



Do I need a lifeguard?

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In recent issues of *The Rooms Chronicle*, the standards for swimming pool equipment, safety and maintenance have been discussed. Those standards can commonly be met by a staff member who has knowledge of the applicable criteria but who does not need specialized training or certification to implement them.

The supervision of the patrons who use a hotel's swimming pool during their stay is a different matter. The lifeguard at the pool (if one exists) needs to have a minimum level of certification and training to perform his or her job. And as the employer, the hotel's management must meet certain criteria for the number, certification, activity and assessment of the lifeguards that it assigns to the pool.

The criteria and responsibility for both lifeguards and the properties that employ them discussed here are a good start. It is important to remember, however, that in any case where legal or regulatory standards are applied to an activity, those standards often differ among states or even local governing bodies. Therefore, readers should consider the information in this article as a minimum standard and are advised to check the requirements for pool staffing and safety in their particular locale.

When is a lifeguard needed?

To answer this question, management must analyze the pool on their premises in several categories. Based upon that analysis, the appropriate lifeguard staffing level can be determined for that pool. The categories are as follows:

- **Size:** Generally, any public pool (which includes hotels, motels and resorts) with a surface area greater than 2,000 square feet is required to have a lifeguard. The actual size and configuration of the pool may dictate that more than one lifeguard may be needed, but the threshold size that mandates the presence of a lifeguard is 2,000 square feet of pool space.
- **Usage:** The number of patrons using the pool can dictate whether a lifeguard is needed. Again, depending upon size and configuration, the actual number may vary. Some jurisdictions require a lifeguard for every 25 patrons, while others indicate one lifeguard for every 60 patrons may be acceptable. Check local regulations.
- **Equipment:** Regardless of pool size, many jurisdictions require a lifeguard to be present if the pool has a diving board. Also, the presence of a waterslide flume may trigger the requirement for a lifeguard.
- **Signage:** In cases where no lifeguard is required, the regulations generally mandate that the pool have appropriate signage indicating that a lifeguard is not present. Examples of such signs, conspicuously placed, would be "WARNING-NO LIFEGUARD ON DUTY" and "CHILDREN UNDER AGE 16 SHOULD NOT USE SWIMMING POOL WITHOUT AN ADULT PRESENT." When the hotel is located near the U.S./Canadian border, warning signs and pool rules should be posted in both English and French. If the hotel is located near the U.S./Mexican border, pool signs should be posted in both English and Spanish. In instances where a hotel operator realizes that it often houses guests who may not read English, management should install pool signage in the appropriate language(s) and symbols (i.e., no diving symbol) to ensure that most guests are able to understand the message being conveyed.

The lifeguard's equipment

In addition to the mandated lifesaving equipment that every pool must have (See: Pool and spa safety: What's the standard? TRC, July/August '03), the lifeguard should be equipped as well. The equipment will allow the guards to do the job effectively, make them easily noticeable and accessible to patrons, and protect them from injury. Some examples of lifeguard equipment include:

- Bright-colored swimsuits and outer garments. Additionally, any outer garment (shirt or jacket) should have the word "GUARD" printed on the back. Hats or helmets and sunglasses can also be provided to shield the lifeguard from the sun and ensure better vision of the pool area.
- Whistles, bullhorns or voice amplification items may be necessary depending upon pool size and configuration.
- Sun screen and/or other skin protection implements should be made available to lifeguards.
- For pools with large numbers of patrons, an elevated chair or stand may be required to provide the lifeguard with an unobstructed view of the pool area.

The lifeguard's responsibility

Like any other staff member, the lifeguard is a hotel or resort employee. Therefore, hotel management is responsible for the actions (or inactions) of the lifeguard performed in the course and scope of employment. Unlike other staff members however, poor performance by a lifeguard can create serious legal and economic consequences for management and the property owner. Therefore, the lifeguard staff must be supervised carefully according to an established set of criteria. By doing so, both management and the property owner can limit their vicarious liability to *respondeat superior*, *negligent hire* and *negligent retention* claims. Here are some steps property owners and managers can take to meet their legal duty:

- **Certification:** Laws regulating swimming pools require that lifeguards have a minimum level of certification. When hiring a lifeguard look for any of the following certifications:
 - o American Red Cross Lifeguard Training
 - o YMCA Lifeguarding Certificate
 - o Boy Scouts of America Lifeguard Certificate
 - o National Pool and Waterpark Lifeguard Training
 - o American Red Cross Water Safety Instructor (WSI)
 - o Additionally, lifeguards should be certified in first aid and CPR
- **Job Descriptions:** It is a good idea to have a job description for lifeguards, emphasizing their responsibilities for life-saving equipment, pool safety and general attention to pool patrons. Emergency procedures for the specific facility should be developed and practiced on a regular basis.
- **Performance Appraisal:** A lifeguard should be evaluated like any other employee. However, the focus of the evaluation should be his or her performance in maintaining safety in the pool area, observing patrons and implementing safety procedures. The role of a lifeguard is a specialized one that has a tremendous impact upon swimming pool safety. Its place in the human resource plan should be seriously considered, especially in light of the certification and trainings required. Doing so will allow the swimming pool to be a great asset to any property while shielding management and the property owners from the risks often associated with pools.

From the archives:

Previous TRC articles related to swimming pool safety include:

- Pool and spa safety: What's the standard? Vol. 11, No. 3
- Simple inspection reduces maintenance and increases swimming pool safety for guests. Vol. 11, No. 2
- Hotel signage is essential safety precaution. Vol. 7, No. 3
- Swimming pool water treatment. Vol. 4, No. 4
- Limiting liability of swimming pools. Vol. 4, No. 3

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