

Government Directives for the Hospitality Industry

On March 11, 2020 the World Health Organization declared COVID -19 as a pandemic. Like several governments across the world, India too has been updating its travel advisory, and has now barred incoming international commercial passenger flights from March 22 onwards.

Apart from the serious health concerns posed by the COVID-19, various industries across the world are witnessing an adverse impact on their business on account of such virus. The hospitality industry has been amongst the hardest hit sectors. In addition to the dip in the business, the hospitality sector has to conform to strict government directives in the country's effort to contain COVID- 19.

What is required to be done?

On March 5, 2020, the Ministry of Health and Family Welfare (**MoHFW**) issued guidelines for prevention of transmission and disinfection of hotels where suspect or confirmed COVID-19 have been housed.

The guidelines stipulate as follows:

The hotel staff at the reception is to be well versed in hand hygiene, respiratory hygiene and follow the prescribed protocols.

- Hotels are to ask all guests whether they have resided in or travelled to an affected area or came in contact with a known case in the past 14 days. Such guests are to be provided the information pamphlet and be advised to stay in the room if they are unwell. If any such guests develop symptoms like fever, cough, sore throat, breathlessness, etc., hotels are required to call the control room/identified hospital and inform them about the condition of the sick guest and arrange for transfer of such guest to a hospital.
- Hotels are to advise guests to observe good personal hygiene.
- Alcohol based handrubs are to be provided to guests in public areas such as the reception, lobby, restaurants, conference area, business centre, gym, etc.
- Guests developing respiratory symptoms are required to be provided surgical masks and be encouraged to sit at a distance of 1-2 metres from others.
- Asymptomatic roommates of sick guests are to be relocated to other rooms.
- The hotel staff is to put on personal protective equipment while interacting with sick guests.
- The hotel staff is also required to be aware of the symptoms and report any symptoms.
- Detailed guidelines have also been issued regarding environmental cleaning in the hotel premises.

The Ministry of Tourism (MoT) has also written to hotel associations in India informing them of the aforesaid advisory by the MoHFW. The email also indicated that some tourists were reported to have been denied accommodation without having any symptoms of the virus. The MoT noted that such incidents would create stress and panic in addition to adversely affecting the reputation of the country as a destination. Accordingly,

all hotels were advised to, irrespective of their classification status, not deny accommodation to tourists without any symptoms of COVID-19. It was also indicated that stringent action could be initiated against such hotels for violation of the aforesaid instruction.

Separately, the MoHFW has also issued an 'Advisory on Social Distancing Measure in view of spread of COVID-19 disease' inter alia encouraging private sector organizations/employers to allow employees to work from home wherever feasible. Various states have also issued notifications requiring private corporates and establishments to shut down. In some states, hotels have also been approached to be used as quarantine facilities and certain hotels are being presently used as such.

What should a hotel do?

Based on the above, hotels all over India would now be required to ensure that adequate checks and balances and precautionary measures are in place to obviate the possibility of the COVID-19 spreading amongst the guests and employees of the hotels. Hotels may keep checking for updates from authorized sources such as the MoHFW and the State Governments to be compliant with the Government instructions for their area of operation. Wherever hotels have been asked to shut down or give paid leave to their employees, they should follow the Government directive.

In addition to the above, it would also be important for hotels to track and promptly report any suspected cases to concerned authorities. Accordingly, hotels could request each guest to fill-in the self-reporting form issued by the MoHFW. However, given that such form would contain information regarding the guest's health condition, the same could be construed as sensitive personal data under Indian laws.

Accordingly, hotels should ensure that the requirements of relevant laws for collection of such data from guests has been complied with. As per Indian laws and principles of data privacy laws across the world, any sensitive personal data may be collected with consent from the provider. Such consent should be informed consent, i.e. the reason for collection should be specified. Further, if the intention is to share the data with any other person, this should be disclosed along with the purpose for such sharing.

In the current scenario, the stressed hospitality industry, is expected to manage tenuous business conditions while simultaneously extending a helping hand to the government by allowing its properties to be used as quarantine facilities. It is no doubt a difficult situation. Given this scenario, the industry would need to hunker down and take on one challenge at a time.

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