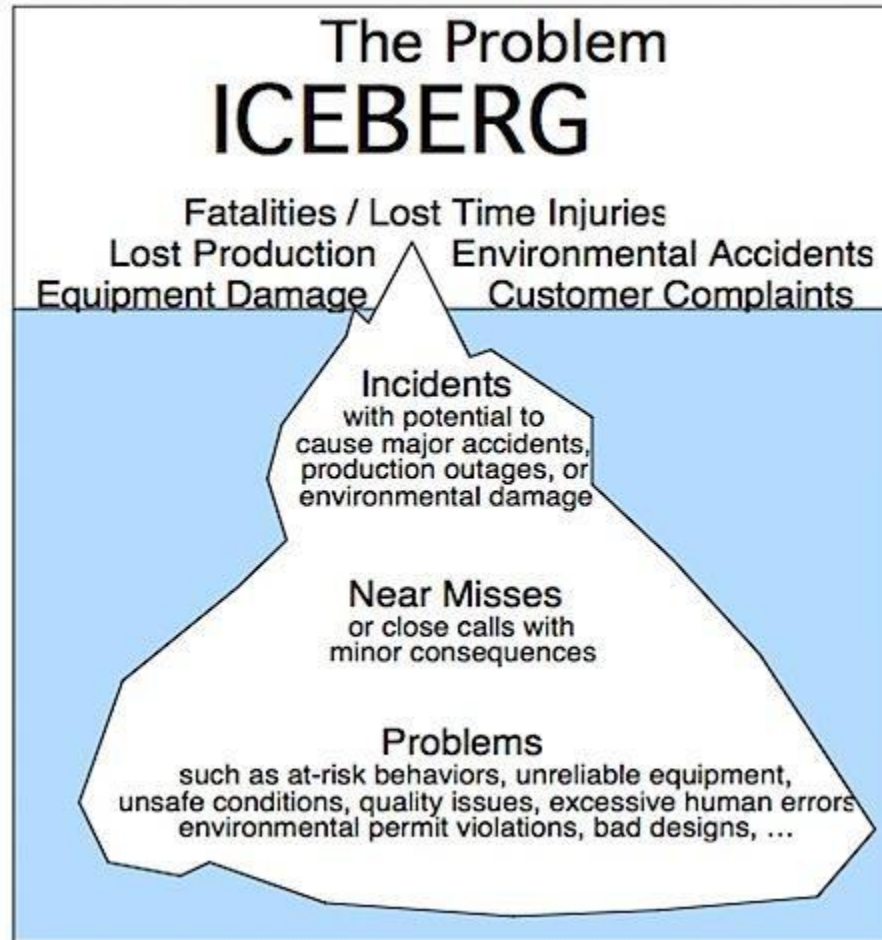
# Hospitality Industry

## Major Loss Drivers – WC and GL

- Major Loss Drivers - Workers Compensation (WC):** Same level slips and falls (floors) are the major loss driver for both workers and customer accidents. Workers are also exposed to injuries from lifting and moving furniture, mattresses, cleaning equipment and heavy or awkward items.
- Major Loss Drivers - General Liability (GL):** Premises operations exposures are a primary liability concern due to the nature of the industry with hotel guests on company property. Customer falls includes a wide range of causes such as slips on wet or greasy floors, trips over carpeting, falls on stairs, etc. Unique liability exposures are created from guests slipping in tubs and showers, and also from swimming pool hazards ranging from falls on the pool deck to drowning. Food served inside some restaurants adds an additional exposure from food safety hazards.



