

## A STANDARD DRINK



A Standard Drink is a benchmark that can help you estimate the amount of alcohol each customer is consuming.



### BEER

12 ounces (341 ml) of beer (including cider) with 5% alcohol.



### WINE

5 ounces (142 ml) of wine with 12% alcohol.



### SPIRITS

1.5 ounces (43 ml) of spirits with 40% alcohol.

Each of these drinks contains exactly the same amount of alcohol (0.6 ounces or 17 mL of pure alcohol), and will have the same effect on the body.

## HOW TO CALCULATE A STANDARD DRINK



$$60 \div \text{ALCOHOL PERCENTAGE} = \text{AMOUNT (IN OUNCES)}$$



**EXAMPLE:** A drink containing 40% alcohol would require a serving size of 1.5 ounces to be considered a Standard Drink.  
The calculation is:  $60 \div 40 = 1.5$

# SIGNS OF INTOXICATION

Intoxication is a state in which a person's normal capacity to think, act and move is impaired by alcohol, cannabis, and/or other drugs.

## PHYSICAL



Physical signs of intoxication are based on changes in an individual's appearance, movements, and vital signs.

### Change in vital signs and physical appearance:

- ... Breathing is noticeably slower/shallower
- ... Excessive sweating; may smell of alcohol and/or cannabis
- ... Face is flushed/red face
- ... Eyes are red/glassy/expressionless
- ... Pupils are dilated

### Change in energy:

- ... Looking tired; sleepy; passing out

### Loss of hand-eye coordination:

- ... Unable to pick up change
- ... Spilling or knocking over drinks
- ... Fumbling with phone

### Loss of motor control and balance:

- ... Unable to sit straight in a chair
- ... Swaying; stumbling; bumping into things
- ... Holding onto chairs or tables for support
- ... Falling down; holding out arms for balance
- ... Difficulty walking in a straight line or moving around objects

## MENTAL/COGNITIVE



Mental/cognitive signs of intoxication are based on an individual's loss of self-control and inhibitions, loss of memory, and a decreasing ability to make good decisions.

### Change in speech:

- ... Speaking louder than necessary
- ... Slurring words
- ... Using foul language
- ... Talking too slow, too fast, or both

### Loss of memory:

- ... Leaving a drink on a table or bar and then ordering another
- ... Forgetting where they are, or where they came from
- ... Forgetting names
- ... Repeating stories, jokes, or conversations

### Decrease in alertness:

- ... Slower response to questions
- ... Losing train of thought; lacking concentration
- ... Unable to do simple calculations (for example, paying the bill)

### Loss of self-control and inhibitions:

- ... Drinking faster
- ... Becoming animated and boisterous
- ... Talking to strangers
- ... Complaining about the price of drinks, or how they're made
- ... Making irrational statements

### Making poor decisions:

- ... Being careless with money
- ... Ordering two drinks at a time, or ordering doubles
- ... Wanting to drive while intoxicated

## SOCIAL



Social signs of intoxication are based on how an individual interacts with you and others.

### Change in social interactions:

- ... Being overly friendly and starting conversations with strangers
- ... Buying a round of drinks for strangers
- ... Being argumentative
- ... Becoming aggressive
- ... Making sexual advances
- ... Annoying other guests



## THE TRAFFIC LIGHT SYSTEM (**GREEN, YELLOW, RED**)

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Counting drinks is not always a realistic way to judge a customer's level of intoxication, especially if they have been drinking or using drugs before they enter your workplace. For this reason, a traffic light system of "red, yellow and green" can be helpful in determining whether or not it is safe to serve your customers.



### **RED** means stop

Assess your customer and choose RED if they are showing multiple signs of intoxication. This customer cannot be served alcohol. You are responsible for an intoxicated customer until he or she is sober again and you will need to take steps to ensure their safety.

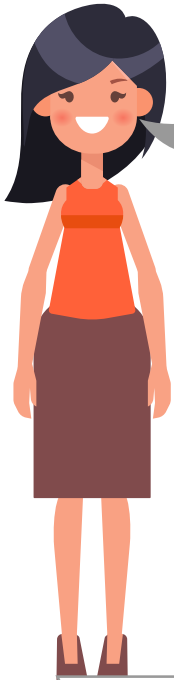
### **YELLOW** means caution/slow down

Assess your customer and choose YELLOW if the customer is beginning to show signs of intoxication.

