# The 2011 Global Congress on Legal, Safety, and Security Solutions in Travel

August 25-28, 2011

# Global Best Practices in Transportation Safety & Security – Air, Sea, and Ground

**Presented by:** 

Kendall Hayden, Partner at Cozen O'Connor, P.C. Jerry Hamilton, Partner at Hamilton, Miller & Birthisel, L.L.P.



**Jerry D. Hamilton** is a founding managing shareholder of Hamilton, Miller & Birthisel, LLP, a Martindale Hubbell AV® rated law firm. Mr. Hamilton has dedicated his practice to litigation, including: hospitality law claims, personal injury defense, property and casualty, admiralty and maritime, transportation, medical and professional malpractice defense, commercial litigation, and products liability.

He has represented hotels and resorts, shore excursion operators, commercial property owners, product manufacturers, distributors, the world's largest passenger cruise lines, major marine domestic and international underwriters, doctors, and international business in cases stemming from wrongful death,

personal injury claims, sexual assault claims, negligent security claims, premises liability claims, medical malpractice suits, product liability actions, excursion liabilities, mass torts and class actions, and claims asserted under the Americans with Disabilities Act.

Mr. Hamilton has published various articles in his areas of practice and is frequently invited to speak at domestic and international conferences.

#### **Practice Areas**

- Hospitality Law Claims
- Personal injury defense
- Property and casualty
- Insurance Defense
- Commercial litigation

- Transportation
- Admiralty and maritime claims
- Complex business disputes
- Products liability and mass torts
- Malpractice defense

#### Recognition

- Board-Certified by the Florida Bar
- ✓ Honored as Top Ten Lawyer by Chartis Insurance, 2010
- ✓ AV® Rated by Martindale Hubbell for the highest level of professional excellence
- ✓ Recognized as a Florida Super Lawyer by Law & Politics
- ✓ Named BEST OF THE BAR by the South Florida Business Journal
- ✓ Named as one of "100 Most Accomplished Blacks in Law" by ICABA
- ✓ Listed in Florida Trend's Legal Elite

#### **Education**

- ✓ J.D., with special citation, University of Florida College of Law
- B.A., University of Miami

#### **Bar Admissions**

- ✓ Florida Bar, 1993
- ✓ Jamaica, 2006

#### **Court Admissions**

- U.S. Southern District and Middle District Courts of Florida
- Eleventh Circuit Court of Appeals

#### Memberships

- ✓ Defense Research Institute, Member
- Council on Litigation Management
- ✓ National Association of Minority and Women Owned Law Firms (NAMWOLF)
- Caribbean Bar Association, Founding Member and Past President
- Dade County Bar, Board of Directors 1998-2003, Civil Litigation Committee
- ✓ International Council of Cruise Lines, Executive Member
- Executive Board, Broward Community College Foundation
- ✓ Executive Board, Urban League of Broward County

## Kendall Kelly Hayden

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#### Dallas

1717 Main Street Suite 3400 Dallas, Texas 75201 P: (214) 462-3072 F: (214) 278-0329

Kendall Kelly Hayden joined the firm's Dallas office in September 2003 and practices with the Global Insurance Group. Prior to joining Cozen O' Connor, Kendall was a summer associate in the firm's Dallas office.

Kendall focuses her practice in insurance coverage and extracontractual disputes as well as commercial litigation, with an emphasis in transportation and hospitality law.

In 1999, Kendall received her Bachelor of Arts in Spanish from Texas A&M University. She earned her law degree from Southern Methodist University Dedman School of Law in 2003. At Texas A&M, she served as president of her junior and senior class. During law school, Kendall served as editor-in-chief of the *SMU Computer Law Review and Technology Journal*. She participated in oral advocacy by serving on the Texas Young Lawyer's Association Moot Court Team, the Administrative Law Moot Court Team, and the Federal Bar Association Thurgood Marshall Moot Court Team, where she finished as National Champion and Second Best Oralist. She also participated on the National Mock Trial Team and placed second on the Michigan State University Mock Trial Team. Kendall was a member of the Mac Taylor Inn of Court, received the Second Year Excellence in Advocacy Award from the Board of Advocates, and was named to the National Order of the Barristers.