# Serious Losses



# What can we do to create a Safety Culture?

- Create a safe workplace
- Management – support; proper hiring; training; incident investigation with focus on cause; etc.
- Employee – understand job and processes; follow safety rules and procedures; use proper safety equipment; report incidents or concerns

# How do we create a safe environment?

- Evaluate conditions
  - Self Inspections & Audits
  - Employee and Customer Feedback
- React to findings
  - Remove the exposure
  - Engineer/change the exposure
  - Train (behavioral) to prevent
- Reinforce good behavior
- Document improper behavior/procedures

# Employee - Training

- Employees will respond to what they perceive **as job expectations**. Each supervisor is responsible for safety within their respective areas – it is their job to coach employees and make an impact on their safe work performance.
  - Procedures in place – use of personal protective equipment
  - Mentors/Trainers
  - Reinforcement
  - Observing Work Performance
  - Enforcement
  - Set good examples



# Incident Investigations



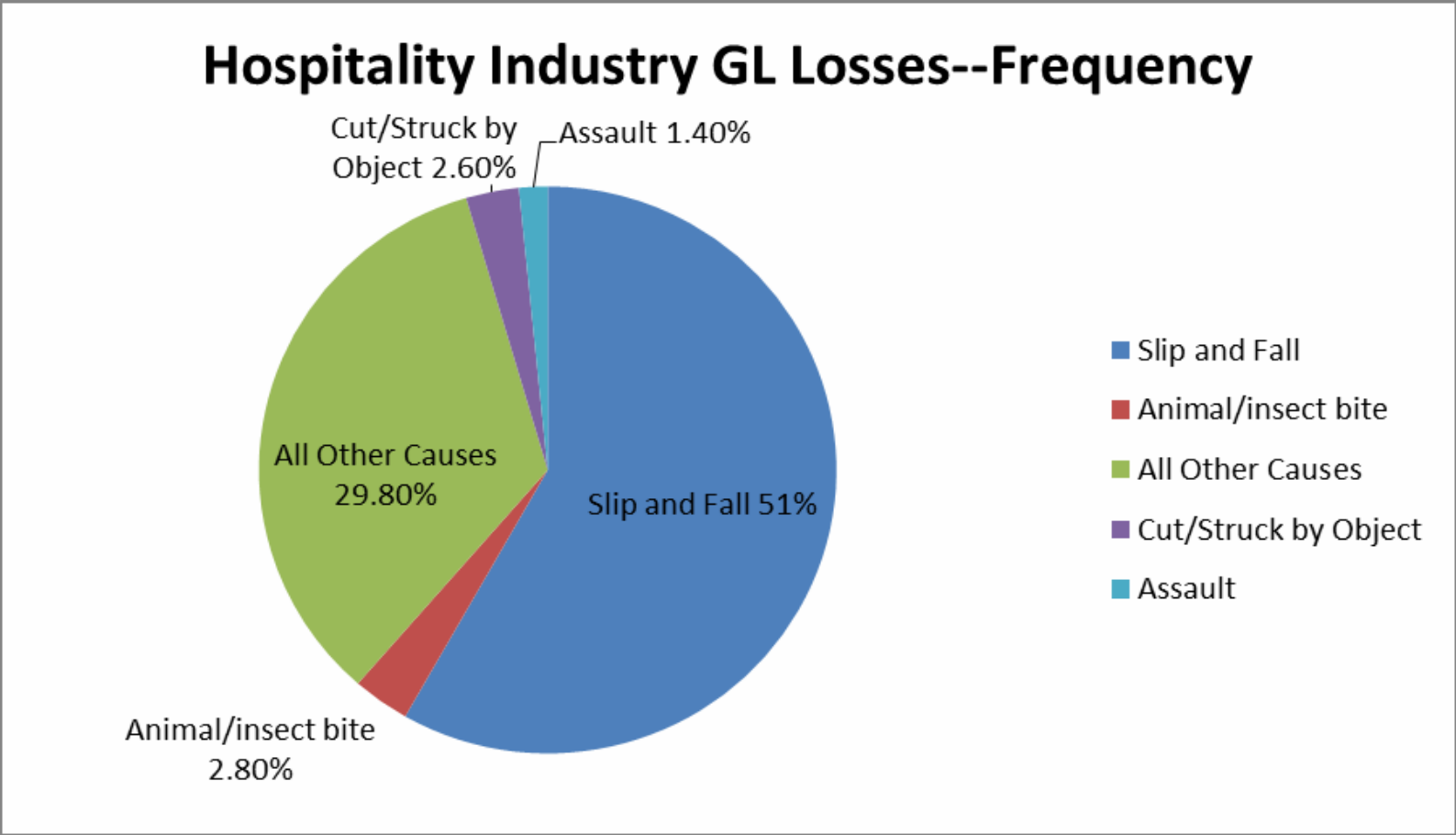
# Incident Reporting & Follow-up

- Promote prompt reporting of issues/incidents or accidents
- Forms – purpose is to determine root cause
  - Describe Injuries (or property damage)
  - What was involved in the incident (ex. employee loading washer)
  - How was the incident caused? (ex. lifted improperly)
  - How can this be prevented in the future? (ex. review proper lifting procedures with employee – observe in future)
- Managing the incident area
  - Eliminate any remaining hazards (ex. water on the floor)
  - Take photos if you can

# Self Inspection

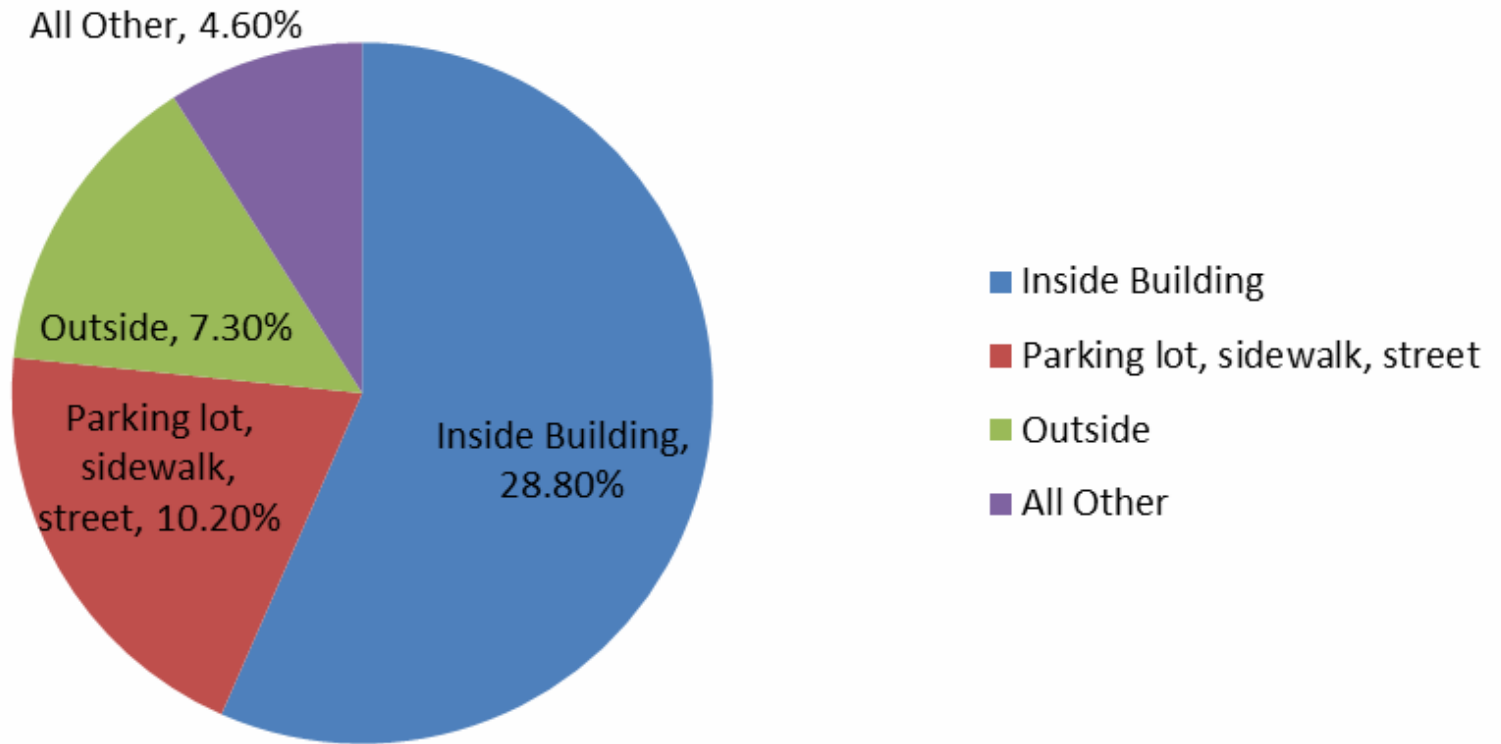
- Do you each do this now?
  - If so, how often?
  - What happens with the form once it is done?
  - Training? Follow-up?
- What would you want to include within your self-inspection?

