



Risk Management

by Michael Gentile, J.D.

Public area amenities add additional responsibility for hoteliers

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In an effort to keep up with the competition, to update their appearance and offerings or to comply with statutory mandates, many hotels are adding amenities to public areas of their property. These amenities add beauty and convenience to the property and make it more appealing to guests and other customers. Items such as elevators, automatic doors, light fixtures, ceiling fans, mirrors, furniture and television sets are features that most guests anticipate finding in a modern hotel today.

As hotels do their best to provide these items they also create additional responsibilities for management, maintenance and housekeeping staffs that they may not otherwise expect. Many of these items have already been the subject of litigation against hotel companies. Outlined below are some specific points in public areas to start thinking about in today's hotel environments.

Lobby

Lobby areas are the most prominent public area in a hotel. It is often visible from both within and outside the hotel itself. To add style and increase comfort, furniture such as sofas, chairs, tables and lamps are placed in these areas. This creates several issues of risk.

Common sense would dictate that management should inspect the condition of the furniture and repair or replace defective items. Prior to that, however, care should be taken in placement of the furniture to ensure that traffic patterns are not affected and cleaning is made easier. Additionally, furniture should be selected to accommodate the weight and usage expected in a public lobby.

Keep in mind that the furniture will likely be subjected to use by individuals of varying sizes, weights, and behaviors, so make sure that it is intended for commercial use and fire-code rated. It is not unrealistic to expect that the furniture will experience a faster rate of wear and tear than furniture placed inside guestrooms. Finally, lamps, ashtrays and other loose decorative items should be situated so as not to easily fall or be knocked off of table tops and cause injury.

Pictured below: Large wall-mounted appliances in public areas such as this television impose unique risks upon hotel operators.



Elevators

Many larger hotels have elevators as a necessity while others install elevators as a compliance measure under the Americans with Disabilities Act. In either case, care must be taken in the placement and maintenance of elevators. This would include regular inspections as required by law and diligent response to any complaints. Elevators are generally placed in high traffic areas, so the placement of furniture and other non-fixed items should be carefully considered before being positioned.

Doorways

All doorways are not alike. Depending upon where it is situated a doorway may require special planning. For example, a main entrance may require a certain size and configuration of a door that may not be suitable for a restroom or kitchen entrance. While architects and contractors can be expected to know the legal building requirements in your area, it may be prudent for

management in some cases to request a bigger entrance or a door to swing in another direction. As in the other areas described, care should be exercised in the placement of furniture and other obstructions near doorways.

Automatic doors present issues similar to those presented by elevators. Whether installed as a legal requirement or as a convenience, they present added challenges and require management to be vigilant. Since an automatic door can injure a guest in ways that a manual door may not, regular inspections of the door mechanisms should be conducted. Additionally, adequate signage should be in place as to the existence of and proper usage of an automatic door. Again, be mindful of any legislation in your location that may place additional requirements on premises with automatic doors.

Ceilings and hanging items

The most prominent hanging item in any building is the ceiling. In an attempt to add style and beauty more properties are adding decorative plaster, crown moldings, metal sheathing, fans and light fixtures. This creates stress on the ceilings and supports which may weaken over time and cause the fixtures or debris to fall on guests or hotel personnel. Before installation, the load and weight of such items should be carefully considered in relation to the sturdiness and structural stability of the ceiling. All ceilings and mounted fixtures should be regularly inspected for potential defects, cracks, loose mountings, or general instability.

In some areas clearance may also be an issue. Therefore, the height of the mounted fixtures from the floor should be carefully considered. If the likelihood is that guests may come into contact with the fixture, the placement of the fixture must be reconsidered.

Another popular hanging item is mirrors. While usually hung from walls, these decorative items can be hung from ceilings as well. Mirrors in public areas can be large and very heavy. Once again, their installation should be carefully planned and monitored, and once installed there should be regular inspections of their condition and placement. This is particularly true of mirrors placed on walls. Regular foot traffic, crowds, deliveries and housekeeping activities can jostle mirrors to the point where they may become loose or dislodged from their mounted surface and fall off. Serious injury may result from the sheer weight of the mirror or from broken glass. Notwithstanding their location in public areas, courts have found that mirrors are under the exclusive control of the hotel and therefore proper maintenance and inspections must be performed.

Wall-mounted televisions

The most recent trend in hanging items in hotels, restaurants, lounges, and other public spaces is a television. Not only does hanging a television in a public area present typical issues of weight, installation and maintenance, but often wall-mounted televisions are hung lower than fans or light fixtures. The low clearance could cause guests or employees to hit their heads causing injury or even knocking the appliance from its support.

Wall-mounted televisions and plasma screens also create issues due to the accessibility of the electrical connection to guests or attempts by patrons to adjust volume and channel controls. Care should be taken to install the television at such a height and in a location that it is not easily accessible to patrons. Signage should be posted regarding permitted usage and any prohibitions that may be necessary due to the presence of this convenience. To avoid disturbing non-watchers, many establishments implement a policy of placing the sound on mute and turning on the television's closed caption feature. Finally, management should be prepared to address guest concerns about the content that is aired.

It has almost become a business necessity to provide guests with many of the items discussed above. Once the decision is made to add any improvement, management should be prepared to implement a plan and allocate resources to maintain these items in good condition and to address any concerns created by the placement of these and other such items in public areas of the hotel. ✧

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