Kendall speaks fluent Spanish and translated the 1998 Houston Bar Association *Consumer Law Manual* from English into Spanish. She is regularly called upon to translate complex contracts, expert reports, and judicial opinions from English into Spanish for the firm and translates various brochures and videos for the State Bar of Texas.

#### SPEAKING ENGAGEMENTS AND PUBLICATIONS

- $\bullet$  Speaker and author, "Ethical Considerations to Avoid the Pitfalls of Bad Faith," April 20, 2011
- Speaker and author, "The Truck Stops Here: Bumps to Avoid on the Road of a Cargo Claim," March 30, 2011
- Speaker and author, "What Insurance Lawyers Need to Know About The Obligations of Medicare Secondary Payers in Liability Claims in 2011," February 25, 2011
- $\bullet$  Co-speaker, "Don't BLUF Your Way into Social Media: Blogging, Logging, Updating and Friending with The Knowledge You Need to Litigate Your Cases and Represent Your Cients with Practical and Ethical Success," November 5, 2010



#### **Practice Areas**

- Insurance Coverage Claims/Litigation
- Appellate
- Bad Faith
- Construction Defect
- Food Contamination & Product Recall
- Latin American Subrogation & Recovery
- Property Insurance
- Toxic & Other Mass Torts
- Trucking Litigation

#### Bar Admissions

Texas

#### Court Admissions

- U.S. District Court -- Eastern
  District of Texas
- U.S. District Court --Northern District of Texas
- U.S. District Court --Southern District of Texas
- U.S. District Court -- Western District of Texas

#### Education

- J.D., Southern Methodist University, 2003
- B.A., Texas A&M International University, 1999

- Speaker and author, "What Insurance Lawyers and Their Clients Need to Know About Business Interruption Coverage," October 29, 2010
- Speaker and author, "Ethical Considerations to Avoid the Pitfalls of Bad Faith," April 27, 2011; February 23, 2011; October 21, 2010
- Speaker and author, "Juggling Your Work and Your Life: Career Success and Life Fulfillment by Using Time Wisely," September 21, 2010
- Co-speaker and author, "From Adjustment to Judgment: What Every Adjuster & Attorney Should Know about Effective Litigation Management," August 25, 2010
- Speaker and co-author, "The Rising Tide of Workers' Compensation Bad Faith," August 11, 2010
- Speaker and author, "What Every Texas-licensed Adjuster Needs to Know about Recent Developments in Texas Insurance Law," April 4, 2011; August 5, 2010; June 18, 2010; May 11, 2010; May 5, 2010
- Speaker and co-author, "What Is It worth? Issues Surrounding Appraisal," May 3, 2010
- Author, "The Proof Is in The Posting," *The Texas Bar Journal*, March 2010
- Speaker and co-author, "Life After Recent Coverage Decisions from the Texas Supreme Court," April 27, 2010
- Speaker and author, "Your Network Is Your Net Worth," April 10, 2010
- Co-author, "Ethical Pitfalls of In-House Counsel and Outside Counsel Relationship," December 2009
- Co-author, "Overview of a Builder's Risk Policy," November 2009
- Co-author, "A Primer on Contingent Business Interruption Coverage," *Insurance Coverage Law Bulletin*, June 2009
- Co-author, "A Practical Guide to Evaluating Contingent Business Interruption Losses," *Appleman On Insurance*, December 2008
- Speaker, "Hot Off The Press: Recent Decisions from the Texas Supreme Court," November 18, 2008
- Speaker and co-author, "Recent Developments in Business Income Loss," October 9, 2007
- Speaker and co-author, "Analyzing a Texas Claim with Results Oriented to Your Best Interest," September 12, 2007
- Speaker and co-author, "Recent Developments in Texas Appraisal Law," June 20, 2007
- Speaker and co-author, "Recent Developments in Business Income Loss," March 20, 2007
- Co-author, "Recent Developments in Insurance Coverage," *Tort Trial and Insurance Practice Law Journal*, Winter 2006

• Co-author, "Recent Developments in Insurance Coverage," *Tort Trial and Insurance Practice Law Journal*, Winter 2005

#### AWARDS AND HONORS

In 2009, Kendall served as one of 20 inaugural class members of the Leadership State Bar of Texas. In 2008, Kendall was recognized as an "Executive on the Move" by the *Dallas Business Journal* and was honored as a "Rising Star" by *Texas Super Lawyers*. In 2006, she was named a member of the Pro Bono College of Texas.