# 2008-2013 Hospitality Industry GL losses



# 2008-2013 Hospitality Industry GL losses

## Slip and Fall---Location



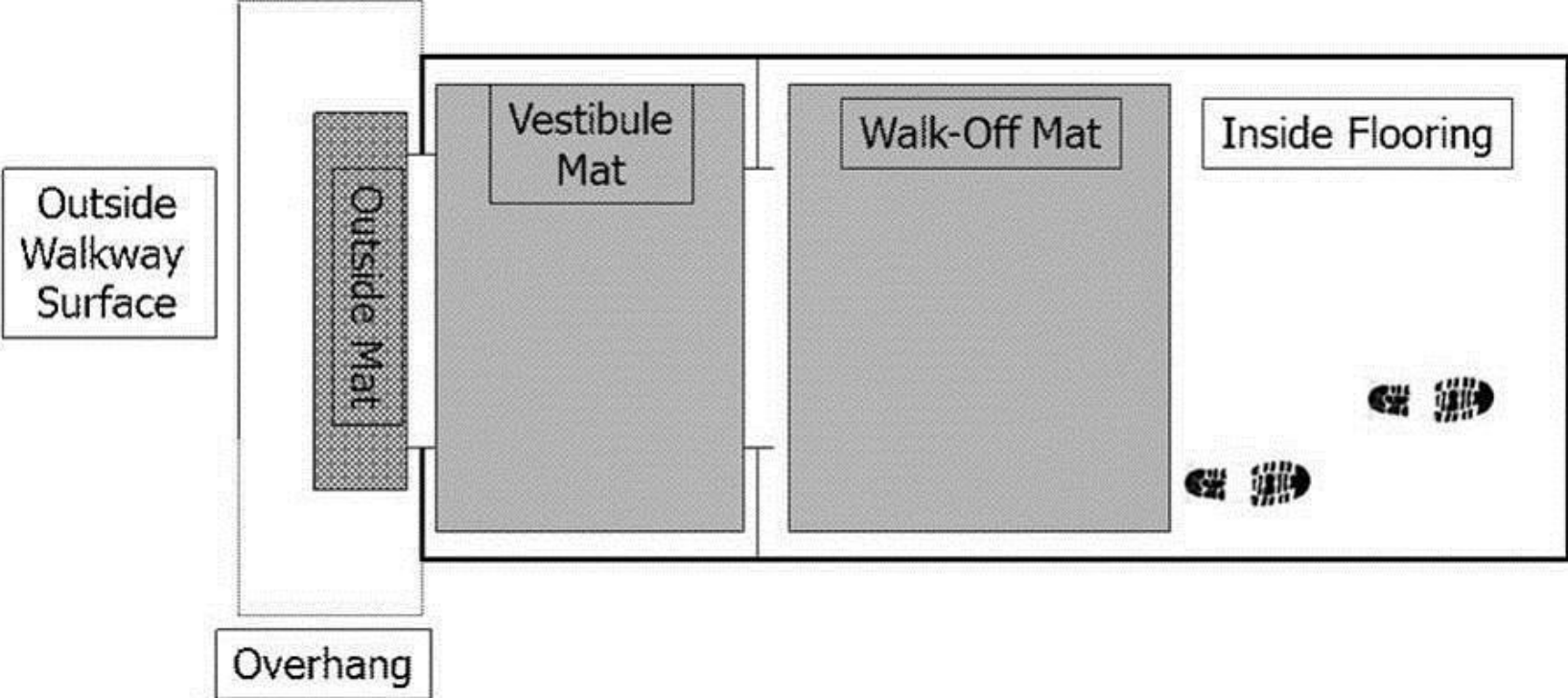
# Why Are Falls Difficult to Control?