### **GREEN** means go

Assess your customer and choose GREEN if the customer is showing no signs of intoxication. At this rating, the customer is likely to have a BAC level of 0.05 or less and can be served alcohol.

# BAC CHART: FEMALE



How much alcohol could you safely serve? Use this chart as a guideline to estimate what happens to BAC levels when a certain number of Standard Drinks are consumed over a specific period of time.

Estimated Body Weight: <b>FEMALE</b>	Standard Drinks Consumed In <b>1 HOUR</b>					Standard Drinks Consumed In <b>2 HOURS</b>					Standard Drinks Consumed In <b>3 HOURS</b>					Standard Drinks Consumed In <b>4 HOURS</b>				
	1	2	3	4	5	2	3	4	5	6	3	4	5	6	7	4	5	6	7	8
100 lbs (45 kg)	.03	.08	.13	.18	.23	.06	.11	.16	.21	.26	.10	.15	.20	.25	.30	.13	.18	.23	.28	.33
125 lbs (57 kg)	.02	.06	.10	.14	.18	.04	.08	.12	.16	.20	.07	.11	.15	.19	.23	.09	.13	.17	.21	.25
150 lbs (68 kg)	.01	.05	.08	.11	.15	.03	.06	.10	.13	.16	.05	.08	.12	.15	.18	.07	.10	.13	.17	.20
175 lbs (80 kg)	.01	.04	.07	.09	.12	.02	.05	.08	.11	.13	.04	.06	.09	.12	.15	.05	.08	.10	.13	.16
200 lbs (91 kg)	.01	.03	.05	.08	.10	.01	.04	.06	.09	.11	.02	.05	.07	.10	.12	.03	.06	.08	.11	.13

There are other factors that can impact a person's BAC level: Body Size, Body Fat, Fitness, Age, Food, Carbonated Drinks, and Medication/Drugs.

- The amount of alcohol in the bloodstream is called Blood Alcohol Concentration (BAC).
- The number of drinks and how quickly they are consumed are two main factors that affect BAC levels.
- The more drinks consumed in a shorter period of time, the higher the BAC.
- BAC charts also take into account that the body will eliminate alcohol at a rate of approximately one Standard Drink per hour.
- BAC will continue to rise, even after the person stops drinking, because it takes time for alcohol to travel into the bloodstream.

## One Standard Drink is



**BEER**  
12 oz (341 ml)  
5% alcohol



**WINE**  
5 oz (142 ml)  
12% alcohol



**SPIRITS**  
1.5 oz (43 ml)  
40% alcohol

\*This chart assumes an elimination rate of alcohol from the body of 0.015 mg/100 ml/hr. Rates may vary between 0.01 and 0.025 mg per 100ml/hr.



# BAC CHART: MALE



How much alcohol could you safely serve? Use this chart as a guideline to estimate what happens to BAC levels when a certain number of Standard Drinks are consumed over a specific period of time.

Estimated Body Weight: <b>MALE</b>	Standard Drinks Consumed In <b>1 HOUR</b>					Standard Drinks Consumed In <b>2 HOURS</b>					Standard Drinks Consumed In <b>3 HOURS</b>					Standard Drinks Consumed In <b>4 HOURS</b>				
	1	2	3	4	5	2	3	4	5	6	3	4	5	6	7	4	5	6	7	8
125 lbs (57 kg)	.01	.05	.08	.12	.15	.03	.07	.10	.14	.17	.05	.09	.12	.16	.19	.07	.11	.14	.17	.21
150 lbs (68 kg)	.01	.04	.07	.09	.12	.02	.05	.08	.11	.14	.04	.06	.09	.12	.15	.05	.08	.11	.13	.16
175 lbs (80 kg)	.01	.03	.05	.08	.10	.01	.04	.06	.09	.11	.02	.05	.07	.10	.12	.03	.06	.08	.11	.13
200 lbs (91 kg)	.01	.02	.04	.07	.09	.01	.03	.05	.07	.09	.01	.04	.06	.08	.10	.02	.04	.06	.08	.11
225 lbs (102 kg)	.00	.02	.04	.06	.08	.00	.02	.04	.06	.08	.01	.03	.05	.06	.08	.01	.03	.05	.07	.09

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## ADDITIONAL FACTORS THAT IMPACT BAC

Sex, weight, number of drinks and time are the main factors that impact a customer's BAC level. Here are additional factors that can impact a customer's BAC level.



