Notes for serving it right-Tourism 12

Serving It Right

interactive, self-study course that will educate you about your legal responsibilities when serving liquor

provides effective techniques to prevent problems related to the service of liquor

covers topics such as

* Signs of intoxication
* Legal liability
* Duty of care on and off premises, and
* The necessity to create and enforce responsible beverage service policies

**Purpose of Serving It Right**

to reduce alcohol-related problems.

Serving It Right (SIR) is BC’s responsible beverage service program

Who needs a Serving It Right certificate?

* SIR is designed for:
	+ people working in tourism and hospitality,
	+ individuals whose special occasion license requires them to have Serving It Right,
	+ keeping customers and the public safe while allowing them to enjoy the benefits and pleasures that good food and drink can bring,
	+ encouraging a responsible, caring and professional approach to the serving of alcohol.

SIR provides critical information on the effects of alcohol on people, and techniques for preventing over-service.

**SIR educates licensees, servers and retailers to:**

-understand the effects of alcohol on the body

-know how to recognize signs of intoxication

-know their responsibilities under the law and the consequences for not meeting them

-know how to ID minors to prevent underage drinking

-know how to develop and/or support appropriate alcohol service policies

-know how to handle typical situations requiring intervention

History

program was initiated during a provincial liquor policy review in 1987

In 1989, two versions of the program—licensee and server—became mandatory for liquor primary establishments and their server

Since 1989, the provincial government has entrusted the responsibility for delivering Serving It Right to a non-profit tourism association—the Hospitality Industry Education Advisory Committee.

* In 2003, after an 18-month task-force review, HIEAC changed its name to go2—The resource for people in Tourism.

**The new SIR program**

The current version of Serving It Right was introduced in 2007, and now consists of a single program for retailers, licensees, servers and those required to obtain it for their special occasion licences

**Who must have a SIR certificate?**

depends on the type of liquor licence you have. There are four types of licences issued to establishments or individuals serving food and beverages:

**Food-primary licence (restaurants)**

issued to restaurants or food outlets where the service of food, not liquor, is the primary focus

Licensees, managers and all those who may be left in charge need to have a SIR certificate

**Liquor-primary licence (bars, pubs, nightclubs, casinos, stadiums)**

issued to establishments whose primary business is hospitality, entertainment or beverage service, including bars, pubs, nightclubs, casinos and stadiums. Licensees, managers, servers and bartenders in these establishments must all have SIR certificates

**Licensee retail store licence (private liquor stores)**

* Licensee retail stores, commonly known as private liquor stores, may sell all types of liquor. All licensees, managers and sales staff at BC retail liquor stores must have SIR certificates.

**Special occasion licence**

A special occasion licence (SOL) is required for not-for-profit special occasions such as weddings and community festivals where alcoholic drinks will be served or sold.

If you or your organization plan to serve alcoholic drinks in a public place, other than a private residence, or sell alcoholic drinks at an event held anywhere including a private residence, you need a SOL. Whether or not staff need SIR certificates depends on a number of factors. Consult your local police, or the Liquor Control and Licensing Branch

**The effects of too much alcohol**

there are occasions where people drink in ways that put their health and safety at risk.

* 40% of British Columbians admit to drinking in ways that could lead to falls, accidents or incidents of violence;

Almost 20% of British Columbians drink in a risky way at least once a month

* Every year in BC,

the financial burden of alcohol-related harm exceeds $2 billion

35% of British Columbians report that they have suffered physical, emotional or financial harm as a result of someone else's alcohol use

Alcohol is a particular problem if the drinker is mixing substances, operating a motor vehicle or pregnant

**The modern view of alcohol**

* 1. Governments and the public are concerned about various issues related to alcohol over-consumption, including health issues, impaired driving and overall public safety.
* 2. As a result, the Centre for Addictions Research of BC and the BC Ministry of Health are promoting low-risk drinking guidelines.
* 3. Programs such as Mothers Against Drunk Driving (MADD) and Drinking Driving CounterAttack provide a clear indication that society is no longer willing to tolerate the consequences associated with drinking and driving.
* 4. Young people are more aware than ever before of alcohol-related issues, as is evident in dry grads and designated-driver programs.
* 5. Laws and regulations have also changed as a result of this changing environment. Injured parties from alcohol-related incidents are taking their cases to court, where, increasingly, judges assign a percentage of the fault to commercial hosts.
* 6. Courts are placing an expanding responsibility on the owners, managers and staff of licensed establishments to provide responsible beverage service.

The impact of a responsible beverage service program

can decrease service-related alcohol problems

* provides servers, managers and licensees with the knowledge necessary to meet their responsibilities, including eliminating the sale and service of liquor to minors and reducing over-consumption of alcohol in licensed establishments.
* On whom are courts placing increased responsibility to provide responsible beverage service?
* Increased responsibility is being placed on owners, managers and staff to provide responsible beverage service.

Alcohol Effects and Intoxication

* **In this section you will learn:**
* How to recognize intoxication and the over-consumption of alcohol
* The effects of alcohol in combination with drugs
* What is blood alcohol concentration and a standard drink
* Almost 20% of British Columbians drink in risky ways at least once a month.
* A person who is legally impaired with a blood alcohol concentration of .08% takes more than five hours to become completely sober.

Enforcement officers can enforce administrative and monetary penalties against a driver with a blood alcohol concentration of 0.05% or above

* **1. What is intoxication?**
* an intoxicated person does not have the normal use of physical or mental faculties. There is no single scientific measure that determines whether a person is intoxicated, since intoxication is an observed state. Therefore, determining whether a person is intoxicated requires observing a person’s mental and physical state, and comparing that state and observed behaviour to a normal person in full possession of his or her faculties.
* **2. How intoxication happens**
* As the alcohol reaches the stomach, some of it is absorbed and promptly enters the bloodstream. However, most of it passes on into the small intestine, where it is absorbed and also enters the bloodstream. Approximately 90% of the alcohol leaves the body after being processed by the liver. This organ is able to process alcohol at a relatively fixed rate of one standard drink per hour. A person's intoxication is increased when alcohol is being absorbed at a faster rate than it is being processed.
* **3. Effects of intoxication**
* As alcohol builds up in the body, the activity of the brain, heart and lungs may slow down. Alcohol can be absorbed, enter the bloodstream and travel to the brain in as little as three minutes. Early effects of alcohol consumption include impaired judgment, loss of self-control and lessening of inhibitions. As more alcohol reaches the brain, the person’s physical abilities become significantly impaired, and coordination is lost.
* By law, no one in BC is allowed to sell or serve alcohol to a person who is intoxicated or apparently intoxicated. The term “apparently intoxicated” places a great deal of responsibility on you to judge when a person is approaching intoxication or is already intoxicated.

**Common myths about alcohol**

* **Myth 1:  Alcohol makes you happy**

How you will feel depends on your mood when you start drinking.

* **Myth 2:  Mixing drinks causes higher levels of intoxication**

Mixing drinks does not cause greater intoxication. It does increase your chances of a hangover, though, and may make you feel sick

* **Myth 3:  Alcohol warms the body**

The opposite is true.  Alcohol opens up the pores of the skin, allowing perspiration to increase, which lowers body temperature

* **Myth 4:  Alcohol relieves stress**
* Alcohol may seem to relieve stress in the short term; however, it does not treat the underlying cause of stress. Indeed, the use of alcohol can lead to increased anxiety, which in turn may lead to the use of alcohol as self-medication and potential alcohol dependency.
* **Myth 5:  Alcohol improves coordination**
* In fact, the motor functions that control coordination are affected by alcohol immediately.
* **Myth 6:  Alcohol helps you sleep**
* Alcohol can help you fall asleep, but once the alcohol levels are reduced by the passage of time, normal sleeping patterns are disrupted. This is why heavy drinkers feel tired in the morning. Alcohol can also cause insomnia and aggravate existing sleep problems.
* **Myth 7:  Drinking coffee will sober you up**
* There is only one way to sober up: time. Cold showers, drinking coffee and dancing will not sober an intoxicated person up faster.