- Exposure is universal (every step, every person, every site).
- Causes and contributing factors are varied:
  - Design, conditions and behaviors.
- Some (many) slips and falls may not be reported when minor or embarrassing.
- Prevention is often **reactive** not **proactive**.
- Causes not well understood; too much blame on person.
- Unclear role of key stakeholders in organization.
- Fall programs initiated but not sustained.





# Mat Selection







Case study---Outside Fall





EXHIBIT MORAIN 8

SHOWS DIFFERENCES IN ELEVATION OF UPPER TO LOWER RAMP

NO GUARD RAIL

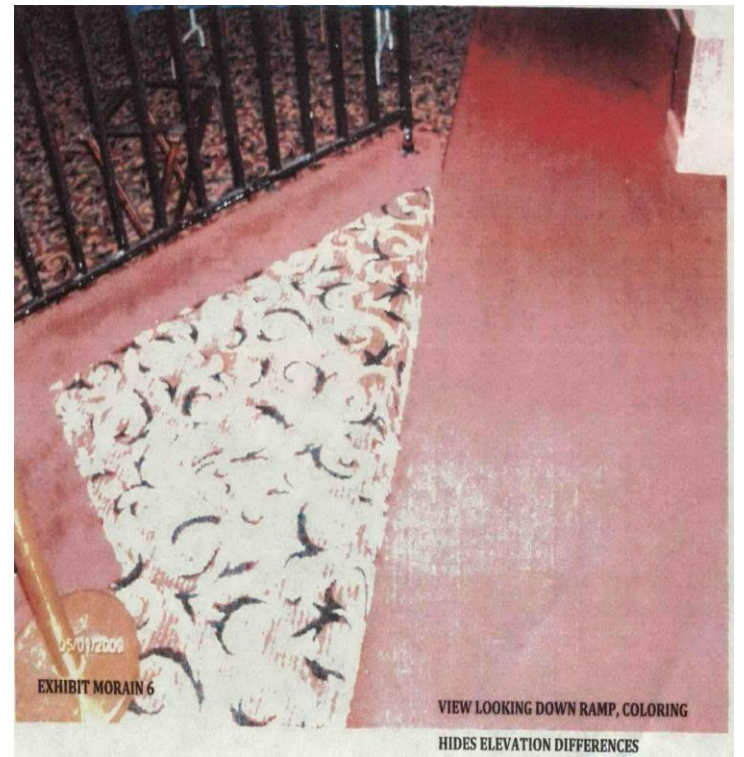


EXHIBIT MORAIN 6

VIEW LOOKING DOWN RAMP, COLORING

HIDES ELEVATION DIFFERENCES

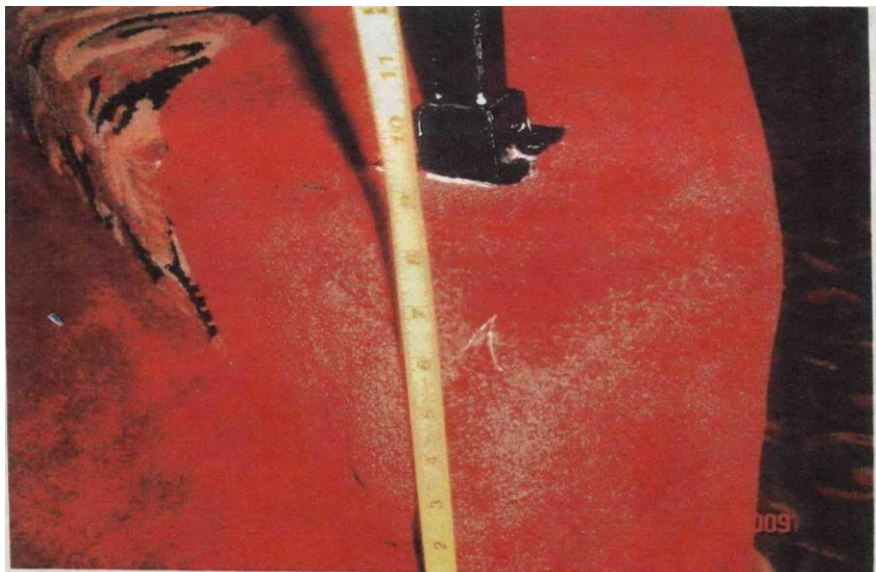


EXHIBIT 7, RCC MORAIN

DROP FROM UPPER LEVEL FROM 0" TO 6.5" CODE REQUIRES RISER TO BE SAME DIMENSION THROUGHOUT

## Case Study---Inside Fall

# Tread Visibility - Lighting



Stairway lighting is important.  
20 foot candles (200 lux)  
recommended by IES



# Stair/Step Falls –Common Risk Factors Potential for High Severity Incidents

## Design

- Improper tread/riser dimensions or variation
- Improper or no installation of handrail
- Ineffective lighting

## Conditions and Maintenance

- Damaged nosing, edges, uneven surfaces on tread
- Handrail condition/cleanliness
- Wet steps

## User Behaviors

- Hurrying, distraction, carrying, not using hand rail
- Footwear



# Common (Effective) Defenses For Premises Liability Claims

Timely, comprehensive incident response and preservation of evidence

## Status of Claimant

- Duty Owed to Licensee/Trespasser is less than Business Invitee

## Documentation of Inspection, Maintenance and Housekeeping

- Especially for transient conditions

Effective Use of Warnings, Barricades, etc.

Open and Obvious Condition

Notice Defense  
Policyholder did not have knowledge of the hazard

# What Risks Do You See?



# What Risk Do You See?



# Slips, Trips, Falls on Same Level - Causes

**Liquid on floors, debris on floors, floor defects, trip hazards**

- **Housekeeping** – Guest rooms & common areas: spills, cords, mopping
- **Maintenance/Engineering** – Guest rooms: spills, leaks, cords
- **Food & Beverage** – Kitchen, freezers, dining rooms: spills, food debris, boxes
- **Valets** – Outside: luggage, parking lot conditions, weather conditions, spills, debris
- **Front Office** – Office: Cords, boxes, floor defects
- **Linen Attendants** – Laundry Room: wet floor, floor conditions, debris, clutter



