

# Holiday Season Liability & Loss Control Services

With the end of the year and Holiday Season upon us, we are provided with an excellent opportunity to review and properly address the associated exposures.

In general, as with all health and safety programs, it is crucial to develop a policy and guidelines, with advice from your legal counsel and input from human resources department, food & beverage manager, general manager and security. This should work in tandem with a review of your operations and exposures. Make sure, with the assistance of your broker or agent, that you have adequate insurance coverage. Include and adhere to thorough incident investigation policies and procedures.



## GENERAL LIABILITY

As always, extension cords should not run under rugs, be in good condition and secured away from walking areas. Do not block entrances, exits, stairs, hallways or doors.

Monitor the dance floor to keep it clean of objects and liquids to eliminate potential slips and falls. Coat check bailments should be reviewed whether free, paid or unattended coat closet. An exposure arises out

of lost or stolen articles including jackets and purses. If a closet is used for storing guests items, post a sign that indicates something to the effect that the locations is not responsible for any lost, stolen or damaged property.

This is also the season to pay attention to food poisoning. Whether food is prepared in house or catered, ensure food is not undercooked, spoiled or contaminated.

## HOTEL

- Inform guests when they are checking in about the hotel shuttles and taxi services.
- Have Designated Driver, hotel shuttle, or taxi phone numbers printed on the room keys.
- Encourage catering and sales to place Designated Driver materials in sales package.
- Incorporate a taxi shuttle package in catering and sales contracts.
- Donate meeting space or host media events for MADD, SADD or other groups active in the fight against impaired driving.
- Offer discounted room rates to customers booking holiday parties, wedding receptions, etc.
- During special occasions, holidays, or events, pay extra attention to guest consumption and monitor the alcohol accordingly (close the bar an hour early, provide non-alcoholic drinks, etc.).
- Be sure all hotel employees are trained and certified in a server-training program.

## PROPERTY

When decorating the hotel and property, caution should be used and materials utilized taken into consideration. Keep live and artificial trees and ornaments away from heat sources (open flame, stoves, fireplaces, heating vents, portable heaters). Avoid the use of open flame candles. If in earthquake-prone area or tree exceeds 6 feet in height, secure to the floor, wall or stable support. Make sure all electrical cords, decorations and equipment have the Underwriters Laboratory (UL) label. Inspect electrical wiring free of cuts, crimps, missing or broken lights in strands, loose connections and have no exposed wiring. Artificial decorations should be fire resistant, kept away from combustible material. Do not add electric lights to a metal-framed or metallic tree or ornament which can produce an electrical charge and lead to electrocution.

Use artificial snow spray per instructions on the can.

Check smoke detectors and ensure all other fire and life safety systems are operating properly.



## SEASONAL COMPANY FUNCTIONS

'Tis the Season for company functions.

Remind all attendees that company policies apply. Professional and acceptable behavior is expected, the same as it is for regular work place policies which exist to help avoid discrimination claims, including sexual harassment and religious discrimination. Attendees must avoid saying or doing something inappropriate, including unwanted sexual advances or discriminatory comments.

### Ways to minimize your exposures are:

- Do not require employees to attend.
- Mix up activities or entertainment.
- Do not serve alcohol, but if it is, prohibit employees from serving alcohol.
- If serving alcohol, consumption can be limited by charging for drinks, hiring professional bartenders with the appropriate certifications and training, serve only beer and wine (no liquor), open the bar for a specific limited time period (one or two hours).
- Have a "zero tolerance" for underage drinking.
- Utilize security so they are visible at the exits and parking lots.

This is a festive time of year and should be enjoyable for all. Being proactive in providing policies, procedures and training can help minimize your exposures. Claims are oftentimes caused by the failure of people, equipment, supplies, or surroundings to behave or react as expected. Accident investigations determine how and why failures occur. By using the information gained through an investigation, a similar, or perhaps more disastrous, accident may be prevented. It is important to conduct accident investigations with prevention in mind.



### LIQUOR LIABILITY

Once again, as with all safety and loss control programs, a policy and procedure must be reviewed by counsel. With their assistance, it is of paramount importance to be familiar with your State liability laws, including dram shop statutes and application. Your policy should be in accordance with the specific jurisdiction(s) where your business operates. Implement and adhere to policies and procedures for safe alcohol serving practices. Review your insurance policy to ensure coverage is provided for defense, litigation and court costs. A key component of any liquor liability program is to have all staff and management required to obtain Training for Intervention Procedures "TIPS" certification or similar applicable Alcohol Awareness Training. Track and document employees serving alcohol are currently certified.

We have seen claims arising out of escorting an unruly patron to the exit which could lead to assault and battery charges. Hosts can be held liable if a guest is involved in an alcohol-related incident and it can result in medical bills, vehicle repair costs, lost time from work, and, unfortunately, wrongful death.

**Some areas to include in your policies and procedures are:**

- Certify all wait and bar staff in recognizing impaired patrons.
- Refuse to serve to clearly intoxicated persons. Provide direct phone lines to local taxi cab services and post the taxi phone numbers in the restrooms, at pay phones and near the entrance and exit of the establishment.
- Require strict measuring or standard pour for alcohol in mixed drinks.
- Establish drink limits for customers (one drink at a time per customer).
- Encourage designated drivers and use a Taxi service.
- Offer a late night menu to discourage drinking on an empty stomach.

- If you have implemented a Designated Driver or Safe Ride program, distribute a news release to the local paper on restaurant/bar and the kickoff.
- Ask local taxi services and towing companies to participate. They can provide a much-needed service and serve as a source of free advertising for each company involved.

### AUTOMOBILE

Alcohol-related deaths and accidents rise during holiday periods according to the National Highway Traffic Safety Administration. Have any Valet or Shuttle providers trained to recognize impaired drivers and plan to address this situation. Typically, it is best to elevate to a manager for customer service interaction.

According to the National Insurance Crime Bureau for 2013, three of the top 10 days for automobile theft are New Year's Day, New Year's Eve and December 24th.



## CYBER

There is increased online activity during the season because of reservations, purchases, and the like. Cyber Liability is important. Cyber Liability addresses the first- and third-party risks associated with e-business, the Internet, networks and informational assets. Consider discussing with your retail agent or broker whether your Cyber Liability Program is appropriate. To minimize your exposure, your networks and systems must have appropriate firewall and antivirus technology and security software patched updated timely. Establish employee usage standards for mobile devices. Instruct employees to strictly limit use public Wi-Fi and for personal use only. Do not use for proprietary business or customer information as unsecure hot spots can allow hackers to access sensitive information on devices. Train staff to protect sensitive information, credit card numbers, date of birth, social security numbers. Be aware that smartphones video can make it easier to steal PINs or passwords.

Avoid implementing new software systems, until after the new year, due to an increase in activity additional opportunities for hackers are created at the end of the year.

## EMPLOYER LIABILITY

Seasonal help, if extra help hired, it is still important to conduct proper screening and background checks including criminal and reference checks on prospective employees.



## About SUITELIFE

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