

Licensees, management, and staff owe a duty of care to protect patrons and others from harm that can result from the consumption of alcohol, whether that harm occurs on or off the premises. The courts believe that the risks that arise from the sale of intoxicating beverages should be controlled by the organization that has a financial interest in creating the risk.

## Your legal duties

- Only serve or sell to patrons legally old enough to drink.
- Serve no one to the point of intoxication.
- Refuse entry or service to intoxicated people.
- Remove intoxicated people from the premises responsibly and safely.
- Control the environment in the establishment.
- Take reasonable steps so that if patrons become intoxicated, they do not pose a threat to other patrons or the public.
- Take care to see that if patrons become intoxicated they have a safe way home or to another place to sober up.

## Protecting your establishment from exposure to liability

### 1. Create and implement clear and effective policies and procedures that:

- Require proof of certification. Ensure all employees have Serving It Right and that security staff take the mandatory Basic Security Training course approved by the Justice Institute of British Columbia.
- Identify intoxicated persons. Ensure staff can know and can identify the major signs of intoxication.
- Prevent entry of intoxicated persons. Specify the procedures for your door staff regarding screening patrons who seek entry, dealing with patrons who have been drinking prior to arrival, and how many patrons enter at a time. Clearly state that it is house policy to not allow entry to intoxicated patrons.
- Monitor consumption by patrons. Specify that serving staff and bartenders monitor patron consumption and identify when a patron starts to show signs of intoxication.
- Deal with potentially intoxicated patrons. Specify the protocol when a patron shows signs of intoxication. Ensure that the procedure includes protocols for ensuring that the patron does not drive a vehicle himself/herself and communicating safe options for getting the patron home.
- Monitor the sale of liquor. Specify limits on the amount of alcohol permitted to be sold to a patron per order and limit the number of points of sale. Consider stating in your policies that servers/bartenders are permitted to provide free non-alcoholic beverages to patrons who state they are a designated driver.

**2. Maintain effective management supervision.** Managers must ensure that staff levels are appropriate for the number of patrons present at any given time and that policies address unexpected customer volume, including having on-call servers and door staff. Managers should also ensure that advertisements are posted for designated driver programs and options for getting patrons home safely.

**3. Constantly train employees and managers on policies, procedures and industry standards.** Hold regular staff meetings to train staff on house policies and have them sign a statement indicating they have read and understood them. Review policies regularly and update them as needed. Always review and retrain staff on a house policy that follows an incident that required enforcement by a staff member.

**4. Preserve evidence of any incidents.** It is crucial that evidence relating to an incident that occurred in your establishment be preserved. A lawsuit may be commenced several years after the incident. The memories of staff and witnesses will fade over time so their evidence should be gathered as quickly as possible. Make sure you maintain and secure incident reports, staff and witness statements, and any video surveillance.