



Risk Management: Liability Waivers in a COVID-19 World

Thursday, July 23, 2020 2:00-3:15pm et
#CHTALive



CARIBBEAN
HOTEL & TOURISM
ASSOCIATION

Presenters

Marlon Hill, Esq.,
Hamilton, Miller & Birthisel, LLP



Nicola Madden-Greig,
Group Director of Marketing & Sales,
Courtleigh Hospitality Group



Larry Basham,
General Counsel & COO,
Elite Island Resorts



CHTA COVID-19 Resource Center



A screenshot of the CHTA COVID-19 Resource Center website. The page has a white header with a navigation menu including "About CHTA", "Membership", "Events", "Knowledge Center", "Advocacy", "News", "Foundation", and "Environ". A blue banner with white dots contains the text "COVID-19 RESOURCES". Below this, a purple arrow points to a list of links: "CHTA's COVID-19 Initiatives | Global & Regional Alerts | Tools & Resources", "Travel Advisories | THIS (Hotel Monitoring System) | Airline & Accommodation Policies/Guidelines", and "CHTA Partner Updates". On the right side, there is a graphic featuring a map of the Caribbean, a green pennant with "PASS" written on it, and a brown suitcase. The text "Caribbean Travel Advisories" is overlaid on the graphic. The CHTA logo and name are visible in the top right corner of the page.

www.caribbeanhotelandtourism.com/covid19/



REOPENING OF CARIBBEAN TOURISM & TRAVEL

Safely Resuming Business Operations and
Restoring Caribbean Tourism in 2020 and Beyond

Guidelines and Checklists



Guidelines & Checklists for Reopening Caribbean Tourism & Travel



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Ground Transportation

F&B Operations

Accommodations

Sites & Attractions

Available for download at

<http://www.caribbeanhotelandtourism.com/>



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CHTA Strategic Partners



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CHTA Travel Protection Plan

www.caribbeanhotelandtourism.com



INCREASE BOOKINGS WITH EXCLUSIVE CHTA MEMBER TRAVEL PROTECTION PLAN

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TIME OFFER

PROVIDES
ASSURANCES

GENERATES
REVENUE

[CLICK HERE TO LEARN MORE](#)



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Share with your fellow colleagues and industry professionals!

Take a screenshot!

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LinkedIn: Caribbean Hotel and
Tourism Association



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TITLE: *“Risk Management:
Liability Waivers in a
COVID-19 World”*

A HOTELIERS PERSPECTIVE

NICOLA MADDEN-GREIG:

GROUP DIRECTOR OF MARKETING & SALES:



FOUR MAIN PERSPECTIVES

1. GUEST
2. TEAM MEMBERS
3. 3RD PARTY SUPPLIERS
4. TOUR OPERATORS/TRAVEL AGENTS
5. REGULATORS



GUEST

1. DIRECT BOOKINGS

- Reservation Forms
- Booking Confirmation
- Website and Social Media

2. ADVANCED CHECK-IN

- Registration Forms

3. PROTOCOLS

4. ON PROPERTY COMMUNICATION – SIGNAGE ETC.

5. GROUPS AND EVENTS

6. CORPORATE CLIENTS/BOOKERS – BUSINESS TRAVELERS



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HOSPITALITY GROUP

COURTLEIGH
HOTEL & SUITES
WWW.COURTLEIGHHOTEL.COM

KNUTSFORD COURT
HOTEL
WWW.KNUTSFORDCOURTHOTEL.COM

THE PEGASUS
NEW KINGSTON

We Care For You!

Dear guests,

Our mission to provide the highest level of hospitality and care for guests has always been important to us. In light of the Covid-19 threat we have intensified our efforts to provide an even safer and cleaner environment for our guests and colleagues. We remain committed to using our best efforts to uphold the highest standards of cleanliness, making sure you feel comfortable.

At this time, we sympathize with persons who have been affected by this unfortunate event and we appreciate the government, healthcare workers and local communities who have gone above and beyond to contain the spread of the coronavirus. We have also been working assiduously to monitor the COVID-19 pandemic and implement strategies that will assist in safeguarding our team members and guests.



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Holiday Inn Resort Advanced Check-In

English (United States) ▾

Welcome to the advanced registration platform for Holiday Inn Resort, Montego Bay- All-Inclusive. This form must be completed and submitted at least 48 hours prior to your intended arrival date. The completion of this form will fast track your check-in process and allow for social distancing. Please note each room booked a separate registration form must be completed. The names and personal details of the intended persons in each room must be entered individually.