### BODY SIZE

When served the same amount of alcohol in the same amount of time, a smaller person will have a higher BAC than a larger person. This is because the alcohol is concentrated in a smaller body mass.



### BODY FAT

When comparing two people of the same weight, a person with a higher percentage of body fat will tend to have a higher BAC. This is because alcohol is not absorbed into fatty tissue and is therefore concentrated in a smaller body mass.



### FITNESS

Muscular people have more total body water because muscle tissue contains more water than fat tissue. Alcohol distributes itself in total body water, but not in fat. So, a more muscular 175-pound (79.4 kg) male will have a lower BAC than an unfit 175-pound (79.4 kg) male.



### AGE

As people age, their ability to metabolize alcohol decreases. Aging reduces muscle mass and the body's ability to retain water. An older person who drinks the same amount of alcohol as a younger person will likely have a higher BAC level.



### SEX

Females, or transgendered persons born biologically female, tend to have a higher proportion of fatty tissue and less total body water than males, or transgendered persons born biologically male, of the same weight. If a female and male weigh the same, and consume the same number of Standard Drinks in the same amount of time, the female will likely have a higher BAC.



### FOOD AND NON-ALCOHOLIC DRINKS

Eating foods that are high in fat and protein, before or while drinking, will keep alcohol in the stomach longer and slow down absorption. This means it may take more time for BAC levels to rise. Eating food and consuming alcohol-free drinks may also slow the rate at which a person consumes alcohol.



### SALTY FOODS

Salty foods can cause a guest to become thirsty, which may lead them to drink more in a shorter period of time.



### DRUGS

Legal/illegal drugs, cannabis, prescription drugs, and over-the-counter medications can increase the effects of alcohol.



### CAFFEINATED DRINKS/CAFFEINATED ENERGY DRINKS

Caffeinated energy drinks and coffee are stimulants that can mask the effects of alcohol. This means people consuming these drinks along with alcohol may not realize how intoxicated they are becoming. Health Canada requires that all energy drink labels state "do not mix with alcohol."



### CARBONATED DRINKS

Carbonated drinks allow alcohol to enter into the bloodstream faster than normal. This is because carbonation builds up pressure in the stomach, forcing alcohol into the stomach lining. From there, alcohol can quickly pass into the bloodstream.

# RULES AND REGULATIONS: LICENSED ESTABLISHMENTS

All licensees selling and serving alcohol in Ontario are subject to the Liquor Licence Act (LLA) and its regulations.

## 1 SERVICE TIMES

Permissible hours for the sale and service of alcohol in a licensed establishment are:

- ... Monday to Sunday: 9:00am to 2:00am
  - ... New Year's Eve (December 31st): 9:00am to 3:00am
- Daylight savings:
- ... Fall: Turn the clock back from 2:00am to 1:00am and you may then continue to serve alcohol until the stop-service time of 2:00am
  - ... Spring: Turn the clock forward from 2:00am to 3:00am. At this time the sale of liquor must stop.

## 2 SERVICE RULES

A licensed establishment must not require customers to purchase a minimum number of drinks in order to gain entry to, or remain on the premises. All orders for alcohol must be served before the stop-service time. All alcohol and its containers (including empty glasses and bottles) must be cleared away within 45 minutes of the stop-service time on the licence.

## 3 ALCOHOL SERVICE

Only sell and serve alcohol purchased on licence from the LCBO, The Beer Store and/or manufacturer's retail stores.

- ... Do not substitute one type of alcohol for another without the customer's consent.
- ... Do not water down or alter a drink without the customer's permission.
- ... Serve drinks in a self-supporting, flat-bottomed container. Drinks that cannot be put down encourage faster alcohol consumption.
- ... Offer a variety of alcohol-free beverages and light meals.

## LIQUOR LICENCE ACT

- ✓ Only sell and serve alcohol to customers who are at least 19 years of age.
- ✓ Ensure any staff member selling, serving, or handling alcohol is at least 18 years of age.
- ✓ Monitor consumption of alcohol on the premises.
- ✓ Never serve a customer to the point of intoxication.
- ✓ Never allow an intoxicated person to enter or remain on the premises.

## LICENSED AREA

Licensees can choose to have their Liquor Sales Licence apply to the whole premises (also called ancillary areas). This means customers of that licensed establishment can move around and keep their alcoholic beverages with them in all approved areas. This may include washrooms, hallways, and stairwells.

