



HOSPITALITY LAW

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Week 8: Your Responsibilities as Hospitality Operator to
Guests



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ACCOMMODATING GUESTS

- ❑ Guests are the **lifeblood** of any hospitality organization.
- ❑ Without a **sufficient** number of guests, success and profitability in the hospitality industry is impossible.

Definition of a Guest

- A customer who **lawfully** utilizes a facility's food, beverage, lodging, or entertainment services

ANALYZE THE SITUATION 8.1

- **NICOLE FROST AND STEVE MERCHAND WERE BROTHER AND SISTER.** When their grandfather, Wayne Merchand, was hospitalized for care after a heart attack, the two began to visit him regularly at Laurel Memorial Hospital

- One Sunday afternoon, after visiting with their grandfather, Nicole and Steve went to the **hospital's cafeteria** for a light lunch. **A professional foodservice management company** operated the cafeteria under contract to the hospital

- Nicole and Steve selected their lunches from an assortment of beverages and **Prewrapped sandwiches** that were displayed **unrefrigerated** on a tray in the middle of the cafeteria serving line.

- The sandwiches were made of ham and cheese, with a salad dressing spread, lettuce, and tomato. Steve paid for the sandwiches, beverages, and some chips, then he and Nicole took a seat in the cafeteria dining room.

- Approximately **four hours** after eating lunch, both Steve and Nicole **became ill**. They determined that they both had suffered from **food-borne illness**. The two filed suit against the hospital and its contract foodservice management company

- When the facts of the case came out, the hospital maintained that, **as visitors, not patients**, the hospital had no liability toward Nicole and Steve.

- The foodservice management company operating the hospital cafeteria maintained that its **liability extended only to Steve since he was the only guest** who in fact purchased food from its service.

- Management maintained they should not be held responsible for the illness suffered by an **individual that they did not actually serve**

Your comments:.....!

- 1. Was Nicole a guest of the foodservice facility?
- 2. Should Steve bear partial responsibility for the damage he and Nicole suffered, given that he purchased the sandwiches?

- 3. What type of liability (previous topic “Your Responsibilities as a Hospitality Operator”) applies in this case? Why?

- In the lodging area, guests can be considered to be either a **transient guest** or a **tenant**, and the differences are significant

- **Transient guest:** A customer who rents real property for a relatively short period of time (e.g., **small number of days** with no intent of establishing a permanent residency)

- **Tenant:** Anyone, including a corporation, who rents real property for **an extended period** of time with the intent of establishing a permanent occupation or residency

Admitting Guests

- As facilities of public accommodation, hotels and restaurants **historically** were required to admit everyone who sought to come in.

- More recently, as a result of evolving laws and the changing social environment in which hotels and restaurants operate, and as the protection of guests and employees becomes more complex, **the right of the hospitality business to refuse to serve a guest has expanded.**

Denying Admission to Guests

- While it is **illegal to unlawfully discriminate against a potential guest**, you do have the right to refuse to admit or serve guests in some situations.

- In the following situations, a public accommodation can legally deny service to a potential guest:

- **The individual cannot show the ability to pay for the services provided**
- **The individual has a readily communicable disease**
- **The individual wishes to enter the facility with an item that is prohibited**

- **The individual is intoxicated**
- **The individual presents a threat to employees or other guests.**
- **The individual does not seek to become a guest.**
- **The individual is too young.**
- **The facility is full**

GUEST PRIVACY

- When a guest rents a hotel room, **the courts have held that the guest should enjoy many of the same constitutional rights as he or she would in his or her own home.**

- The hotel is, however, allowed to enter the room for **routine maintenance, cleaning, and emergency services** such as might be required in a fire or other disaster.

Guestroom Privacy

- The guest ' s expectation of privacy should always be respected even when routine intrusions become necessary

ANALYZE THE SITUATION 8.2

- ESSICA BRISTOL AND HER TWO YOUNG CHILDREN checked into room 104 of the Travel-In motel at 9:00 P.M. on Friday night. She produced a credit card issued in her name as a form of payment and requested that she be given the room for **two nights**

- On Saturday afternoon, a **man** identifying himself as **Preston Bristol**, Jessica Bristol's husband, presented himself at the front desk and asked for the key that she was supposed to have left for him at the front desk.

- He stated that he **was joining his wife and children** at the motel; they were visiting relatives, but he had to work the day before

- The desk clerk replied that **no key had been left and proceeded to call the room to inform Jessica Bristol that her husband was at the front desk.** There was no answer in the room.