For more information on our Covid-19 Protocols, please go to: <https://www.caribbeanhi.com/our-resort/covid19>

* Required

Registration Form

1. Flight Number

2. Estimated Arrival Time

Questions

Responses 33

18. Company Name/Group

19. Purpose of Visit *

20. How many times have you stayed with us before *

21. Special Requests

Subject to Availability

22. Covid OPT-OUT

"Opt out" of daily housekeeping, in which case we will be happy to provide "touchless" delivery of fresh towels and linens to your room door

"Opt out" of Turndown Service, where applicable (based on room category booked)

No Daily Housekeeping

No Turn Down Service

REGISTRATION FORMS: ONLINE AND MANUAL



ROOMS & RATES

DEALS

GROUPS & EVENTS

ADVANCED CHECK-IN



BOOK NOW

-If for any reason you may feel unwell please isolate yourself in your room, and contact us by phone, dialing 0 and ask for the Duty Manager, as soon as possible.

Take it Easy:

We encourage you to:

- Rest and avoid over-exertion
- Drink enough water
- Avoid smoking and smoky areas

We're here for you!

We will ensure that we provide the highest level of hospitality that you deserve and will take appropriate measures to ensure continued service.

Covid-19 Warning:

Please note we have implemented enhanced health and safety measures at our properties for you, other guests, and team members. All visitors and guests must follow all posted and written instructions while on property. An inherent risk of exposure to Covid-19 exists in any and all spaces where people are present. Covid-19 is an extremely contagious disease that can lead to severe illness and death. According to the World Health Organization, The Centers for Disease Control and Prevention and The Ministry of Health and Wellness, senior citizens and persons with underlying medical conditions are especially vulnerable. By visiting and/or staying at our properties, you voluntarily assume any and all risks related to exposure to Covid-19.

The Courtleigh Hospitality Group: Holiday Inn Resort, Montego Bay.

Last updated: June 3, 2020

Read More....Jamaica Tourism Protocols <https://www.tpdco.org/covid-19healthprotocols/>

CONTACT & LOCATION

ABOUT US

TERMS & CONDITIONS

PRIVACY POLICY

NOTICE OF ACCESSIBILITY

DIGITAL MEDIA

DURING YOUR STAY

While on property we ask that you kindly observe both the hotel and Ministry of Health & Wellness protocols at all times.

Wash Up:

- Washing your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
- Avoid touching your eyes, nose, and mouth with unwashed hands.

Mask Up:

- While in **ALL** public areas in the hotel, you will be required to wear a mask at all times. If you do not have a mask kindly use some other form of covering over your nose and mouth such as a scarf or handkerchief. If you need to buy a mask, they are available in the hotel Gift Shop.
- Enjoy the "mask" experience and take some cool "selfies" while on property.



Travel Safe:

- If going off property, please continue to wear your mask
- If travelling in a public vehicle sanitize the seat and the surrounding area.
- Continue to take general precautions and avoid large crowds and close spaces.



DURING YOUR STAY CONT'D

While on property we ask that you kindly observe both the hotel and Ministry of Health & Wellness protocols at all times.

No Close Up

- Social distancing protocols are in place at the hotel and across the island, and this may require staggered meal periods. Kindly observe a minimum of 6 feet between individuals (except for families travelling together.)
- This distance will be monitored especially in the areas where there may be a greater concentration of people, such as restaurants, front desk area, swimming pools, or other outdoor areas. The distance between restaurant chairs, bar chairs, loungers and tables, will be increased, and marks will be placed indicating the distance to be kept.
- We encourage the use of reservations for different services. This will be valid for restaurants as well as for the gym, children's areas, recreational facilities, among others.



Keeping a Check:

- Temperature checks will be carried out on check-in and randomly by our team during your stay. This is to protect everyone and identify any early symptoms. If you exhibit an elevated temperature you will be required to self-isolate in-room until the Ministry of Health personal are alerted and advise next steps.

Look Out, Stay Safe:

- Avoid close contact with anyone showing symptoms of respiratory illness such as coughing, sneezing and/or runny nose
- If you observe anyone showing these symptoms kindly advise the Duty Manager, who will follow up on the matter immediately.
- If for any reason you may feel unwell please isolate yourself in your room, and contact us by phone, dialing 0 and ask for the Duty Manager, as soon as possible.



For the health and well-being of our staff and guests, and in accordance with government regulations, we ask all of our guests and visitors to please follow these guidelines:



DO NOT ENTER any area if you are experiencing symptoms of Covid-19, including cough, fever or shortness of breath. Please contact the nurse by phone to report any symptoms.



All guests and visitors should wear face coverings over their nose and mouth at all times while in the hotel's public spaces.