Kendall serves on the Texas Young Lawyers Association and Dallas Association of Young Lawyers Boards of Directors.

She is an active member of the Global Alliance of Travel and Tourism Hospitality Attorneys (G.A.T.T.H.A.), a member of the Junior League of Dallas, and a volunteer with Dallas Catholic Ministries.

Between 2009 and 2010, Kendall served as an advisory member to the Texas Bar Journal Board of Editors.

Between 2004 and 2007, Kendall served as a Big Sister with Big Brothers Big Sisters of North Texas.

Take safety out of the operator's seat

# Best Practices in Transportation: Safe Travels By Land and Sea

	tting the theme
<b>A</b> s	signing responsibility
Fo	llowing through to satellite facilities
Ev	aluating your potential employees
Tra	aining your team
Re	cognizing accountability metrics
<b>A</b> s	sessing loss trends
Va	lluing Technology
Ev	aluating losses
Le:	ading from the top
Su	cceeding your safety culture

According to an April 2011 report released by the American Transportation Research Institute, companies with exemplary safety records exhibited a series of common behaviors, including clearly articulating safety goals and expectations.

#### SETTING THE SAFETY THEME:

Every meeting starts with a safety topic Every seminar starts with a safety topic Every conference call starts with a safety topic Mission statement incorporates safety Key point on everyone's performance appraisal



#### Best Practices in Transportation Safety and Security: Safe Travels by Land and Sea

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#### **Presenters**





- Kendall Kelly Hayden, Partner at Cozen O'Connor, P.C.
- Commercial and insurance litigator with emphasis in defense and insurance coverage aspects of transportation and hospitality law, representing international insurance, transportation, and hospitality organizations
- Frequent author and speaker
- Jerry Hamilton, Partner at Hamilton, Miller & Birthisel, L.L.P.
- Commercial litigator with emphasis in admiralty and maritime law, transportation law, hospitality law, medical and professional malpractice defense, personal injury defense, commercial litigation, products liability, and mass torts
- Frequent author and speaker

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#### Why is a safety culture important to you?



- Promotes a team environment
- Creates a healthier, safer workplace
- Increases morale
- Decreases turnover
- Reduces insurance premiums
- Increases ownership and responsibility
- Lowers workers' compensation costs
- Standardizes housekeeping and organization
- · Lowers incident rates
- Increases profitability

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#### **Course Outline**



- ullet Setting the theme
- Assigning responsibility
- Following through to satellite facilities
- Evaluating your potential employees
- $\bullet \quad \textbf{T} raining \ your \ team$
- Recognizing accountability metrics
- Assessing loss trends
- Valuing technology
- Evaluating losses
- Leading from the top
- Succeeding your safety culture



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#### Land v. Sea



#### • Surf:

 According to the U.S.
 Coast Guard, cruising today is one of the safest modes of transportation



#### • Turf:

 2,217,000 injured in 2009 from commercial vehicle crashes, including buses, trucks, and other CMVs



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#### Land v. Sea





Texas already records more serious trucks accidents and deaths than any other state

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#### **Setting The Theme**



#### Theme /THēm/

Noun:

- **1.** a subject of discourse, discussion; topic
- **2.** a unifying or dominant idea, motif



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#### **Setting The Theme**



- Every meeting starts with a safety topic
- Every seminar starts with a safety topic
- Every conference call starts with a safety topic
- Mission statement incorporates safety
- Key point on everyone's performance appraisal
- Not just buzzwords

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#### **Setting The Theme: TCW**







In 2004 and 2005, the company began a campaign to put safety first.

