

TO SERVE OR NOT TO SERVE:

BAR POLICIES FOR CUSTOMERS AND STAFF



By
Larry Grand
Project Consultant
Education and Health Promotion
Central East Region
August 2004

Tel: 613-628-9264
Fax: 613-628-9263
Larry_Grand@camh.net

INTRODUCTION TO BAR POLICIES

It is common knowledge that alcohol consumption in bars is all too often associated with intoxication, DWI, aggression and fighting. Any and all of these can and often do lead to injury and death. The phenomenon of problematic drinking in bars is not unique to Canada. “Across a number of countries, bars have been identified as drinking locations that are especially high risk for alcohol intoxication and problem behaviours, most notably driving under the influence and aggression (Kathryn Graham, 2000).” One way for bar owners to address these potential problems is “to establish and enforce written policies that create an environment promoting responsible service of alcohol (Tooney et al 1999).” Further to this, Wolfson (1996) “found that establishment policies were significantly associated with fewer alcohol sales to purchasers who appeared to be under 21.”

Recently, the Alcohol and Gaming Commission of Ontario (AGCO) once again declared its support for bars to develop House Policies. Regulation # 719 which came into effect June 2003, states, “Licensees are encouraged to develop house policies based on best practices that are in compliance with the Liquor Licence Act and its Regulations.”

In Ontario, the Liquor Licence Act regulates the sale and service of alcohol. In addition, the act gives businesses with commercial liquor licences the right to bar entry to the establishment and even to eject troublesome, rowdy, or inebriated patrons. Bars that do not fulfill their responsibility under the act or related acts such as the Occupiers Liability Act run the risk of losing their licence or even being sued if a patron is harmed while in the bar or harms himself or others in the community if he leaves the bar intoxicated.

At the same time, a bar business is dependent on selling alcohol and to a lesser extent selling food and entertainment. Somehow a bar has no choice but to walk a fine line between selling alcohol, with no questions asked, and taking reasonable and consistent steps to keep their patrons and others somewhat sober, safe and out of harm's way and out of courtroom s where liability suits can bury a business.

To deal with potential legal and civil problems, some bars are beginning to take actions in their defence to reduce their risk. The most obvious action is to have all staff receive Smart Serve training. More recently, a few bars have availed themselves of the CAMH Safer Bars training. And still others, in part due to the training and anxiety about being sued are taking additional action. One such action is the development of bar house policies.

The Renfrew County FOCUS Community Project held a workshop series on the topic of bar policies and liability to area bars. Following the workshops, several bars, with limited

support from the local CAMH project consultant, developed House Policies for patrons, for staff, and one for SOP permit holders (this was a service club with its own facility licences for SOPs).

In many cases, a more efficient way to handle this consultation would be to structure the workshop for bars such that they can work on their policies within the workshop setting. Collaborating Health Unit staff can assist with follow up consultation to individual bars.

A House Policy for customers is a public document posted in highly visible locations in a bar. These policies are a set of house rules and regulations concerning customers' entry, behavior, and alcohol and food consumption while on the premises. The House Policy for customers also informs patrons what to expect if the rules are broken. The tone of the policy is always firm but fair. The policies developed in Renfrew County have used the template for House Policies developed by the AGCO. This template is the "best practice" identified in Regulation #719, June 2003. Please see the samples below.

House Policies for staff are directly related to the house policies for customers. They clearly set out management's expectations of their staff in regard to the sale of alcohol and instructions for denying entry and ejecting undesirables. As no template for these types of policies exist, they were developed by the Centre for Addiction and Mental Health (CAMH) Project Consultant in Renfrew County in discussion with the bar owner. Please see the attached samples.

House Policies for SOP holders establish the bar business's expectations of persons who rent space for liquor licensed events. There is one sample below.

Recently, the author of this resource received a House Policy for doormen from a bar in Sault Ste. Marie. Like a house policy for staff, it sets out how doormen at one particular location are expected to behave when on the job.

At the beginning of the author's experience, the intention was to help bars build as many House Policies for customers as possible. Bars, who expressed interest in having a policy, received copies of existing bar House Policies to examine. With a policy in hand, the bar owner or manager checked off the components the owner liked, revised components that he/she wanted left in but needed changes to fit that particular establishment's needs, or wrote in new components. After the bar owner had made the changes to the sample policy, the CAMH consultant met the manager or owner to go over the draft to make sure it was clear, explicit and acceptable to all concerned. The draft was then produced in an attractive laminated version by the FOCUS coalition and given to the bar for posting in prominent locations. Bars who received House Policies for customers also received a laminated Blood Alcohol Concentration (BAC) chart.

The House Policy for staff evolved from the policy for customers. The first House Policy for staff came about when an owner asked for one. Such a policy had more detail, would be discussed each year with individual staff and would be signed each year by each staff member. The first house policy for customers was built from the ground up in

collaboration with the bar owner. With this first house policy for staff as an example, other bars were able to create their own, as they did for their patron policies.

The House Policy for SOP holders was a special case in that the policy was developed for a service club's facility that rented space for SOP events.

House Policies for bar businesses are not the panacea for the excessive drinking and intoxication that is normal within bar culture, nor the panacea for the myriad of problems so frequently associated with bar-related alcohol use. But used in conjunction with bar management's attention to a risk assessment and risk reduction measures, proper staff training and supervision, Liquor Licence Act (LLA) inspections and enforcement, and community pressure from groups like MADD, they can help. And they can make a contribution to making bar patrons and people in the community, safer.