Please observe social distancing guidelines by staying six feet apart from others whenever possible.

For more information please visit www.moh.gov.jm



PLEASE OBSERVE SOCIAL DISTANCE GUIDELINES OF 6 FEET APART IN PUBLIC SPACES

OBSERVE LAS DIRECTRICES DE DISTANCIA SOCIAL DE 6 PIES DE APARTAMENTO EN ESPACIOS PÚBLICOS

For more information please visit www.moh.gov.jm



REMINDER

WEARING A MASK IN PUBLIC IS MANDATORY BY LAW*

KINDLY ENSURE YOU ARE WEARING YOUR MASK AT ALL TIMES

THIS IS FOR EVERYONE'S PROTECTION

*THE DISEASE PREVENTION AND CONTROL ACT (NO. 2) (AMENDMENT) (NO. 2) ORDER, 2020

PLEASE RETURN KEYS HERE

THE JAMAICA PEGASUS
NEW KINGSTON



THE JAMAICA PEGASUS
NEW KINGSTON

PLEASE RETURN KEYS HERE



BE WISE & SANITIZE



THIS IS FOR EVERYONE'S PROTECTION



**FOR YOUR SAFETY
THE ELEVATOR CAPACITY IS
3 GUESTS**

WE THANK YOU FOR YOUR PATIENCE

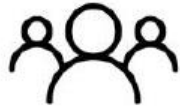


PLEASE SANITIZE ANY EQUIPMENT/AREA UTILIZED WHILE IN THE FITNESS AREA

WE THANK YOU FOR YOUR CONSIDERATION

5 each at 8.5" x 11"
5 each at 5.5" x 6" (Tent)

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COVID-19 RESPONSE TEAM

The Hotel Group has a Covid-19 Response team that was activated in February to monitor and address on-going changes to operational and other procedures following industry best practices.



SANITATION TRAINING

Our team members have received COVID-19 safety and sanitation protocols training from the Ministry of Health and Wellness including general sanitation guidelines and proper use of personal protective equipment.

SANITATION ENHANCEMENTS:

Please see some of the enhanced measures we have already implemented:

General:

- Frequency of cleaning and disinfecting of all public spaces has been increased with special attention paid to “high-touch” areas; e.g.: door handles, elevator buttons, railings, public bathrooms, lobby furniture, stairwells, etc.
- Touch-free greeting and welcoming protocol adopted for all team members when interacting with guests.

- Temperature checks are being administered to all guests upon check-in and all team members on arriving to work. Guests and Team members may also be subject to additional temperature checks performed at random.
- New signs have been posted reminding guests and team members of proper hand washing methods and social distancing guidelines.
- Hand Sanitizing stations have been installed in all public areas; e.g.;elevators, lobby, gift shops, business center etc.
- Trash bins have been placed outside each public bathroom for guests and team members to properly dispose of tissue paper used to open/close doors.