**Factors that influence intoxication**

* **1. Rate of consumption**
* Increasing the number of drinks consumed in a given time period will greatly influence the rate of intoxication.
* **2. Amount consumed**
* “Doubles” and drinks made with more than one type of liquor typically contain more alcohol than standard drinks (a five-ounce glass of wine, or a 12-ounce glass of beer).
* **3. Age**
* Young and healthy people break down alcohol faster than the elderly and people in poor health. Younger patrons have more blood in their system, and their livers process alcohol more efficiently.
* **4. Gender**
* Women generally have more body fat than men and less body water with which to dilute alcohol. Women also have lower levels of the metabolizing enzyme required to break down alcohol.
* **5. Body weight and type**
* An overweight person generally becomes intoxicated faster than a muscular person who weighs the same and drinks the same amount of alcohol. Fatty tissue contains less water than muscle, so overweight bodies are less capable of diluting alcohol.
* **6. Food consumption**
* Food slows the absorption of alcohol into the bloodstream. On an empty stomach, alcohol reaches the brain in a few minutes and begins to affect behaviour and coordination. After a full meal, alcohol can take up to six hours to reach the brain. Food does not absorb the alcohol. It merely slows the speed at which alcohol is absorbed. Fatty foods are especially effective in slowing down the alcohol-absorption process. As fatty foods are more difficult to digest, they remain in the stomach longer than other types of food. The effect of the alcohol still occurs, but at a slower rate.
* **7. Medication and other drugs**
* Many common drugs (prescription medications, over-the-counter medications and illegal drugs) impair the user and increase the effects of alcohol. Using alcohol with other drugs can be very dangerous to a person’s health and safety.
* **8. Environment and mood**
* The surroundings, including interaction with other guests, may trigger emotional responses. Alcohol usually exaggerates moods. A person who is depressed or upset will likely become more depressed and upset when drinking
* **9. Fatigue and stress**
* Physical, mental or emotional fatigue and stress make a person more susceptible to the effects of alcohol.
* **10. Tolerance to alcohol**

Experienced drinkers develop tolerance to alcohol. After prolonged regular drinking, the liver develops an ability to break down alcohol more rapidly, and brain cells may become less sensitive to alcohol. A person with a high tolerance takes more alcohol to show signs of visible intoxication, often resulting in an underestimation of alcohol’s invisible impact

* **Has your customer had too much to drink?**
* While determining whether a patron is intoxicated can be difficult, it is important to make an initial assessment of the guests as they enter your establishment or when they are first seated. A change in behaviour or abnormal behaviour is a good indication of the effects of alcohol consumption.
* If you begin to notice signs of intoxication, you can adjust your service before the guest becomes intoxicated. The signs, which can appear in any order, include the following:

**Stumbling or staggering**

* has difficulty standing upright
* has difficulty walking a straight line
* bumps into furniture and other patrons

**Poor hand-eye coordination**

* fumbles for items like cigarettes, change, ID
* reaches for drink and misses or spills it

**Changes or difficulties in speech**

* speaks too loudly for the situation
* changes volume of speech (up or down) when there is no reason to suggest that a change is necessary; for example, speaks softly when there is no need to be secretive
* speaking unusually slowly or rapidly
* has difficulty speaking distinctly; words are blurred or run together
* cannot get a word out or uses the wrong word

**Nausea and sweating**

* looks nauseous or needs to throw up
* sweats excessively, inconsistent with the surrounding temperature or conditions
* sweats too much to be justified by nervousness, physical exertion or other logical factors

**Sleepiness and breathing changes**

* has tired, heavy or closed eyes
* has a placid, fixed gaze
* nods off, then jerks head upright
* breathes noticeably slower
* breathes shallowly or weakly

**Blurred vision**

* has trouble reading menus or signs
* cannot fix eyes on an object
* has bloodshot eyes (to any degree)

**Overconfident or acts inappropriately**

* boasts unrealistically about what he or she can do; inflated sense of confidence
* makes inappropriate comments to server or other customers
* acts out inappropriate behaviour; reasoning is impaired
* makes unusual personal requests
* exaggerates personal importance

**Confused or less alert**

* places an order and then forgets what was ordered
* has difficulty understanding what is said
* requires too long to respond to questions or to react to events; for example, when asked to place an order
* has difficulty paying attention to the conversation
* gets easily distracted or is off-topic

**Aggressiveness**

* aggressive speech
* threatens physical assault
* is argumentative and uncompromising

This is not an exhaustive list.

* One problem is that by the time changes in behaviour are obvious, the patron may already be intoxicated. Your objective is to be able to spot the subtle changes in your customers as they drink, so you can identify when they have had enough before they are intoxicated.

Alcohol with other drugs

* The presence of alcohol in conjunction with other drugs often intensifies effects. This is particularly the case when alcohol is joined with other depressants, due to their common capacity to slow down a person’s central nervous system. The impact can go beyond just making the person less coordinated or drowsier. Heart and breathing rate can sometimes become reduced to such an extent that the individual falls into a coma and these crucial functions stop.

**Examples of Possible Indicators of Combined Alcohol and Other Drug Use**

**SYMPTOMS POSSIBLE INTERACTION INVOLVED**

Intensified sedation, excessive dizziness
(especially older people) Alcohol and antihistamines

Intensified sedation
Significantly slowed breathing
Cold bluish skin
Loss of consciousness Alcohol and narcotic pain relievers or heroin

Severe drowsiness
Depressed or even arrested cardiac & respiratory functions

Alcohol and sedatives or hypnotics (benzodiazepines, tranquillizers, sleeping pills, barbiturates)

Intensified impairment in concentration, perception,

reaction and control Alcohol and cannabis (marijuana)

Intensified euphoria
Sudden heart, respiratory failure

Alcohol and cocaine

Some illegal drugs, such as marijuana, and prescription medicines, such as cough syrups, can increase intoxication levels by a factor of five, making people appear more intoxicated than they should for the amount of alcohol consumed

* Driving after combining alcohol with other drugs can substantially increase the risk of a motor vehicle accident. In addition, the risk of accidental injury—such as falls among the elderly, or overdose—is greatly increased when some types of drugs are used in combination with alcohol.
* Alcohol interactions with other drugs can bring about quite unpredictable effects. Servers need to apply careful vigilance, observing patrons not just for intoxication but also for a real exaggeration of initial and more protracted symptoms normally associated with alcohol intake:
* euphoria instead of just relaxation and giddiness,
* worse dizziness,
* slow reflexes,
* slurred speech,
* blurred vision,
* disorientation or
* extreme drowsiness.
* Have emergency numbers (including the BC Poison Control Centre) in a place where all staff has quick access in case you need to call for help.

**Mistaking illness or disability for intoxication**

Occasionally, signs of intoxication are due to an illness or disability rather than alcohol consumption. Symptoms may be similar to that of alcohol intoxication.

An initial assessment is important to determine whether the guest is ill or intoxicated.