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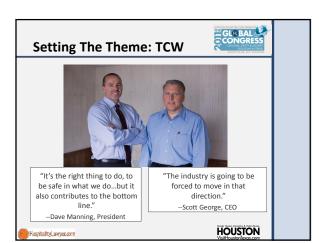
#### **Setting The Theme: TCW**



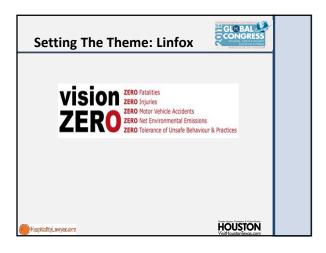
- 27 % decline in the number of accidents after installing the technology
- Annual insurance costs decreased \$250,000
- Received the American Trucking Association's president award for safety
- Put TWC in front of a trend that's driving business their way as industry moves toward a stronger safety mentality

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# Setting The Theme: Linfox LINFOX 153303 AND HER FOX 153303 AND



# Setting The Theme: Linfox • Linfox Logistics has developed a clear policy and safety rules for business leaders and all employees - According to an April 2011 report released by the American Transportation Research Institute, companies with exemplary safety records exhibited a series of common behaviors, including clearly articulating safety goals and expectations

#### **Setting The Theme: Linfox**



- Daily safety commitment
  - Safety is discussed every day at every Linfox site
  - Safety observations are recorded in Safety Leadership Journal
  - Developed risk networks (groups of people from all levels of the business who discuss specific safety risks)
  - Safety is the first agenda item for all Linfox meetings

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#### **Setting The Theme: Linfox**



- To achieve Vision Zero Linfox will:
   Consult with our people when making decisions in safety matters
  - Develop, implement, monitor and review safety standards and management systems

  - Comply with our legislative obligations and industry standards
     Identify, assess, manage and thoroughly investigate our safety risks
     Involve our people in developing risk solutions

  - Encourage a reporting culture
     Develop our people to work safely
     Hold our people accountable for their actions and behaviors
  - Take responsibility for safety by developing a consultative approach with customers

  - and the communities in which we operate
    Regularly monitor our progress towards Vision Zero.
  - Celebrate milestones and reward safety achievements within our business

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#### **Setting The Theme: Linfox**





- "The industry's major customers are now demanding that trucking companies focus on safety and the environment."
- "Safety had to be the first spoke in the wheel."
  - --Lindsay Fox, founder of Linfox

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#### **Assigning Responsibility**









#### **Assigning Responsibility**



- Take safety out of the driver's seat:
  - Identify who is responsible for safety results
  - Safety manager should act as consultant
  - Consider having safety reporting to CEO, President, or Vice-President
  - Operator never in a situation where his leader and 'safety man' tell him different answers

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#### **Following Through**



- · Quality operating processes created
  - Processes documented
  - $\boldsymbol{-}$  Do what you say, say what you do
  - Online manual
    - · Accessible to all operators
    - Updated annually
- Effective safety management staff
- · Audit processes

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#### **Evaluating Potential Operators**



- A company's decision on hiring or retaining an operator is to be based on a number of factors, only some of which are clearly outlined by state and federal regulations
  - Creating a comprehensive driver screening program that goes beyond the minimum requirements of government regulations essential step in establishing a safety-focused organization
- Before hiring, conduct extensive background checks
  - Ensure that operators are licensed, certified, and have clean driving records

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#### **Evaluating Potential Operators**



- Stats
  - Each year, nearly 5,500 people are killed and 448,000 more are injured in the United States in distracted driving-related crashes
  - 48% of accidents with a large truck involved truck drivers who had recently taken either a prescription drug (28.7%) or an over-the-counter drug (19.4%)

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#### **Evaluating Potential Operators**



