Serving it right questions- Section 3- Go to: <http://www.servingitright.com/alcohol_and_law_preview_1.html>

Preview-Alcohol and the Law

1. What are the three things you will learn in this section?

Teasers

1. According to ICBC, how many Canadians admit to having driven after drinking?
2. Each year, how many trips are made by people who thought they'd had too much to drink?
3. What % of fatal vehicle crashes involve alcohol?
4. Up to how much blame has been assigned to establishments that allowed intoxicated patrons to drink and drive, that then caused injury or death?
5. If there are hazardous conditions that cause an intoxicated person to injure themselves up to how much % of the blame has been given to the establishment?
6. Do pretest. Write down questions and answers.

The law and alcohol

1. What is it the duty of licensees and servers to be aware of?

The liquor control and licensing act

1. What act is the most important legislation governing the sale and service of alcohol in licensed establishments?
2. What does the act deal with? (5 things)
3. What is the act supported by?

Your responsibilities under the act

1. What must all licensees do with regard to the act? What is their responsibility when it is updated?
2. Why should licensees and managers refer to the act?

The sale and service of liquor

1. Summarize the rules and tips with regards to Time.
2. Summarize the rules and tips with regards to Dispensing liquor.
3. Summarize the rules and tips with regards to consumption of liquor.

Public safety

1. Summarize the rules and tips with regards to capacity.
2. Summarize the rules and tips with regards to minors.

Intoxicated people

1. Summarize the rules and tips with regards to intoxicated people.

Enforcement of the act-Monitoring performance through inspections

1. Summarize the 4 ways that they monitor performance through inspections by clicking on each key.

Possible penalties

1. What does the act authorize the Liquor Control and licensing branch to do in terms of penalties? (3 things)
2. Who can enforce the act and when?

Human Right code

1. How does BC’s Human Rights Code play a key role in how licensees and staff conduct themselves in the performance of their duties?
2. Give an example of where a situation would need to be handled delicately because of the code.

Legal Liability-Duty of care

1. What does a licensee and its management and staff owe to patrons and innocent third parties?
2. What is a “duty of care”?
3. What laws and acts is the “duty of care” imposed by?
4. Does lack of knowledge about a patron’s intoxication level give someone a defense against being held responsible?
5. How are licensees expected to conduct their business?
6. What is the most common issue that arises over a patron over- consuming alcohol at a licensed establishment?
7. What depends on the particular facts of a situation for a licensee?

Your legal duties

1. Summarize the 7 legal duties you have as a server or licensee.

Responsibility on the premises

1. What is the first duty of the licensee and staff? (see photo 1)
2. How is this duty imposed? (see photo 1)
3. What does the law require? (see photo 1)
4. What do the steps taken by the licensee and staff depend on? (see photo 2)
5. How can alcohol affect whether an activity would be allowed? (see photo 2)
6. What in an additional duty under the Occupiers liability act? When does this duty apply? (see photo 3)
7. What do you have to be careful about when ejecting someone from the premises? (see photo 3)

Responsibility off the premises

1. Are a licensee and staff responsible for patrons when they leave their establishment?
2. What are 5 reasonable steps a licensee and staff should do to prevent harm that could result from consuming alcohol on your premises?
3. What can happen if negligence is suspected on the part of a licensed establishment?

Allocation of fault

1. What have court been deciding in recent years?
2. Why would this be something a server or licensee would want to be aware of?
3. In the majority of cases what % of blame is given to licensees?
4. What are courts increasingly willing to do?
5. What happened in 2006 at the BC Court of appeal?
6. Does it matter whether the licensee or staff know of a patrons state of intoxication in terms of liability? Why or why not?
7. Why might a licensee be responsible for paying for more than their share of the fault in an accident? Summarize the example given.

Review

1. Do the Duty of care test cases. Write down the answers and explanations.
2. What are some questions you should ask at your work with regard to duty of care?
3. Do the quick review test. Write down questions and answers.

Resources-Legal case studies

1. Answer the questions regarding legal case studies. (summarize those given.)