Asking guests whether they feel ill and noting medical alert jewelry, such as a diabetic bracelet, are important steps in determining whether someone is sick. Discontinuing service and helping the guest to receive medical attention can be life-saving in some instances.

**Drinking and Driving**

* **Impairment and blood alcohol concentration**

Like intoxication, **impairment** can be an observed state; however, it can also be measured.

* The law recognizes that impairment begins when a person has a **blood alcohol concentration (BAC)** at or exceeding 50 milligrams of alcohol per 100 millilitres of blood, or .05%. The criminal code fail level for impairment is when a person's BAC is at or above .08%. This appears to be a small amount — about one drop of alcohol in 1,200 drops of blood. However, the effects of even a fraction of 1% alcohol content in the bloodstream are potent.
* Consider that:
* a BAC of .30% can cause a person to lose consciousness.
* with a BAC of .40%, a person will be in a coma or could die.

**Impaired driving**

* A person can be legally unfit to drive if:
* his or her BAC is at or above .05% or
* his or her ability to drive is impaired by the use of alcohol, drugs or other factors.
* Many law enforcement agencies use breath alcohol testing devices like the Breathalyzer to determine a person’s BAC. In the absence of admissible evidence of BAC, the prosecution in a drunk-driving case may rely on the observations of a police officer or a layperson as to the accused person's impairment. Such evidence may include erratic driving and physical and behavioural indicators like slurred speech, bloodshot eyes and difficulty walking a straight line.
* Thus, a person can be guilty of impaired driving even though their BAC is below .05%. Similarily, a person is guilty of impaired driving with a BAC at or above .05%, whether or not their ability to operate the vehicle is visibly affected by alcohol consumption.
* **Penalties for Impaired Driving**

Any person who is found to be driving with a BAC at or above .05% can face penalties including immediate suspension of their driver's license, vehicle impoundment and monetary fines.

**Measuring BAC**

The only way of accurately measuring BAC is to use a Breathalyzer or conduct a blood test. A practical technique for you to estimate a customer's BAC is to observe how many standard drinks (defined as a drink containing the equivalent of 0.6 ounces of 100% alcohol) are served and consumed by the customer while at your premises

A customer's BAC will depend on factors including his or her sex, weight, the number of drinks he or she has consumed and the number of hours since the first drink

**The standard drink**

* A standard drink (SD) = 0.6 ounces of 100% alcohol.
* This means, for example, that a five-ounce glass of 12% alcohol wine is considered a standard drink because it has the same effect on the human body as 0.6 ounces of 100% alcohol.
* With low-alcohol beer and wine, a normal serving will be less than a standard drink, because the beverage has lower alcohol content. Therefore, a glass of light wine at 9% alcohol volume would be less than one SD. Similarly, light beers generally contain 4% alcohol, which is less than one SD.
* There are also higher alcohol versions of beer and wine. Malt beer and ciders often contain 7% alcohol volume. Some full-bodied red and fortified wines can range from 14.5% to 21% alcohol levels. These higher alcohol versions should be served at a slower rate, as they are more potent.
* Spirits in mixed drinks can be sold in 1, 1¼ or 1½-ounce shots. Again, the alcohol volume would affect the standard drink calculation.

Understanding the standard drink and its equivalencies is important because it allows you to monitor your patrons' intake, regardless of the beverage type.

The liver can only process a fixed amount of alcohol, about one standard drink per hour. By determining the number of standard drinks consumed by a customer over time, and consulting with the chart on How to Calculate BAC

* you will be able to monitor the consumption of your customers to help ensure that they do not leave your premises and drive while impaired.

**Calculating the standard drink**

The following is a basic SD comparison. All of these drinks have the same effect on the body and are equivalent to one SD

12 ounces beer with 5% alcohol volume = 0.6 ounces alcohol

1 ½ ounces spirits with 40% alcohol volume = 0.6 ounces alcohol

5 ounces wine with 12% alcohol volume = 0.6 ounces alcohol

**How to use this knowledge on the job**

The key to responsible alcohol service is to know when to discontinue service

* Assess guests as they enter your establishment. Are they already showing signs of intoxication? What factors (like their gender, weight, or age) might affect their impairment level? Try to determine ahead of time approximately how many drinks to serve to individual customers before discontinuing service.
* By law, no one in BC is allowed to sell or serve alcohol to a person who is intoxicated or apparently intoxicated. The term “apparently intoxicated” places a great deal of responsibility on you to judge when a person is approaching intoxication or is already intoxicated.
* **How to calculate Blood Alcohol Concentration**
* The following table outlines the typical blood alcohol concentration of people of varying weight, based on the number of standard drinks he or she has consumed.
* This chart is provided for information only, as a means to estimate blood alcohol concentration (BAC). Many factors can affect a person's BAC, including amount of alcohol consumed, rate of consumption, food consumption, and factors specific to each person such as gender, age, weight, height and metabolism.
* <http://www.servingitright.com/alcohol_effects_appendix.html>
* Male Female

**Please note the following:**

* Actual BAC may differ from the numbers on this chart.
* Impairment begins with one drink.
* It may take up to 30 minutes after the last drink of alcohol for a person to reach the highest BAC level.
* Mixing energy drinks, drugs or other medications with alcohol can increase a person's level of impairment.
* If a person's BAC is .08 or over, the person is considered impaired under the Criminal Code of Canada.
* If a person's BAC is .05 or over, the person is considered impaired under British Columbia's Motor Vehicle Act.
* Different drinks contain different concentrations of alcohol.

Preview-Alcohol and the Law

**In this section you will learn:**

* Your obligations under the law related to the sale and service of alcohol
* The consequences of failure to meet those obligations
* How to minimize your legal risk
* According to ICBC, more than four million Canadians admit to having driven after drinking. Each year, about 12.5 million trips are made by people who thought they'd had too much to drink.
* Approximately 35% of fatal vehicle crashes involve alcohol.
* Courts in British Columbia have assigned up to 50% of the blame to establishments that allow intoxicated patrons to drink and drive and then cause injury or death to other citizens.
* When intoxicated patrons injure themselves due to hazardous conditions or activities on the licensees’ premises, courts in BC have assigned up to 75% of the blame to the establishment.
* There is a large body of law regulating the sale and service of alcohol in licensed establishments and the duties owed by licensees and their employees to patrons and members of the public. It is the duty of licensees and servers to be aware of their rights and responsibilities and to conduct their business activities accordingly.

**The Liquor Control and Licensing Act**

British Columbia’s Liquor Control and Licensing Act is the most important legislation governing the sale and service of alcohol in licensed establishments

* The Act, which is designed to maintain the orderly and responsible operation of licensed establishments, deals with
* licensing requirements,
* fees,
* application processes,
* operating terms and conditions such as hours of liquor service and entertainment policies,
* inspections and law enforcement for licensed establishments.

Most importantly, it requires licensees and servers to control the activities that take place in their establishments, including the responsible sale and service of alcohol

* The Liquor Control and Licensing Act is supported by the Liquor Control and Licensing Regulation. The general manager of the Liquor Control and Licensing Branch administers the Act and the Regulation, both of which make it clear that those who serve alcohol in a licensed establishment have specific responsibilities.

Licensees must meet all applicable requirements of the Act and Regulation, as well as terms and conditions of their licence, which are periodically updated. It is the duty of all licensees to routinely familiarize themselves and their servers with the most recent modifications. Changes to the Act and Regulation, and terms and conditions of licences, are available on the Liquor Control and Licensing Branch website

* The summaries below identify the key rights and responsibilities under the Act and Regulation, as they relate to alcohol service. They also outline some tips that will help you responsibly control alcohol service in your establishment.