## MAXIMUM CAPACITY

Every establishment has a maximum capacity that is shown on their Liquor Sales Licence. Maximum capacity is the total number of customers and employees allowed in the establishment at one time. Each separate area within an establishment may have its own maximum capacity. Even when maximum capacity has been reached, on-duty AGCO compliance officials, law enforcement officers, firefighters, and government inspectors (e.g. building code inspectors, health inspectors), must be allowed entry.

## SANDY'S LAW

Every establishment serving or selling alcohol must display a sign warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder (FASD). Under the LLA it is a regulatory violation to sell or supply alcohol to anyone unless the sign is prominently displayed.

# RULES AND REGULATIONS: ENDORSEMENTS

Endorsements allow licensed establishments to sell and serve alcohol under specific circumstances. Each type of endorsement is subject to specific regulations and conditions.

## 1 BREW PUB ENDORSEMENT

Allows the licensee to sell and serve beer manufactured on the premises for consumption on the same premises. Customers cannot take any beer produced under the Brew Pub endorsement out of the establishment.

## 2 WINE PUB ENDORSEMENT

Allows the licensee to sell and serve wine manufactured on the premises for consumption on the same premises. Customers cannot take any wine produced under the Wine Pub endorsement out of the establishment (not even under "Take Home the Rest").

## 3 CATERER'S ENDORSEMENT

Allows the caterer (licensee) to sell and serve alcohol off the licensed premises. The catered event must be sponsored by someone other than the licence holder and light meals must be available. The licensee's employees are the only ones allowed to sell or serve alcohol. Any unserved alcohol must be returned back to the caterer's licensed premises.

## 4 ROOM SERVICE ENDORSEMENT

Allows the licensee to sell and serve alcohol to registered guests in a room that is rented for overnight accommodation.



## 5 MINI-BAR ENDORSEMENT

Allows the licensee to sell alcohol from a mini-bar in a room that is rented for overnight accommodation. The mini-bar must also include non-alcoholic beverages.

## 6 GOLF COURSE ENDORSEMENT

Allows the licensee to sell and serve alcohol for consumption on the playing area of a golf course. Alcohol may be sold and served from a mobile vending cart. Customers are not permitted to have alcohol outside of licensed areas. Areas that are not licensed include: parking lots, public walkways, or roadways. While customers can have open alcohol in a golf cart, they cannot hold or drink alcohol while driving the cart.

## 7 BRING YOUR OWN WINE (BYOW) ENDORSEMENT

Allows customers to bring bottles of commercially made wine into a licensed establishment for consumption on the premises. The bottle must be sealed and unopened when it is brought into the establishment and must be opened by an employee of the establishment. A customer can take home any unopened or unfinished wine when leaving the establishment, provided it has been sealed by the licensee with a cork inserted flush with the top of the bottle.



# RULES AND REGULATIONS: SPECIAL OCCASION PERMITS (SOPS) TAILGATE EVENT

A tailgate event is a type of public event for which you can obtain a Special Occasion Permit (SOP) called a Tailgate Event Permit. A tailgate event is generally considered to be an outdoor social gathering, where attendees can bring their own food, beverages (including alcohol), and often their vehicles.

## ELIGIBILITY

### TO BE ELIGIBLE FOR A TAILGATE EVENT PERMIT IN ONTARIO, THE TAILGATE EVENT MUST BE:

- ... An outdoor event that is held in connection with, and in proximity to, one of the following types of live sporting events:
  - ... Professional
  - ... Semi-professional
  - ... Post-secondary
- ... Held at an outdoor space, at ground level (e.g. parking lot).
- ... Be in proximity to where the live sporting event is taking place.

## ALCOHOL SOLD, SERVED AND CONSUMED

- ... Unlike other SOPs, attendees 19 years of age or older, must be permitted to bring their own alcohol (BYOB) for consumption within the permitted area for the tailgate event. However, attendees cannot sell their own alcohol as only the Permit Holder may sell alcohol purchased under the permit if the permit allows for it.
- ... Attendees can bring and consume homemade alcohol or alcohol made at a brew or ferment on premise facility, but the Permit Holder cannot sell or serve this type of alcohol.

