

**TO SERVE OR NOT TO SERVE:
BAR POLICIES FOR CUSTOMERS AND STAFF**

Prepared by: Larry Grand
Project Consultant
Central East Region
Centre for Addiction and Mental Health
Tel: 613-628-9264
Fax: 613-628-9263
Larry_grand@camh.net

September 2004

INTRODUCTION TO BAR POLICIES

Bars and licenced restaurants are places where people gather for friendship and social contact. Unfortunately, they are also places where drunkenness often occurs and undesirable behavior such as fighting, sexual harassment, vandalism, theft, and of course driving while impaired follow. If these behaviours lead to a customer or someone in the community being injured or worse, dying, the proverbial “axe will fall”:

- Licences could be suspended or revoked (see each issue of Licence Line);
- Fines against businesses and individuals could be levied;
- Criminal charges could be laid;
- And injured parties, relying on liability sections of the Liquor Licence Act (LLA) and the Ontario Occupiers Liability Act and or as victims of the use of excessive force by bar staff, could sue the bar and individual employees.

Despite these very real risks, a bar business is dependent on selling alcohol and to a lesser extent selling food and entertainment. Somehow a bar has no option but to choose a position somewhere between selling alcohol, no questions asked, and taking reasonable and consistent steps to keep their patrons sober, safe and out of harms way. And obviously, bar owners and staff want to avoid courtrooms where liability suits can bury a business.

To deal with potential legal and civil problems and to make a positive contribution to the public’s safety, some bars are beginning to take action. The most obvious is to have all staff receive Smart Serve training. More recently, some bars have availed themselves of the Centre for Addiction and Mental Health Safer Bars training that is provided by OTEC, the Ontario Tourism Education Corporation. And other bars, 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. These are a bar’s written rules and regulations for customers and staff concerning the safe and legal service of alcohol.

Recently, the Alcohol and Gambling Commission of Ontario (AGCO) once again declared it’s 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 it’s Regulations.” Best practices refer to the AGCO’s Responsible Service publication “House Policies”. It is available from the AGCO.

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 in 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.

Not many bars in Ontario have house policies for customers but for those that do the AGCO publication “House Policies” (mentioned above) provides a useful guide. Below is a sample house policy for customers that is based on the policies that the author has helped develop. You will notice that number 9 of the sample policy is the bar’s own special policy to politely and respectfully promote an alcohol free pregnancy. Other specific house policies that are not covered in the AGCO policy template are acceptable. For example, there could be a dress code policy if the wearing of gang colours or specific clothing identifiers like a bandana had previously resulted in fights. However, it is important to state that discriminating or denying entry to customers on the basis of age, sex, sexual orientation and any other characteristic covered by human rights legislation would be illegal.

Straight Facts House Alcohol Policy

At Straight Facts, our business is selling food and beverage. We are dedicated to our customers' pleasure and satisfaction. When it comes to serving alcohol however, our staff will not serve alcohol to patrons to the point of intoxication or who are already intoxicated. Nor will we serve patrons who are troublesome, dangerous or under the legal drinking age.

Our mission will be achieved by:

1. Monitoring the Door

The manager on duty has the authority to check ID, deny access to rowdy or intoxicated persons and prevent overcrowding.

2. Food

We offer a good selection of foods and snacks at all times.

3. Alternative Beverages

We offer competitively priced non-alcohol and low alcohol beverages.

4. Staff

All our staff have been trained (and retrained) in the legal and safe service of alcohol and how to prevent violence and injury. They recognize signs of intoxication and know how to intervene to keep customers safe. If you require assistance please ask.

Staff are prohibited from drinking alcohol on the job.

5. Transportation

Staff will gladly assist customers who need a safe ride home. Please ask staff for assistance.

6. Underage Customers

Under legal drinking age customers are welcome. However, they will not be allowed to consume alcohol. (See number 1)

7. Customers' Alcohol Use

Staff will endeavor to assist customers to drink alcohol safely.
Staff will endeavor not to serve customers to the point of intoxication.
They will not serve already intoxicated customers.
Customers who are intoxicated or are becoming intoxicated will be denied alcohol service.

8. Managing the Intoxicated

In the event that a customer becomes intoxicated or is acting dangerously, staff will carefully and politely deal with that person.

9. Expectant Mothers

We are pleased to offer expectant mothers free soft drinks.

10. Marketing this policy

We are pleased to share this policy with our customers. If you have any questions or concerns please ask to speak to the manager.

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, safe transportation and instructions for denying entry and ejecting undesirables. There is no AGCO staff policy template. The sample house policy for staff below is based on actual policies for staff the author has worked on with individual bar owners and managers.

A Fine Balance bar and restaurant

House Alcohol Policy for Staff

The following is the house alcohol policy that staff are expected to observe at all times during business hours. The policy is a set of rules governing the service of alcohol in the lounge. It also addresses who can enter and stay in the lounge. Familiarize yourself with this policy and do your best to implement it.