Licensees and managers should refer to the Act and the relevant liquor licensee guides for their full range of legal obligations

**The Sale and Service of Liquor**

**Time**

You may sell liquor only during the hours noted on the licence.

* tip
* Let patrons know these time requirements by signal or announcement.
* Do not sell large quantities to patrons at last call.

You must ensure that all patrons leave your liquor-primary establishment (bars) within one half-hour of completing the liquor service, and you may not allow patrons to enter outside of the permitted hours for liquor service.

* tip
* Remind patrons of their limited time frame for consuming liquor and/or leaving the premises after the end of liquor service.

You must remove liquor, drinks and glassware from tables in food-primary establishments (restaurants) within one half-hour of the end of liquor service.

* Tip
* Offer to seal an unfinished bottle of wine for take-away by customers unable to complete it within the time frame allowed

**Dispensing liquor**

You are permitted to pre-mix drinks by hand or by using such a device as a Bellini machine provided the liquor comes from the original containers purchased from the Liquor Distribution Branch.

* Tip
* Learn correct measurements

**Consumption of liquor**

Licensees and employees must not consume liquor while working in the licensed establishment.

* tip
* Realize the importance of the employees’ appearance and behaviour, as all staff members represent the business.

Ensure that only liquor purchased in your liquor-primary or food-primary establishment is consumed there. Liquor must not be consumed within a licensee retail store

* tip
* Observe patrons and watch for signs of illegal drinks.

Do not sell unopened bottles for consumption on food primary and liquor primary premises

**Public safety**

**Capacity**

You may not allow the number of patrons to exceed the capacity stated on your establishment's liquor licence.

* tip
* Know the capacity your establishment is licensed for.
* Have door staff monitor the entry and exit of guests, preferably using mechanical counters.
* **Minors (anyone under the age of 19)** **You may not sell or give liquor to minors and you must check your liquor licence as to whether minors are allowed to be on premises where liquor is sold.**

Minors employed in food-primary establishments, or liquor-primary stadiums who are 16 or older may serve liquor but may not open bottles, pour or mix liquor. You must have adult staff supervising minors serving liquor.

Two pieces of ID are required in BC for anyone who appears to be a minor.

* tip
* Learn to maintain door control and how to check a person's ID to ensure it is valid and legitimate

**Identification of Underage Drinkers**

* Identification of people who should not be on your premises — for their protection and yours — is your first line of control. You are required to refuse service to those who are intoxicated. As well, you are required to refuse any service to minors. By setting a high standard right at the door of the establishment (or before you serve the first drink), you send a clear message to patrons. You will be respected and appreciated by the overwhelming majority of your guests.
* It is illegal to sell, serve or supply alcohol to anyone under the age of 19 in BC. Don't be fooled by appearances. Many young people look much older than they really are. A licensed establishment is subject to stringent legal penalties if any alcohol is served to a minor. The minimum penalty is a 10-day licence suspension or $7,500 fine. Furthermore, a minor caught using false identification is subject to a $115 fine issued by police.

**Requirements for BC**

* Two pieces of ID are required in BC to verify age.

The first piece of identification must:

* be issued by a government agency (Canadian or other) and
* include the person's name, signature, birth date and picture.
* \* Examples of the first piece include a passport, driver’s licence or B.C. Identification (BCID) card.

The second piece must:

* include an imprint of the person’s name and
* include the person's signature and/or picture.
* \* Examples of the second piece include a credit card, BC CareCard, SIN card, or BCID.
* If the person cannot produce two pieces of acceptable identification that prove they are 19 or older, you must refuse entry or refuse to sell or serve them liquor.

**Fraudulent ID**

Licensees are encouraged to retain or take a photocopy of identification that is false and turn it over to the liquor inspector or police. Provide an area that is well lit and protected from environmental noise so that staff can properly view both the offered identification and the patron, and ask appropriate questions to test the ID's authenticity.

* Use the following steps to find out if the ID is fraudulent:

Hold the ID in your hands

* Don’t just let the person flash it at you. If the ID is in a plastic case, take it out.

Check the photo

* Is this the person standing in front of you?
* Does the photo look faded, yellowish or “off”? If it does, this may be a laminated colour copy.

Feel the document

* Run your thumbnail over the date-of-birth line. If someone has taped a new birth date over the original, your nail may catch on it.
* Feel for any extra thickness around the photo and the edge of the lamination. This may mean someone has put a second photo on top of the original and re-laminated it.
* Check the lamination. With a fake ID, there may be wrinkles or air bubbles in the plastic, and the edges may be peeling.

Look at the details

* Turn the piece of ID in the light. Government-issued ID usually has holograms or raised seals.
* Are the numbers the same thickness, weight and colour? If someone has tampered with the ID, the numbers may be thicker, heavier and darker.

Ask for confirmation

* A sample signature can be compared to the signature on the photo identification.
* Ask for the prospective guest’s zodiac sign. People with false ID will often be unable to answer correctly without hesitation.
* Ask the guest to spell his or her middle name.
* Verify information on the ID, such as the person’s address or postal code.

When you suspect fake or invalid ID, you must

* refuse service.
* be polite but authoritative.
* express regret that you cannot provide service.
* avoid judging or embarrassing the individual.
* You should also write down the person’s driver’s license number and other identifying information and keep it in your establishment’s logbook, discussed later in this section.
* Your vigilance in attempting to establish proof of age, even if the ID later proves to be false, could be raised in a legal defence. You may come across ID that you are unfamiliar with. There is a resource book that has samples of all North American ID’s available; see the Resources section for further information.

**Intoxicated People**

You must not sell or give liquor to an intoxicated person.

* tip
* Maintain adequate supervision and control to create a comfortable, safe environment.

You must not allow a person to become intoxicated or allow an intoxicated person to remain in a licensed establishment.

* tip
* Work together as a team to spot problem situations and deal with them.
* Contact police when staff members encounter a difficult person or a dangerous situation.
* Ensure intoxicated patrons have a safe way home or to another place where they can sober up.

You must forbid entry to anyone who is intoxicated or who you think will cause trouble.

* tip
* Establish safe methods of refusing entry to problem patrons or ejecting them.

You must not allow troublemakers to re-enter the establishment within 24 hours of being asked to leave.

* tip
* Notify the manager or licensee when an incident occurs. Keep an accurate incident log, as it may be relied upon in a court case or insurance claim.

**Enforcement of the Act**

* **Monitoring performance through inspections**
* Local liquor inspectors conduct routine inspections of all licensed premises to make sure they comply with the Act and Regulation, and with their licence terms and conditions. Please be prepared to produce your SIR certificate card for inspection.
* In addition, local police departments regularly make unannounced visits to licensed establishments.
* The police look particularly for anything that may lead to a disturbance within the community or threaten public safety including noise, overcrowding, drunkenness and minors in possession of alcohol.
* The officer will record any violation on a Licensed Premises Check (LPC) form, leave a copy with the licensee and send a copy to the Liquor Control and Licensing Branch. The branch will follow up and may choose to take further enforcement action as a result of the LPC.

**Possible penalties** **The Liquor Control and Licensing Act and Regulation may be enforced through penalties imposed by the Liquor Control and Licensing Branch.**

The Act authorizes the LCLB to:

* impose conditions on a licence,
* suspend or cancel a licence where the licensee fails to comply with the requirements of the Act or Regulation, and
* impose monetary penalties.