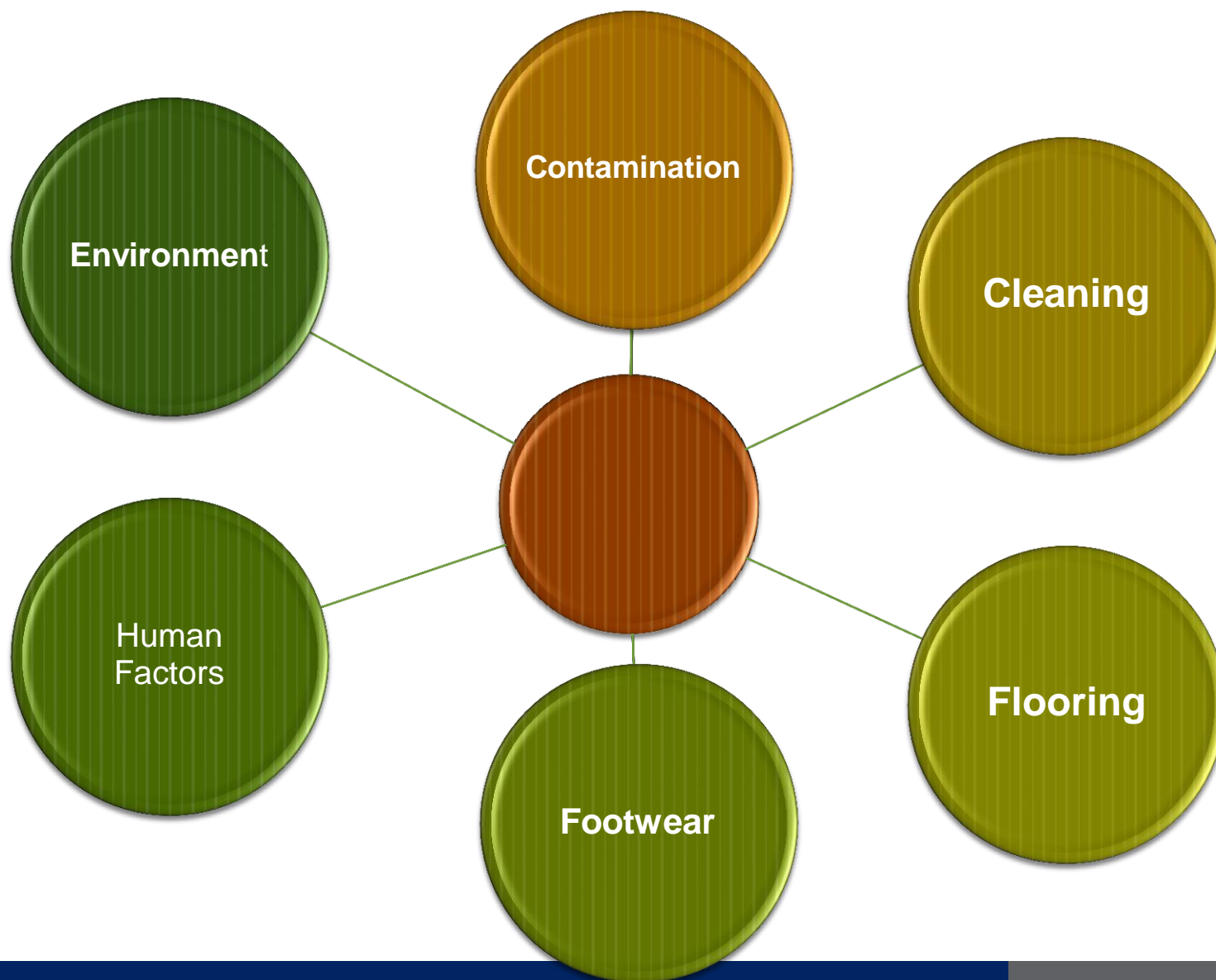
# Slips/Falls – Same Level

Floors, parking lots, guestrooms, bathrooms, lobbies, kitchen, valet service, etc.

Flooring selection, maintenance, housekeeping

- Mats (traction, transition, waffle mats)
- Slip resistant shoes
- Mop spills-Wet/dry mopping technique and only place signs if needed
- Trip hazards
- Review Slip Meter
  - No less than 0.5 for level surfaces and 0.7 for ramps

# Slip Risk Model-Controls



# Benefits of Mats

## Prevent slips and falls

- Absorb water/contaminants, remove soils
  - Transition mats
- Provide slip-resistant surface
  - Traction
- Elevate above standing water
  - Waffle mats

## Reduce floor maintenance

- Keep floors clean
- Reduce wear, protect finishes

## Reduce standing fatigue



# Housekeeping & Maintenance

A floor cleaning program must include:

- Identification of containments and appropriate cleaners
- Concentration of cleaner
  - Including temperature of hot water
- Tools needed to remove the containments
- Cleaning schedule
- Inspection and testing of floors



# Falls On Same Level – Outside



- Exterior Hazards
  - A majority of outside falls
    - Parking Lots
    - Sidewalks
  - Moisture tracked inside entrance ways



- Defects / Design Errors
  - Parking Lots
    - Inadequate slope / drainage
    - Inadequate planning

# Case Study: Legionella bacteria loss



- Claimant became ill during 7 night stay in hotel.
- Diagnosed with Legionella and incurred over \$1.1m in medical expenses
- Hotel pool had been closed less than 120 days previously by DOH
- Hotel had loss of records on guest and incomplete records on pool maintenance

# Legionella

## Facts

- Each year, between 8,000 and 18,000 people are hospitalized with Legionnaires' disease in the U.S.; however, many infections are not diagnosed or reported so this number may be higher.
- The CDC reports that nearly two-thirds of cases tend to occur in the summer and early fall.
- Greater than 60% of cases involve males.
- Individuals with a compromised immune system or in poor health and the elderly are more susceptible to infection.
- The mid-Atlantic region of the U.S. has the largest number of reported cases.