- Preston Bristol then produced **his driver's license** for the desk clerk, which had the same address that Jessica Bristol had used on her registration card.

- Mr. Bristol also produced a **credit card** issued in his name with **the same account number** as that used by Jessica Bristol at check-in. As the clerk perused the license and credit card, Mr. Bristol offhandedly referred **to a picture in his wallet of Jessica Bristol and his two children.**

- Based on the positive identification, the clerk issued Mr. Bristol a **key** to Jessica Bristol's room

- At approximately 6:00 P.M. on Saturday, a **guest in room 105** called the front desk to complain about **a loud argument in room 104**, Jessica Bristol's room. The desk clerk called room 104 but got no answer

- The clerk then called the local police. When they arrived, they found Jessica Bristol **badly beaten and her children missing**. A description of Mr. Bristol's car quickly led to his arrest and the recovery of the children by the police.

- **Jessica Bristol recovered from her injuries and completed the divorce proceedings she had begun against her husband. In addition, she filed assault and battery charges against him.**

- **Jessica Bristol also sued the motel's manager, owner, and franchise company for \$8 million, stating that the motel was negligent and had violated her right to privacy**

- The motel's position was that it **acted reasonably to ensure Mr. Bristol's identity**, and added that it was **not an insurer of guest safety and could not have foreseen Mr. Bristol's actions.**

Your comments:.....!

- 1. Did the desk clerk act in a reasonable manner?
- 2. Did Mr. Bristol have a right to enter the room?
- 3. What should management do in the future to prevent such an occurrence?

Privacy of Guest Records

- Just as a guest ' s room is private, so too are the records created by the hotel that document the guest ' s stay
- **Guest privacy is a matter not to be taken lightly in the hospitality industry.**

Potentially Dangerous Liability Facilities in Hotel

Swimming Pools



- Alyssa Bird (2014), Most Luxurious Hotel Swimming Pools in the World, https://media.architecturaldigest.com/photos/55e79210cd709ad62e90102f/master/w_1600%2Cc_limit/dam-images-travel-2015-hotel-pools-best-hotel-pools-01.jpg

- Spas



Editors (2022), Relax at the 10 best hotel spas across the US, according to readers, https://img1.10bestmedia.com/Images/Photos/398387/GettyImages-913095166_54_990x660.jpg

- **workout areas.**



Karen (2013), 12 fitness-friendly hotel chains, <https://www.gannett-cdn.com/-mm-/0e422e4a7e951800d133d6d73b6439e7762ee2f7/c=0-0-2048-1155/local/-/media/USATODAY/USATODAY/2013/09/03/1378230600005-2-Trump-gym-Trump-Hotel-Collection.jpg?width=660&height=373&fit=crop&format=pjpg&auto=webp>

Some recommendations:

✓ Swimming pool

- Mark the depths of pools accurately.
- Clearly identify the “ deep ” end of the pool
- Post warning signs in the languages of your customers.
- Fence off the pool area, even if it is inside the building,
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✓ Spas

- Install a thermometer and check the spa temperature
- Mark the depth of the hot tub.
- Prohibit glass in the spa area
- Install nonslip flooring surfaces around the spa.
- Restrict guest access to spa chemicals and heating elements.

• **Workout areas: Rules**

1. Equipment in this room is for the use of reasonable adults only. Improper use may result in serious injury.
2. Children under 16 could be seriously injured by improper equipment use or nonsupervision.
3. Please limit workouts to 30 minutes on cardiovascular machines.
4. Only water is allowed in workout area. No other food or beverage is permitted.
5. Please wipe off all equipment after use.
6. Lower and raise all equipment carefully.
7. Because of high risk of injury, you must use a spotter when using free weights.
8. Please replace all weights, dumbbells, bars, and plates when finished.
9. Children not allowed unless accompanied by an adult.

References

[1] STEPHEN BARTH (2009), Hospitality Law: Managing Legal Issues in the Hospitality Industry , p 284- 306 ,<https://www.pdfdrive.com/hospitalty-law-managing-legal-issues-in-the-hospitality-industry-e157128399.html>

[2] Vivek Surya (2018), duties and responsibilities of hotel staff,

https://www.academia.edu/3763754/duties_and_responsibilities_of_hotel_staff

Thank you!

Next lecture: Your Responsibilities for Guests'
Property

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