Police agencies may enforce the Act through court prosecutions when police have evidence that the licensee or its employee has committed an offence under the Act.

**The Human Right Code**

* British Columbia’s Human Rights Code also plays a key role in how licensees and staff conduct themselves in the performance of their duties. The code’s intent is to protect against all forms of human discrimination (e.g. race, age, colour, ancestry, place of origin, religion, political belief, marital status, family status, physical or mental disability, sex or sexual orientation), thereby ensuring individual rights. You must respect these rights whenever you are making decisions to deny or permit access, to eject or to control patrons on your premises.
* For example, although, the Liquor Control and Licensing Act requires a licensee or employee to request an intoxicated person to leave, you must be careful not to eject a patron based on discriminatory grounds. If a group of people from a racial minority enter your establishment, it is legitimate to refuse service if any of the group appear unruly or intoxicated. The situation must be handled delicately, however, so that there is no misperception by these patrons that they are being discriminated against. There are examples where patrons have brought complaints to B.C.’s Human Rights Tribunal that they were ejected on discriminatory grounds.

Legal Liability

**Duty of care**

* Apart from the statutory obligations and penalties discussed above, a licensee and its management and staff owe a “duty of care” to both patrons and innocent third parties.
* In the context of alcohol sales and service, this means that both the licensee and servers must protect patrons and others from harm that can result from the activity of drinking, whether that harm occurs on or off the premises.
* This duty of care is imposed by the “law of negligence” and the British Columbia Occupiers Liability Act.
* Lack of knowledge of a patron's level of intoxication is not a defense. A licensee must conduct its business in a way that allows it to monitor its patrons' consumption and behaviour so that the licensee knows when to suspend service and/or make arrangements to get an at-risk patron home 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 where they can sober up

**Responsibility on the premises**

* The first duty of the licensee and staff is to provide a safe environment for patrons and staff members alike. This involves control of the establishment’s physical environment and ambience. There is an obligation to ensure that the physical layout and condition of the premises don’t lead to injury to those who enter. This duty is imposed by the Occupiers Liability Act and applies to any premises (licensed or not) where people are permitted to enter. The law requires a licensed establishment to take special precautions to keep the premises reasonably safe for people who have been consuming alcohol.
* The duty under the Occupiers Liability Act also includes a duty to not let people on the premises who appear likely to do harm to others. The duty to intervene applies to the potential for violence, as well as the potential for injury due to the dangerous or negligent conduct of a patron. Although ejection may at times be necessary and appropriate, staff members must do this with care to avoid injury and potential liability for injury of a patron.

**Responsibility off the premises**

* Apart from the duty of care owed to patrons while they are on the premises, a licensee and its staff owe a duty of care to patrons who are leaving the premises, as well as to the general public who may be affected by those patrons’ conduct. Even though a patron may have left the premises, the licensee’s responsibility may not end until that patron gets home or to another place and is able to sober up.

The duty of care includes taking all reasonable steps to prevent harm that could result from alcohol being consumed on your premises. Although reasonable steps will vary depending on the circumstances, a licensee and its staff should

* take a hands-on approach when it appears that intoxicated patrons may be intending to drive.
* take comments or concerns raised by other patrons seriously.
* follow up with intoxicated patrons who appear to be heading for a vehicle.
* not hesitate to call a taxi and watch that person get into the taxi if there is any doubt that an intoxicated person has a safe ride home.
* call the police if an intoxicated person insists on driving home.

Licensees and staff have a responsibility for both a patron’s safety and the safety of others whom the patron may affect. When patrons or the public suffer as a result of what they believe is negligence on the part of a licensed establishment, they may sue.

Allocation of Fault

* In recent years, the courts have decided that those serving alcohol may be held responsible for some of the damage done by intoxicated patrons to themselves or to the public. Some of the decisions have led to very expensive financial settlements or judgments.
* The percentage of fault attributed to a licensee varies widely depending on the circumstances.
* In the majority of the cases, blame apportioned to the licensee ranges from 5% to 25%.
* However, the courts are becoming increasingly willing to apportion a higher degree of fault to licensees who do not meet their duty of care to patrons and the public.
* In 2006, the British Columbia Court of Appeal upheld a lower court decision that assigned 50% of the liability to a bar when an intoxicated patron drove from the premises and injured several pedestrians.
* For liability purposes, it does not matter whether the licensee or staff actually knew of the patron’s state of intoxication. The licensee has an obligation to have systems in place to monitor alcohol consumption and behaviour.
* Even if only a small percentage of the total blame is assigned to the licensee, the licensee may still have to pay for all of the damages of someone injured by an intoxicated patron. This is because, under our law, if a plaintiff has suffered injuries caused by two or more people, and the plaintiff is not at all to blame for the injuries, then each of the people who caused the injuries is jointly responsible to pay all of the damages.
* Does an establishment owe a duty of care to a departing intoxicated patron?
* When does the duty to protect patrons and the public end?
* Does lack of knowledge of intoxication absolve an establishment from liability?
* How far does an establishment have to go to ensure an intoxicated patron has safe passage home?
* How do the courts allocate fault between drunk drivers and bars?
* Does an establishment have to take special care to protect intoxicated patrons from potential dangers on the premises?
* Can an establishment be held responsible for injuries that occur due to activities carried out on the premises by intoxicated patrons?
* When can an establishment be held responsible for violence committed by a patron on the premises?
* When is an establishment liable for the use of excessive force by staff?

responsible beverage service

* **In this section you will learn:**
* The importance of a house policy to support responsible beverage service (RBS)
* How to be an effective team member in implementing RBS
* How to ID minors to prevent underage drinking
* How to develop and support policies that prevent intoxication
* How to handle typical situations requiring intervention
* How to get intoxicated patrons home safely
* How to use an incident log
* At least 53% of the alcohol consumed in British Columbia is consumed in a way that puts the drinker's health or safety at risk.
* More than 30% of young people aged 15-19 in Canada reported heavy monthly alcohol use.
* 65% of underage youth who drink obtain alcohol from family and friends, according to the U.S.-based study.
* A written report in a bound logbook detailing incidents with intoxicated or trouble patrons is a valuable tool in the case of a legal battle or insurance claim.
* The goal of a RBS program like Serving It Right is to reduce alcohol-related problems. An effective approach involves the entire staff working together to create and enforce the establishment’s house policies, including techniques to prevent service to underage and intoxicated patrons. An effective RBS program includes intervention techniques to help you manage your duty of care to patrons, other customers and the public.

**House policy**

* A house policy provides licensees, managers and staff with the procedures and practical tactics appropriate for use in different alcohol-service situations. The success of your efforts to promote responsible service depends to a large extent on these written policies. Writing policies down illustrates their seriousness and encourages careful deliberation by all staff. Written policies also make everyone's role clear in administering them.
* Development of a house policy should start with an assessment of the specific risks associated with your establishment.
* A good house policy includes not just instructions from management but also the input of staff and guests.
* Important topics in a house policy include ways to prevent underage drinking, intoxication and overcrowding.
* Guidelines for writing a house policy, a list of suggested topics and a sample house policy are contained in the Resources section.
* Much of this section deals with the development and implementation of a house policy tailored to the needs and circumstances of your establishment.
* As you review it, keep in mind what you learned in Section 3 about your legal duties in serving alcohol.
* When creating a house policy, create the procedures that you will use to make sure that you satisfy those duties.
* By proper and consistent implementation of your house policy, you ensure responsible beverage service, and shield your establishment from unwanted lawsuits.