# Legionella

## Best Practices

- Establish water system maintenance program.
- Document inspections, testing and maintenance
- Maintain formal water temperature logs
- Maintain formal water testing logs
- Document chemicals used
- Establish cleaning/disinfecting schedules
- Establish corrective protocols for positive tests
- Training and/or hiring qualified experts
- Maintain manuals and resources





# Case Study: Salmonella Outbreak



# Salmonella Outbreak

- DOH investigated and determined:
  - No specific source
  - Mentions issues in food handling
  - Cites inoperative dishwasher
  - Inadequate handwashing
  - 7 EEs working while sick.
- 3 restaurants in hotel and all share same kitchen
- 81 complaints
- Once EEs became sick, manager order all food destroyed and kitchen sterilized. No testing was done to determine cause.

# Salmonella/Foodborne Illness Prevention

Facts: is the most common foodborne illness from bacteria. Over 1,020,000 cases are estimated annually.

## Prevention:

- Analyze processes/operations
- Hand cleanliness
- Hygiene Precautions
- Avoid temperature abuse
- Thoroughly cook ground beef, poultry and eggs
- Food handlers should not work when ill

# Take Action!

Culture of Safety!

Plan,  
Practice,  
Prepare!

Slip and  
Fall  
Avoidance



Importance of Planning, Preparation and Training

Plans are nothing;  
planning is everything.

Dwight D. Eisenhower  
1890-1969  
34<sup>th</sup> President of the  
USA



# Resources

## Food Service

- 2013 U.S. Food and Drug Administration, Food Code  
<http://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM374510.pdf>
- U.S. Food and Drug Administration, Managing Food Safety: A Regulator's Manual For Applying HACCP Principles to Risk-based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems  
<http://www.fda.gov/food/guidanceregulation/haccp/ucm2006812.htm>

## Legionella

- OSHA Technical Manual, LEGIONNAIRES' DISEASE  
[https://www.osha.gov/dts/osta/otm/otm\\_iii/otm\\_iii\\_7.html](https://www.osha.gov/dts/osta/otm/otm_iii/otm_iii_7.html)
- Centers for Disease Control and Prevention  
<http://www.cdc.gov/healthywater/swimming/rwi/illnesses/legionella.html>
- Indiana State Department of Health, Public Swimming Pool and Spa Program  
<http://www.in.gov/isdh/23281.htm>

# Resources

## Slip and Fall and other hospitality loss exposures

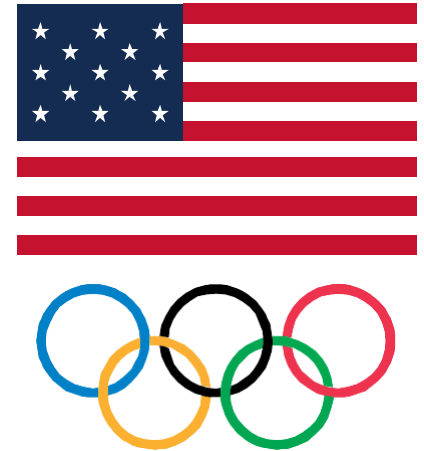
- OSHA
- NIOSH
- Bureau of Labor Statistics
- Industry Websites
  - American Hotel & Lodging Association
  - Hospitality Net
  - Lodging Magazine
  - Smith Travel Research
  - Cornell University School of Hotel Administration



**Liberty  
Mutual<sup>®</sup>**  

---

**INSURANCE**



PROUD PARTNER