1. Do not serve patrons to the point of intoxication. (Monitor your service and observe for signs of intoxication).
2. Do not serve a patron who is already intoxicated or is apparently becoming intoxicated. (Again, monitor your service, speak with the patron and watch for and observe signs of intoxication). Use tact, understanding and patience when denying alcohol service to customers. If necessary, ask the manager on duty for back up and support.
3. Do not serve under-age drinkers. Check the ID of any one who appears to be under 19 years old. In Ontario proof of age identification includes:
 - AGCO BYID card
 - Ontario driver's license
 - Canadian Armed Forces ID card
 - Canadian Passport
 - Canadian citizenship card
 - LLBO ID card (no longer issued but still valid)

If you are concerned that the customer does not appear to be of legal drinking age consider asking for two pieces of photo ID. Examine the ID in proper lighting.

Do not assume that the door staff have checked ID. If you are serving the customer for the first time, check the customer's ID before you begin alcohol service.

All patrons between 19 and 25 years of age must have photo ID on them. Vouching for a patron's age by another patron or by staff is never accepted.

Age of majority patrons are prohibited from purchasing, giving or sharing alcoholic drinks with underage patrons. Anyone warned and asked to cease providing alcohol to a minor may, at the manager's discretion, be asked to leave the lounge or special occasion event if the problem persists.

After 9:30pm, entrance to the lounge area is restricted to persons 19 years of age and older.

4. Do not serve alcohol beverages outside business hours. No one can be sold or served alcohol after 2:00am.

All drinking in the bar stops at 2:45am. All unfinished drinks are removed at that time.

5. Deny patrons' entry to the bar, who are:
 - under-age after 9:30pm;
 - intoxicated (assess for prior drinking and signs of intoxication);
 - or troublesome (e.g. barred patrons, known trouble-makers or those bothering or harassing other patrons or staff etc.)
6. Deny entry to patrons when the bar has reached its legally allowable occupancy load. The manager on duty will maintain the count and inform door staff when to deny entry to more customers.
7. Remove patrons from the premises who are:
 - unlawfully on the premise
 - in the bar for an unlawful purpose such as causing fights or selling or using drugs ;
 - troublesome (i.e. riotous, quarrelsome, violent or disorderly);
 - intoxicated;
 - underage after 9:30pm

Although it is legal to use physical force to eject a patron, such force must not be excessive. Force that exceeds what is minimally necessary to quell a disturbance or remove a patron is strictly prohibited. In fact, force is a last resort. Every reasonable effort must be first made to use polite words when intervening or removing a patron. Always ask the manager and co-workers to assist you remove patrons peacefully. If necessary, call the police. (See number 8 for further action.)

8. Prevent drinking and driving. Assist intoxicated patrons find a safe way home. Call a cab or arrange alternate transportation (e.g. with a sober patron). Do not assume that if you call a cab or arrange alternate transportation, the patron will use it. It is often necessary, to accompany the patron to the cab or alternate transportation to verify its use. It is best if there is someone to receive and care for the intoxicated patron. If this cannot be arranged, consider calling the police or keeping the patron at the tavern until they sober up.

9. If a staff person decides to take action against a patron (as per numbers 1, 2, and 7), speak with the manager on duty first and with the manager's support, take the agreed upon action.
10. Staff can request that a patron, who is continuously difficult, as per number 7 above, be barred for an extended period. The request is made to the owner/manager who will make the final determination about barring a patron.

For your information, the first time a patron is barred lasts 30 days. Subsequent offences of a serious nature, as per number 7 above, result in the patron being barred for an additional 60 days.

11. In the case of an incident involving problems like refusing service or ejecting a patron etc., the details of the incident are to be recorded by an event worker in a logbook. Minimally, the report should include the date and time of the incident; names of patrons involved; witnesses; what staff did.
12. Do not allow patrons behind the bar.
13. Staff are not allowed to consume alcohol in this establishment during their shift. If you drink in the bar after your shift, the House Alcohol Policy for Customers applies to you. Also, see number 4 above.
14. Promote and market the food sold in this establishment.
15. Promote low alcohol beverages.
16. Promote non-alcohol drinks especially to those patrons who are possibly on the way to becoming intoxicated. Offer free non-alcohol drinks to expectant mothers and designated drivers.
17. Familiarize yourself with the house alcohol policy for patrons that is posted at the entrance to the lounge. Refer to it when speaking with under-age, intoxicated or troublesome patrons.
18. All lounge staff are required to carry their Smart Serve registration card when on duty.
19. All staff are encouraged to take "Safer Bars" training.

I have read the policy, discussed it with the manager/owner and agree to abide by the provisions contained in it.

staff person

Manager/owner

(Date)

House Policies for bar businesses are not the one and only solution to curb excessive drinking, intoxication and related problems that all too often occur in bars. But used in conjunction with proper staff training and supervision, they can help to make a safer environment for customers and staff and for residents of the community as well.

Larry Grand
Project Consultant
Central East Region
Centre for Addiction and Mental Health
Tel: 613-628-9264
Fax: 613-628-9263
Larry_Grand@camh.net