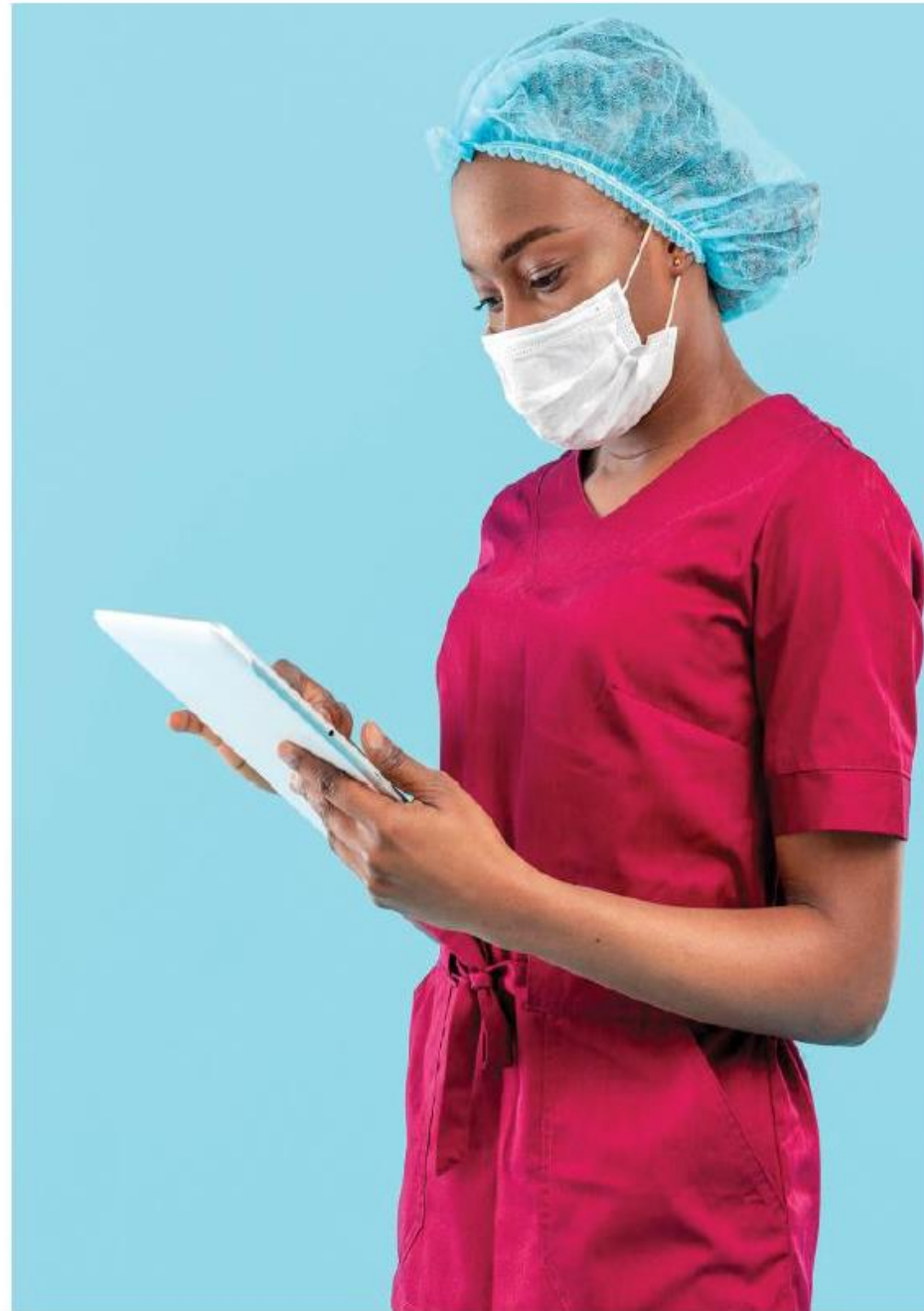
HOTEL TEAM MEMBERS

- Infrared Temperature checks are now provided to all staff upon reporting for work.
- All staff have been provided with face masks that must be worn at all times while on-property.
- Additional PPE's will be provided based on work tasks to include gloves, gowns, face shields and other protective gear.



HEALTH CARE

- Our hotels have a Nurse on Duty if you require any immediate medical attention.
- Our Nurses have also been trained in quarantine and isolation protocols.
- The hotel also has arrangements for a Doctor on Call (at a cost) for more serious conditions.



Assume Nothing, Over-Communicate Everything



GROUPS AND EVENTS

- * UPDATE GROUP CONTRACTS
- * REVIEW AND UPDATE BEO'S
- * ENSURE ON-SITE CONTACT IS FAMILIAR WITH PROTOCOLS
- * ENSURE ATTENDEE'S ARE BRIEFED PRIOR TO AND ON ARRIVAL
- * APPROPRAITE SIGNAGE IN PLACE
- * MONITORING OF ATTENDEE'S

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MEETING & EVENTS

- Social distancing protocols will be applied to any meeting or events.
- We have reduced the seating capacity of all meeting and function rooms.
- Food and beverage service will be a la carte or served buffet
- Attendees will be required to wear masks and may be subject to temperature checks.
- Hand sanitizers will be placed in and/or outside meeting rooms.



GYM, SPA & OTHER RECREATIONAL AREAS

- Social distancing protocols will be applied to these areas.
- Increased sanitation and cleaning protocols of all high touch areas.
- Masks will be required for certain spa services.
- Some services may be temporarily discontinued.




 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO
 BLUE WINDOW RESTAURANT**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



60
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING


 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO
 WILLIAM GORDON SUITE**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



10
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING


 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO THE
 POOL BAR**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



6
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING


 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO
 BLEND BAR & LOUNGE**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



30
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING


 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO THE
 POOL DECK**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



45
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING


 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO
 24 SEVEN CAFE**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



23
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING


 THE JAMAICA
PEGASUS
 NEW KINGTON

**WELCOME TO THE
 TERRACE**

In order to keep all our guests
 at a safe distance, please note
 our new capacity



10
 GUESTS

TAKE OUT IS ALSO AVAILABLE

THANK YOU FOR YOUR
 PATIENCE AND UNDERSTANDING

1 each at 8.5" x 11"

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CORPORATE CLIENTS/BUSINESS TRAVEL