- 2 year study of nearly 600,000 truck drivers released by the American Transportation Research Institute in April 2011 reveals that truck drivers with a history of prior crashes and other violations or convictions are more likely to be involved in a future crash than those with clean driving records.
  - Analysis of the data revealed that certain driving behaviors noted on an individual's driving record, including violations, convictions and crashes, could raise a driver's risk of involvement in an accident by more than 50 percent
  - Top 10 violations indicated a crash likelihood of between 64 percent and 96 percent, depending on the violation
- According to report, companies with exemplary safety records are selective during the hiring process
  - Helps reduce the likelihood of driver turnover and provides an overall boost to a company's safety image
  - Incorporating other best practices measures into the driver screening process, such as the FMCSA's pre-employment screening program can also aid in continuing to improve motor carrier safety.

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#### **Evaluating Potential Operators**





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#### **Evaluating Potential Operators**



- Angel Tours bus crashed through a bridge guardrail and fell about 8 feet before landing on its side, killing 17 people and injuring 39, according to an NTSB report
  - Front tire that failed had been retreaded
  - Driver's health certificate expired
  - Bus marked with temporary license plate
  - Violation of federal rules
  - Bus company had lost its authority to operate 2 months earlier because of safety problems
  - Owner had registered under a new name and kept his buses on the road
- Prompted FMCSA to begin looking for reincarnated carriers by using computers to match information from new applicants with data on carriers with poor safety records
  - Applicants with suspicious profiles are targeted for extra scrutiny.

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#### **Evaluating Potential Operators**





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#### **Evaluating Potential Operators**



- January 2008
  - Bus driver fell asleep and the bus drifted into the median.
  - Driver woke up, overcorrected and flipped the bus
  - The bus, which carried 47 passengers, was subsequently hit by a pickup truck.
  - $-\,$  1 person died, 17 people were seriously injured

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#### **Training Your Team**



- Leaders
  - Leading by example
  - Resolving conflict
  - Developing subordinates
  - Post Loss analysis
  - International education
- Trainers
  - Communication
  - Actions to address common new hire failures
  - Actions to improve overall fleet
- Operators

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- Defensive operating
- Seasonal training

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#### **Training Your Team**



- Interactive process
- Focus on most critical tasks
- Hands-on evaluation and training 90 day follow up refresher and remedial training
- Best practice is **not** two days of watching videos
- Lifestyle choices impact driving
- Being a great driver does not make you a great trainer
- A group of great trainers doing what they think is best ≠ good program
- Awareness of non-commercial operators
  Teaching non-commercial drivers how to interact with truckers
- Set training plan
- Trainer selection
- Trainer preparation class orchestrated by executives Check list to document progress
- Release from training test
- Follow up evaluation

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#### **Training Your Team: CSA**



- Trucking industry analysis of the new truck safety data released by the FMCSA
  - Texas is among the states with the highest percentage of fatigued truck drivers and among the states with the highest percentage of controlled substance deficiencies.
- In late 2010, the FMCSA rolled out a new federal truck safety monitoring program called

#### Comprehensive Safety Analysis 2010.

Analysis suggests that more trucking companies and truck drivers have gotten flagged with safety problems by the Comprehensive Safety Analysis program than were previously identified as deficient under the former federal truck safety evaluation system.



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#### **Training Your Team: CSA**



- · Purpose and mission of CSA
- Become more effective and efficient together with industry and state partners to achieve its mission of reducing CMV crashes, fatalities, and injuries.
- Key Features of CSA 2010
  - Increase the opportunity to have contact with more carriers and drivers.
  - Enhanced data collection to improve performance measurements that identify high risk carrier and driver behaviors.
  - Apply a wide range of interventions to correct high risk behaviors before they become chronic, habitual, and even deadly.



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#### **Training Your Team: CSA**



- There are four major elements to CSA 2010
  - (1) measurement
  - (2) intervention
  - (3) safety evaluation, and information technology
  - (4) COMPASS

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# Training Your Team: CSA



#### 1. The measurement system

- Unsafe Driving,
- Fatigued Driving,
- Driver Fitness,
- Controlled Substances/Alcohol,
- Vehicle Maintenance,
- Improper Loading/Cargo, and
- Crash Indicator.