**Serving It Wrong**

* The case: LaFace v. McWilliams (2005, B.C. Supreme Court)
* The circumstances: A very intoxicated patron drove away from a pub and injured several people in a serious motor vehicle accident. A friend of the patron had warned the doorman that the patron intended to drive but nothing was done to stop him. At trial, the owner gave evidence that all of the employees were required to be certified by the Serving It Right program and that the establishment had a zero tolerance policy for violations of the Liquor Control and Licensing Act. The evidence revealed that there were numerous instances of violations and the Court concluded that although the employees were familiar with the Serving It Right manual, they did not enforce the program at all.

The decision: The licensee was held 50% liable for the injuries to the people injured by the intoxicated patron

* The lesson: Knowledge of the Liquor Control and Licensing Act and staff with Serving It Right certificates are not enough for a licensee and its employees to avoid liability. All staff should be familiar with the principles of responsible beverage service as well. What is most important is that there is a system in place 'a house policy' so that these principles are implemented. This is the only way a licensee will be able to fulfill its duty and prevent harm coming to the public as a result of over-service of alcohol. The LaFace case demonstrates the importance of having well-trained staff who implement a well thought out house policy.

**Implementing House Policy**

* Management will need to emphasize the seriousness of its commitment to responsible beverage service. Once written policies are established, management must communicate them to staff, ensure that staff are trained to implement them, and require staff sign a statement indicating that they have read and understood the policies. Management must encourage and support the staff in carrying out these policies, which should also be reviewed periodically to ensure that they are still effective in achieving their goals.

**Here are some tips for managers and licensees on effectively implementing house policy:**

**Tip 1** Engage employees and customers in developing your house policy.

**Tip 2** Introduce written policies to employees in a structured, positive environment. Organize a staff meeting to introduce the policies. Post notices about the meeting (stating date, time, place, etc.) on bulletin boards well in advance, or include a notification in pay envelopes

**Tip 3** If employees are made aware of the policies at an orientation meeting as opposed to through the grapevine, the new rules will be less confusing and easy to accept.

**Tip 4** Brief your management team to ensure that they are fully aware of all policies prior to introducing and explaining the policies to the general staff.

**Tip 5** Hold meetings during working hours and make attendance at them mandatory.

**Tip 6** Have copies of the Liquor Control and Licensing Act and Regulation and Guide for Licensees available for employees, and review them to underscore your own establishment’s policies on the service of alcohol

**Tip 7** Ensure that all staff understand the particular requirements for your class of licence.

**Tip 8** Set a date for implementing any new policies and stick to it

**Tip 9** Provide cross-training so staff can learn and understand the different roles in RBS.

**Tip 10** Make your customers aware of your policies by posting your policies where guests can read them.

**Tip 11** Make sure you support your employees when they apply your house policy.

**The importance of teamwork**

* Working as a team is essential to implementing house policy and RBS. Staff should support each other by listening, being informed, asking questions, watching and providing help when needed.
* Being alert to potential problems isn’t the sole territory of managers or wait staff. It can begin with a valet parking attendant or a greeter at the door, who is in a position to watch the behaviour of customers arriving at the establishment. Bus staff who are clearing tables are in a perfect position to monitor the behaviour at nearby occupied tables. Working cooperatively can help to avoid problems before they occur. Where one employee may have missed problematic behaviour, another may spot it.

**How to help your co-workers in RBS**

* Exchange information as you start or end a shift to help identify potential problems.
* Watch your co-workers' sections when they are on a break, and be prepared to report any unusual customer behaviour.
* Be on the lookout for co-workers’ non-verbal indicators that something is wrong.
* Tell each other if you notice a customer nearing intoxication or if someone has entered who is already intoxicated.

If a guest is changing sections (for example, was at the bar and is now sitting at a table), check with a co-worker as to how much has already been served. The guest may have been cut off and is now trying to get service in another section

* Serve as a backup and a witness in any situation where a co-worker needs to refuse service or ask a customer to leave.

Assist in handling an intoxicated customer

**Enforcing House Policy**

* **Managers and licensees’ role in enforcing house policy**

Support for your house policy is very important, so make sure staff are involved in the development of these policies, and provided with ongoing training on the procedures. Let staff know that everyone has to follow the policies to provide a safe and enjoyable atmosphere for patrons

* Get input and listen to staff suggestions on house policy to build and maintain teamwork.
* Use regular staff meetings as feedback for policies, and change them if they are not working.
* Let staff know that everyone has to follow the policies to provide a safe and enjoyable atmosphere for patrons.

**Successful enforcement of house policy**

* House policy should be reinforced at regularly scheduled staff meetings. Any changes or additions must be reflected in the written house policy manual and passed on to employees promptly and in an organized fashion.

Policies should be enforced on a daily basis, or they will soon be forgotten. Inconsistent monitoring of house policy will not go undetected by staff and will create a credibility problem for management

**Effective enforcement**

* Effective enforcement of policies increases your establishment’s potential for success and decreases your risk of legal action. The key to success is to take all reasonable precautions to care for your customers by maintaining control over activities in your premises. Through a higher level of staff efficiency and morale, you will ultimately increase your profitability.

**Publicize and market the RBS program**

Menus, table tent cards and prominently displayed signage can be tactfully worded to alert patrons that your establishment does not serve to the point of intoxication and does offer refreshment alternatives, such as non-alcoholic “breather rounds” or snacks

* Of course, one of the most important parts of your house policy is your establishment’s refusal to serve alcohol to anyone who is underage or appears intoxicated.

**Minors and Alcohol**

* **Preventing others from purchasing alcohol for minors**
* Some customers will try to purchase alcohol for minors. This is against the law. Observe and ID everyone at a table or in a retail store in which customers appear to be under the age of 19. If any alcohol is given to a minor by a person of age, immediately refuse service to the entire group and remove the alcohol from the table.

**Tips for retail liquor store employees**

* Keep an eye out for activity that indicates customers are purchasing for minors. Note any of the following:
* Minors hanging out near the store, usually in groups.
* Customers who are talking with minors outside the store. These customers may tell an employee directly that minors are asking them to purchase.
* The same product purchased or attempted to be purchased within a few minutes. For example, a minor without ID or with invalid ID is refused service, and the same products that the minor had attempted to buy are being purchased by another customer a few minutes later. Usually these products are the most inexpensive and are high in alcohol content.

If a minor is refused service and indicates an intention to try elsewhere, call local liquor stores to give a physical description and warn them that this minor may be attempting to purchase alcohol

**Customer Service**

* **Preventing intoxication through customer service**

**Actively promote and market food**

* Management and staff in establishments that offer food should encourage patrons to consume foods and snacks that slow the pace and amount of drinking and reduce the rate of alcohol absorption into the bloodstream. During service, ask customers whether they would like a light snack, and direct their attention to menu cards on the table. Food that is high in fat and/or protein is digested more slowly and helps slow the movement of alcohol into the blood system. Food that is high in sugar or carbohydrates is less effective in this regard, and food that is salty may defeat the purpose by making guests thirsty and increasing their drink consumption.