REVIEW AND UPDATE CORPORATE CONTRACTS

ADVISE BOOKERS OF PROTOCOLS

GDS MESSAGING

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TEAM MEMBERS

1. EMPLOYMENT CONTRACT

- Review
- Update any clauses as necessary
- Team members sign off on any addendums
- Occupational, Safety and Health Standards (OSHA)

2. COVID NOTIFICATIONS : Back of House

3. STAFF BRIEFINGS

- Use to update
- Review protocols
- Document who attended

4. PROTOCOLS

- Communicate protocols
- Ensure full implementation
- Signage

5. TRAINING

- Understand protocols
- Correct use of PPE's
- Work with local Health Department
- Monitoring and re-training
- Document dates, attendance etc.



3rd PARTY SUPPLIERS

1. COVID NOTIFICATIONS
2. PROVISION OF THEIR PROTOCOLS
2. NOTIFY AND HAVE THEM ACKNOWLEDGE AND SIGN OFF ON YOUR PROTOCOLS
5. REVIEW GUEST WAIVERS e.g. Watersports, Spa
6. MONITOR



TOUR OPERATORS/TRAVEL AGENTS

1. SEND YOUR COVID PROTOCOLS
2. ADVISE THEM OF ALL GUEST PROTOCOLS ON PROPERTY AND IN DESTINATION
3. INCLUDE CLAUSE IN TOUR OPERATOR CONTRACT
4. ADVISE THEM TO POST PROTOCOLS ON THEIR WEBSITES AND TO ADVISE THEIR CLIENTS

REGULATORS etc.

1. KEEP ABREAST OF ANY CHANGES: LOCAL REGULATIONS, CDC, WHO etc.
2. ADJUST PROTOCOLS AND WAIVERS/CLAUSES AS NEEDED
3. DATE OF CHANGE TO BE NOTED
4. ADVISE OF ANY CHALLENGES IN IMPLEMENTATION
5. KEEP A FILE OF ALL COMMUNICATION
6. INSURANCE COVERAGE ???

Contact Information



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Top 10 Things You Can Do
**TODAY To Protect
Your Hotel Business
In The Age of Covid-19**

*REOPEN WITH CONFIDENCE, AND REDUCE YOUR EXPOSURE TO
COVID-19 (AND SIMILAR) CLAIMS*

Presented by
Larry Basham
General Counsel & COO
Elite Island Resorts



Today's Goals....

- **Understand your risks: What's at stake?**
- **Build confidence with customers & suppliers**
- **Build a fortress around your hard-earned revenue**
- **Protect your hard-earned revenue**
- **Save time and resources by avoiding claims**
- **Add value to your business by limiting liability**



The Challenges...

- ❖ Hoteliers often afraid of scaring off guests with “*legalese*.”
Get over it...gracefully.
- ❖ The Covid-19 “*Testing Dilemma*”: The pitfalls of pre-arrival Covid-19 testing.
- ❖ *Insurance* (and the lack thereof).
- ❖ Embracing, exceeding, and capitalizing on your *duty of care*.
- ❖ From hotelier to risk manager: Assigning someone to research, implement, and *be in charge*.
- ❖ Turning information into ACTION: *Where to Begin?*



The Solutions...

Top 10 Things You Can Do Today

Building a Fortress Around Your Revenue:

1. Call Your Insurer to fully understand what IS and IS NOT COVERED with regard to Covid-19 claims
2. Issue Limitation of Liability Errata to the Travel Trade
3. Issue Limitation of Liability Riders to T.O.s
4. Update Booking Terms and Conditions with Acknowledgement and Assumption of Risk / Limitation of Liability
5. Publish Your Covid-19 Enhanced Protocols Information Online
6. Update Your Guest Registration Card with Acknowledgement and Assumption of Risk / Limitation of Liability
7. Review / Strengthen Your Forum Selection Clauses (ie, where they can/can't sue you)
8. Train Staff and Document It!
9. Make Your Enhanced Protocol Efforts Visible and Continuous
10. Assign Someone to Research, Implement, and Be IN CHARGE of Managing Your Covid-19 Risk Management Plan



Contact Information



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@ElitelIslandResorts #ElitelIslandResorts

ANTIGUA

Hammock Cove Antigua
St. James's Club & Villas
Galley Bay Resort & Spa
The Verandah Resort & Spa
Pineapple Beach Club Antigua

BARBADOS

The Club Barbados Resort & Spa

THE GRENADINES

Palm Island Resort & Spa

PANAMA

Los Establos Boutique Inn

ST. LUCIA

St. James's Club Morgan Bay

Thank You!

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Attorneys at Law