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#### **Training Your Team: CSA**



#### 2. Intervention

- Warning Letter
- Targeted Roadside Inspection
- Off-Site Investigation
- On-Site Investigation Focused Cooperative Safety Plan Notice of Violation Increasing Severity On-Site Investigation
- Comprehensive Notice of Claim/Settlement Agreement

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#### **Training Your Team: CSA**



#### 3. Safety Evaluation

- "Continue to operate"
- "Marginal" (with ongoing intervention)
- "Unfit"
- Each motor carrier or driver for which there is sufficient data receives a safety fitness determination that would be updated every 30 days

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#### **Training Your Team: CSA**



#### 4. COMPASS

- Closely aligned with COMPASS
  - FMCSA-wide initiative that leverages new technology to transform the way that FMCSA does business.
  - By optimizing FMCSA business processes and improving the Agency's IT functionality, COMPASS will help FMCSA and State enforcement personnel make better decisions, identify high-risk carriers and drivers more effectively, and apply a wider range of interventions to correct high-risk behavior early

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# Training Your Team: Fatigued Operators



- Reducing truckers' daily maximum driving time from 11 hours to 10 hours
- Allowing drivers a 1-hour break during the day by decreasing the
   mayimum duty time from 14 to 13 hours.
- maximum duty time from 14 to 13 hours.

   Currently are allowed a total of 14 hours of work per day, including 11 hours of driving and three hours for loading, unloading and paperwork
- Revising the oilfield operations exception to clarify that waiting time would not be counted as part of a truck driver's 14-hour duty window
- Limiting the time behind the wheel by barring a trucker from driving if it has been more than seven hours since the driver's last off-duty period of at least 30 minutes
  - A 2007 study by the U.S. Department of Transportation estimated that driver fatigue was a factor in 13 percent of large truck crashes
  - Trucking industry opposes any proposals to limit driving time

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## Training Your Team: Publicly Available Information



- Federal appeals court rejected the trucking industry's request to block the public release of trucking company safety performance information collected as part of new federal truck safety initiative
  - That means that public can access records of safety violations and have a new tool to secure just compensation for people injured by truck drivers.

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#### I. Introduction



- A. The cruise industry has 13 million passengers each year
- Cruise lines meet and often exceed numerous regulations designed to maximize the safety and security of passengers aboard
- C. Safety and security is a shared responsibility between:
  - 1. the cruise line,
  - 2. governments,
  - 3. guests,
  - 4. and crew.

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### II. Regulatory and Legal Standards

The maritime regulatory environment is complex:

- A. Flag state, port state, other governmental laws and regulations require the reporting of alleged illegal activity and safety incidents
- B. The International Convention for the Safety of Life at Sea (SOLAS) is an international treaty that includes provisions regarding construction, life-saving arrangements, and safety management



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- C. The International Code for the Safe Management of Ships (ISM) provides international safety and operational standards for reporting and responding to emergencies
- D. The International Ship and Port **Facility Security Code (ISPC)** establishes security standards for ships, ports and governmental agencies around the world. It has been adopted by 148 nations, including the



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#### II. Regulatory and Legal Standards

#### **E. The Maritime Transportation Security** Act of 2002 (MTSA)

- Implemented on July 1, 2004
- Designed to protect the nation's ports and waterways from a terrorist attack
- U.S. equivalent of the International Ship and Port Facility Security Code (ISPS)
- By creating a consistent security program for all our nation's ports, we are better able to identify and deter threats.