**Avoid over-service**

* Monitor and limit the number of standard drinks that patrons will be permitted to consume. Promote the service of one drink per customer at a time, provide water alongside an alcoholic beverage, and promote non-alcoholic alternatives

**Promote a designated driver program**

* Designated driver program tactics should have drivers register upon entry, and receive a button or discreet ID (which can be returned at the end of the night) so that servers can identify them. Patrons often feel embarrassed to be publicly labelled as a non-drinker. It is important that the server acknowledges the designated driver as a responsible person who is helping their friends and the public at large by volunteering to be the driver. It is a good strategy to offer free food to the driver so that the drinkers in the group are encouraged to order food at the same time. This approach will increase your food sales and decrease the likelihood that anyone will be drinking on an empty stomach.
* Some establishments offer discounted food items and unlimited, free non-alcoholic drinks to the designated driver. In addition, you could publicize your designated driver programs in the media. The message to the public is that you are a progressive corporate citizen because you care about your patrons. Having a designated driver program portrays your establishment as more desirable than those without a program.

**Creating a pleasant, professional environment**

A licensed establishment’s ambience and the physical environment in which alcohol is served have a direct link to the rate of consumption of alcohol and the subsequent behaviour of customers

Effective tactics to create a pleasant environment for guests and help prevent intoxication include monitoring the door, preventing overcrowding, establishing a dress code, providing reasonable lighting, encouraging a good male-to-female ratio of patrons, and providing activities like games, contests and other entertainment that may be permissible under the licence

**Door control**

* A visible control and entry point can be used effectively to send a message: “This establishment cares who its patrons are and what they do.” Management and staff need to discuss and practise ways to refuse entry to anyone who is a minor, intoxicated or potentially troublesome. Having a staff member at the door or otherwise monitoring arriving guests also prevents overcrowding.

An initial greeting and assessment is important. Talk to your guests and assess them as they enter your establishment. What factors (like their gender, weight, or age) might affect their impairment level? Try to determine ahead of time approximately how many drinks to serve to individual customers before discontinuing service

* While building a rapport with your customers you may also be able to determine other factors such as:
* Are your guests driving?
* Were they drinking prior to arriving in your establishment?
* Are they celebrating an event?
* What type of mood are they in?
* Do they have an alternative driving plan?

Always be polite and friendly yet firm with guests. If a guest is showing signs of intoxication, you should refuse entry to your establishment. If it is not possible to clearly determine the level of impairment of your patrons upon entry to the establishment, staff should be alerted to watch for and act immediately on the earliest sign of trouble. Consider having staff and management maintain a small logbook on problem customers

**Staff image**

* Friendly, courteous, efficient, and knowledgeable staff members are also important to projecting a well-managed and responsible environment. A visible and engaged shift supervisor or manager on the floor shows customers that the establishment is well-controlled and well-run.
* An effective written house policy must also include policies regarding off-duty staff who may wish to drink after a shift. This promotes staff safety and projects a professional image to patrons.

**Control Through Intervention**

Although best practice dictates that patrons should never reach a state of intoxication, there are occasions when it does happen. It is important to handle an intoxicated customer in a safe and professional manner. The licensed establishment is legally responsible to ensure that service is discontinued and the patron arrives home or to where he or she can sober up. Clear written house policies and planned strategies will help in managing control through intervention

When you are refusing service, explain to the guest privately and discreetly that he or she is intoxicated and is not permitted to stay on the premises. Use tact and avoid confrontation; do not “corner” your patrons. Avoid threatening statements and judgmental comments such as “You’re drunk,” or “You’re cut off.” Be courteous and firm, explaining that, under the law, intoxicated people may not remain on licensed premises. Use closed statements that do not allow negotiation, for example, “I’m sorry, but I’ll lose my job if I serve you.” Do not bargain or back down. Do not use emotionally charged words

Provide reasons for your actions, which include the following:

* You are reducing the risk of the patron being injured or causing injury to others.
* You are reducing your risk of liability.

You are preventing possible impaired driving, violence, criminal acts and vandalism

* Listen and be empathetic by acknowledging emotions such as anger or disappointment. Show concern for the customer by suggesting alternative transportation and reminding the customer that you are trying to protect him or her.

**Discontinuing Service**

* Identify a back-up co-worker to support you.
* Speak to the customer privately and directly.

Be firm. Do not argue, bargain or back down

* Use closed statements that do not allow negotiation.
* Show concern for the safety of the guest.
* Ask others to help you, including friends of the customer.
* In a retail environment, move the bottle of liquor away from the customer and place it under the counter.
* In a licensed premise, remove all bottles or glasses of liquor from the customer at the table or counter.
* If the customer becomes disruptive or does not listen, call a manager or the police if necessary.

**Providing Alternate Transportation**

* The next step after discontinuing service is to ensure that intoxicated guests arrive home safely without injuring themselves or others. Remember that the patrons’ intoxication will last several hours, and therefore your duty of care lasts until the patron gets home or to another place where he or she can sober up.

**Start with the guest's companions**

* If an intoxicated patron has come with other guests, enlist the support of one of the guests who has not been drinking to drive home. If that’s not an option, offer the guest incentives to leave the group’s car behind, such as free parking or a voucher for coffee in the morning. Ask the patron if there is a friend or relative who can be called to get them home safely.

**Transit/taxi option**

* Taxi service is available virtually everywhere in the province. If you are unsure about a location, a national service called TaxiMiles will connect you directly with taxi companies in your area. You can also purchase prepaid taxi vouchers from them which are accepted by all the leading cab companies in Canada. The owner of a licensed establishment may want to consider having a direct line and a house account and/or vouchers with a taxi company.
Late-night transit service is available in selected areas of the province until the early hours of the morning. Keeping a few transit tickets on the premises to give to intoxicated guests could be handy.

**Special occasions and large groups**

* There are additional options for getting patrons home safely over the Christmas holiday season and for special events attracting large numbers of people. Operation Red Nose drives patrons and their car home at Christmas time in the Lower Mainland and other regions for a donation.

ICBC offers a Get Home Safe Community Kit through regional Loss Prevention offices that includes posters, designated driver stickers and other materials to encourage safe driving practices for events attracting at least 250 guests.

The Get Home Safe Program offered by BC Liquor stores provides free transit tickets for patrons of charitable fundraising events that are accessible by transit.

**If intervention and planning fails**

* If despite your best efforts an intoxicated patron somehow manages to get in a vehicle and drive away, write down the description of the car, the licence number and the general direction they are travelling, then call police immediately with this information.

**Tough love**

* Ralston understands that even the best policies won’t prevent all incidents. “If you’re in a business that includes selling alcohol, these issues will arise. Your best move is to know in advance how you’re going to handle it.
* We do our best to provide safe transportation home. We’ll offer to call a cab or a friend for a ride. Our valets will attempt to persuade the guest to leave their car overnight. We often offer them a voucher for free parking and for a coffee the next morning when they pick up their car.
* We also tell them that if they insist on driving, we’ll follow them out, record their licence plate number and call police.”
* Limiting alcohol service is a sensitive issue because, as Ralston says, “We’re dealing with adults, and adults don’t like other people telling them 'no more drinks.' They think they can make their own decisions.” So, what are the keys to successful service?
* Ralston says managers must “educate, communicate, and be diligent about follow-up. We err on the side of caution and make sure everyone understands over-serving isn’t beneficial to anybody.

**The incident log**

* Recording events in a logbook while they are still fresh in your mind is important. Details such as time, place, date, nature of the incident, description of the parties involved, action taken, witnesses and any other pertinent information should be included. Click here to see a sample incident report. This ongoing record of problem patrons will help to identify persistent problems and encourage management to review policies from time to time.

**Management or licensee’s role**

As soon as an incident has been taken care of, it is important for the manager or licensee to check that the key details are written in an incident log and that all sales records associated with the incident are attached. Management should also notify its insurer if the incident may lead to legal action against the establishment

Managers should use the entries as a learning tool and debrief staff after all incidents. This gives managers an opportunity to improve procedures and house policies in case there is a next time, and to praise or correct staff performance

Keep these records for at least seven years. In most instances, a person’s right to sue for an incident in an establishment ends after two years. However, there are various circumstances in which a legal proceeding may be commenced against an establishment several years after the incident

* logbooks should be bound books, not loose-leaf binders, because in court a bound book will have more credibility than a binder that could be easily altered. An accurate and complete log together with sales slips may form the backbone of your defence in civil litigation and in enforcement hearings before the liquor authority.

**Other safety issues**

**Forcible ejection**

* At times an intoxicated guest will refuse to leave the premises. The guest may be angry or violent, and therefore the establishment must protect staff and other guests from potential harm. If force is to be used to eject a guest from the premises, care must be taken to ensure that only reasonable force is used. Any force that results in injury could leave the establishment open to legal action. Every licensed establishment should have a written policy as to what to do in the case of a patron who refuses to leave, and all such incidents should be entered into the incident report logbook immediately after the incident has been resolved.

Steps for ejection should include:

* Letting the guest know that you have the authority to ask the guest to leave.
* Asking the guest to leave in a clear, concise manner.
* Letting the guest take a few minutes; don’t rush the patron.
* If the guest still refuses to leave, it may be wise to call police.
* If the patron refuses to leave, or if the patron poses a danger to another patron or a staff member, then the licensee or staff may use such reasonable force as is necessary to remove them from the premises

If you must use force to remove a patron, follow these guidelines:

* Do not escalate the situation by antagonizing the patron.
* Be calm and use a non-threatening tone of voice.
* Do not hit or attempt to injure; hold the patron and walk them out.
* Only do what is necessary to protect yourself and others if the patron is attacking you or other guests.

**Robbery or weapons**

* Robbery or the presence of a guest with a weapon are extremely dangerous situations. Cooperate with any demand or request and call 911 as soon as you can safely do so. Do not resist or attempt to restrain or take the weapon away from an individual.

**Key Concepts Review**

The following is the key information that you should understand before writing the exam. Please review, and if you find you cannot explain the concept in your own words, re-read the applicable section

|  |  |  |
| --- | --- | --- |
| **OBJECTIVES** | **QUICK FACTS** | **GOT IT?** |
| **Section 1 – Getting started with Serving It Right** |
| What is Serving It Right? | Developed to reduce service-related alcohol problems. | checked |
| Created through partnership of provincial government and hospitality industry. |  |
| Who needs a SIR certificate? | Food-primary licensees and managers; liquor-primary licensees, managers, servers and bartenders; private liquor store licensees, managers and sales staff; some special occasion licence holders. |  |
| The modern view of alcohol | Concerns about alcohol over-consumption and public safety. |  |
| Licensees and staff found increasingly responsible for alcohol-related injuries in courts. |  |
| The impact of a responsible beverage service program | Eliminates sale and service of alcohol to minors. |  |
| Reduces over-consumption in licensed premises. |  |
| **Section 2– Alcohol effects and intoxication** |
| How to recognize intoxication and the over-consumption of alcohol | Intoxication is an observed state, with early signs including impaired judgement, loss of self-control and inhibitions. |  |
| Each person will be affected by alcohol differently — many factors influence intoxication including age, gender and body type. |  |
| Possible signs of intoxication include stumbling, poorhand- eye coordination, changes in speech and nausea. |  |
| Make an initial assessment and watch for a change in behaviour or abnormal behaviour. |  |
| The effects of alcohol in combination with drugs | Alcohol in combination with drugs intensifies effects. |  |
| Watch for exaggerated symptoms and have emergency numbers handy. |  |
| What is blood alcohol concentration and the standard drink | A person is legally impaired if he or she has a blood alcohol concentration of more than .08%. |  |
| A person is unfit to drive if he or she has a blood alcohol concentration of.05% or more OR his or her ability to drive is impaired by alcohol and/or drugs. |  |
| A standard drink is 0.6 ounces of 100% alcohol; for example, a 5-ounce glass of 12% alcohol wine. |  |
| **Section 3 – Alcohol and the law** |
| Your obligations under the law related to the sale and service of alcohol | Licensees and staff must meet all requirements of the Liquor Control and Licensing Act and Regulation. |  |  |
| Licensees and their staff owe a duty of care to patrons and innocent third parties. Duty of care lasts until the patron arrives home or somewhere he or she can sober up. |  |  |
| Licensees and their staff have a responsibility to patrons on the premises, patrons leaving the establishment, and the general public who may be affected by patrons’ behaviour. |  |  |
| The consequences of failure to meet those obligations | The LCLB may impose conditions, suspend or cancel a licence, and impose monetary penalties. |  |  |
| The courts have allocated up to 50% of the fault for damage done by intoxicated patrons to those serving the alcohol — the licensee, manager and/or server. |  |  |
| Even if only a small percentage of the total blame is assigned to the licensee, the licensee may still have to pay for all of the damages of someone injured by an intoxicated person. |  |  |
| How to minimize your legal risk | Control the environment in the establishment. |  |  |
| Serve no one to the point of intoxication; refuse entry to and remove intoxicated people. |  |  |
| Ensure an intoxicated patron has a safe ride home. |  |  |
| Do not serve or sell alcohol to minors or intoxicated patrons. |  |  |
| Regularly review the Act, Regulation, and terms and conditions of licences. |  |  |
| Call the police when necessary. |  |  |
| **Section 4 – Implementing Responsible Beverage Service** |  |
| The importance of a house policy to support responsible beverage service | Provides licensees, managers and staff with the appropriate procedures and tactics to use in different alcohol-service situations. |  |  |
| Shields your establishment from unwanted lawsuits. |  |  |
| Promoting house policy creates customer awareness and shows that you and your staff are responsible and professional. |  |  |
| How to be an effective team member in implementing RBS | Everyone in the staff has a role in RBS. |  |  |
| Share information to help identify problematic behaviour. |  |  |
| Serve as a backup or witness. |  |  |
| Assist in handling an intoxicated customer. |  |  |
| How to ID minors to prevent underage drinkingHow to ID minors to prevent underage drinking cont. | Ask for two pieces of ID to verify age. |  |  |
| Check the ID photo, feel the document for peeling edges or extra thickness, and look at the details. |  |  |
| Validate ID by asking for a sample signature or seeing if they know their address or zodiac sign. |  |  |
| Keep an eye out for activities that indicate customers are purchasing alcohol for minors. |  |  |
| How to develop and support policies that prevent intoxication | Assess the specific risks associated with your establishment. |  |  |
| Write policies down to make everyone’s role clear. |  |  |
| Get input from staff and guests. |  |  |
| Provide proper training for staff and regular review and reinforcement. |  |  |
| Create a pleasant, professional environment. |  |  |
| How to handle typical situations requiring intervention | Identify a backup team member. |  |  |
| When refusing service, explain to the guest privately and discreetly. |  |  |
| Be courteous and firm; provide reasons for your actions. |  |  |
| How to get intoxicated patrons home safely | Identify a sober friend or companion of the guest that is there or can be called to pick them up. |  |  |
| Offer the guest incentives to leave their keys or help them to use a community service to get home. |  |  |
| If the patron insists on driving, call the police with details. |  |  |
| How to use an incident log | Record details of events in a logbook and keep these records, along with sales slips, for at least seven years. |  |  |
| Use entries as a learning tool and to debrief staff. |  |  |