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## II. Regulatory and Legal Standards

## E. The Maritime Transportation Security Act of 2002 (MTSA) continued

- Requires the Secretary of Transportation, vessels and port facilities to conduct vulnerability assessments and develop security plans including:
  - passenger, vehicle and baggage screening procedures;
     security patrols;

  - establishing restricted areas;personnel identification procedures;
- access control measures;
  and/or installation of surveillance equipment.
- MTSA security regulations focus on those sectors of maritime industry that have a higher risk of involvement in a transportation security incident
- Area Maritime Security Committees (AMSC) in all the nation's



### II. Regulatory and Legal Standards E. The Maritime Transportation Security Act of 2002 (MTSA) continued Other aspects of MTSA Security cards for entry into a secured area Criteria for denial Background checks

- Maritime Safety and Security Teams
   Annual reports to congressional committees
- Notification to Secretary of State when a foreign port is found not to be maintaining effective antiterrorism measures
   National Maritime Security Advisory Committee
- · Civil Penalties for violations
- Negotiate an international agreement
- · Training standards for maritime security professionals

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#### GL®BAL 🚨 II. Regulatory and Legal Standards

- F. Manifest screening of both crew and passenger lists for ships departing or arriving in the U.S.
- G. Zero tolerance policy for crimes requires all allegations of onboard crime be reported to the appropriate authority
- H. The cruise industry's written agreement with the U.S. government, through the Cruise Line International Association, requires that all allegations of criminal activity be reported to the FBI

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# II. Regulatory and Legal Standards

- The Cruise Vessel Security and Safety Act of 2010 (signed into law on July 27, 2010):
  - Access control (security latches, time-sensitive key technology, and peep holes)
  - **Detection technology (capturing** images or detecting passengers who have fallen overboard, to the extent that such technology is available)
  - Hailing System (communication in high-risk waters)



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## II. Regulatory and Legal Standards

#### I. The Cruise Vessel Security and Safety Act continued:

- Closed-Circuit Television (CCTV)
- Security Guide (available to guests explaining jurisdiction, availability, and procedures)
- Resource Directory (contact information for U.S. embassies/consulate, law enforcement, and victim advocacy)
- **Medical Preparedness and Confidentiality**
- Crime allegation reporting (maintain a log and report promptly to the FBI)
- Crew training (prevention, detection, evidence preservation, and reporting criminal activities)

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# III. Voluntary Standards



- Stay aware of emerging safety and security issues
  - Monitor maritime websites
  - Liaison with CLIA and governmental agencies
  - Intel analyst



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#### A. Prevention



SAFETY FIRST

- 1. Safety inspection to look for potential hazards and opportunities for improvement
- 2. Screening process
  - "Do not sail" list
- 3. Policy regulating guest behavior
- 4. Monitoring of local conditions

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#### **Recognizing Accountability Metrics**



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- What the boss checks gets done
- Organizations with effective accountability controls have best programs
- · Safety part of bonus

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- Safety part of performance appraisal
- Safety performance criteria for promotions
- Safety consultant accountable for not conducting post loss training
- Safety consultant accountable for retaining driver outside hiring criteria





#### **Assessing Loss Trends**



- Capture losses in a data base
  - Trend principle events, root causes, other factors
  - How long to assess
    - Pick up seasonal trends
    - Helps find trend when working with small number of losses

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#### **Valuing Technology**



- Accident avoidance
  - Fatigue identification
- · Use data available
  - Speed
- Driver monitoring
  - On board cameras
  - On board monitoring tools
    - Requiring speed limiters
    - Requiring electronic on-board data recorders

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#### **Evaluating Losses**



- Safety manager
  - How to conduct post loss counseling
  - How to correct behaviors / prevent future loss
  - Documentation
- Drivers
  - Lesson plan created for trainers to follow
  - Address the correct issue
    - Skill versus Attitude

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#### **Leading Safety from the Top**



- Implement safety cultures from the top
- Align with other business functions to ensure that it receives the necessary resources and attention.
- Create career paths that turn employees into safety leaders by ensuring that everyone is highly trained and motivated not just to *meet* but to *exceed* expectations
- Touch every person in the organization with the safety process
- Mandate safety is a permanent agenda item, discussed at the start of every meeting
- Hold company leaders accountable for safety performance
- Operate as the fabric of the facility, not a separate function
- · Integrate with each business activity

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# Succeeding Your Safety Culture



- Teaching elements of the safety culture excellence
- Modeling behaviors of sustainability
- Advocating company mission consistency
- Engaging employees in



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#### SAFE TRAVELS!

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