## IMPORTANT RULES

- ... Permit Holders (or a designated Responsible Person) are responsible for the safety of all individuals attending the event. It is their responsibility to not allow intoxication, regardless of whether alcohol is sold or served by the Permit Holder or is brought by the attendee.
- ... It is the responsibility of the Permit Holder to ensure that individuals under 19 are not consuming any alcohol in the permitted area of the tailgate event.
- ... The designated Responsible Person for the tailgating event must be 19 years or older.
- ... A Tailgate Event Permit specifies the hours that alcohol can be sold, served and consumed during each event. The Permit Holder shall ensure that the hours outlined in the permit are followed. The hours must be between 9:00 a.m. and 2:00 a.m. the following day, except for New Year's Eve. (December 31) when sale, service and consumption must cease by 3:00 a.m. on January 1.
- ... It is the responsibility of the Permit Holder to ensure that individuals attending the tailgate event do not leave the permit area with unsealed or opened alcohol.

## FOR EXAMPLE

1. In cases where an attendee is departing the event in a motorized vehicle (other than a form of public transit), alcohol must be sealed and unopened, or packed in baggage that is fastened closed, or is not otherwise available to anyone in the vehicle.
2. Attendees leaving by foot, or other means, must transport unfinished alcohol in a closed container.



# RULES AND REGULATIONS: **SPECIAL OCCASION PERMITS (SOPS)**

Special Occasion Permits (SOPs) are required for the service of alcohol at an event in any location other than a licensed establishment (bar or restaurant), private place (boardroom in a private office), or residence. However, if alcohol is being offered for sale at a private place, an SOP is required—this excludes private residences (your home) where alcohol cannot be sold.

## THREE TYPES OF EVENTS

**PRIVATE:** Private events are only for individuals who have been invited by the host. These include cash or non-cash bars at birthday parties, weddings, and bridal showers.

**PUBLIC:** Public events are open to the public, and allow for fundraising/profit from the sale of alcohol. Examples include charity fundraisers, outdoor street festivals, and community festivals.

**INDUSTRY PROMOTIONAL:** Industry promotional events are held to promote a manufacturer's product through sampling. However, there can be no intent to profit from the sale of alcohol at these events.

## TWO TYPES OF PERMITS

### A "NO SALE PERMIT" IS REQUIRED WHEN:

- ... An event is held in a location other than a private place or residence.
- ... Alcohol is served free of charge.

### A "SALE" PERMIT IS REQUIRED WHEN:

- ... Alcohol is sold, either through a cash bar or alcohol tickets.
- ... Admission is charged.

### PRIVATE EVENTS:

- ... Cannot be advertised, including via public social media.
- ... Can only be attended by invited guests.
- ... Cannot profit from the sale of alcohol.
- ... Cannot be used for personal gain, or to help a business.
- ... Cannot encourage drinking contests/games that lead to excessive drinking.

## IMPORTANT RULES

- ... The individual whose name is listed on an SOP must be present at all times and holds the responsibility for ensuring the Liquor Licence Act (LLA) rules and regulations are followed.
- ... The SOP permit holder must only sell and serve alcohol to guests who are 19 years of age or older.
- ... The SOP permit holder must ensure all staff selling, serving, or handling alcohol are at least 18 years of age (including anyone selling drink tickets). Although Smart Serve certification is not required under a SOP, it is strongly recommended and may be a requirement under a Municipal Alcohol Policy (MAP).
- ... Alcohol served and sold at an SOP private event must be purchased under authority of the permit from the Liquor Control Board of Ontario (LCBO), The Beer Store, and/or manufacturers retail stores.
- ... Homemade wine and beer can be served at a private event as long as it is not sold. The beer or wine must be made by a member of the family hosting the event and provided free of charge.
- ... Although not legally required, Smart Serve recommends that food be made available.



## RULES AND REGULATIONS: **TAKE HOME THE REST (THTR)**

Take Home the Rest (THTR) is an amendment to the Liquor Licence Act (LLA) and only applies to wine. THTR allows a customer to take home an opened, partially-consumed bottle of wine that has been resealed.



- 1** The customer must not be intoxicated.
- 2** The wine must have been opened and partially consumed.
- 3** The wine must be commercially made and bought at the establishment or brought in by the customer under the Bring Your Own Wine (BYOW) endorsement.
- 4** The wine bottle must be resealed by an employee of the establishment with a natural or synthetic cork, even if the bottle had a screw cap or similar top. The cork must be flush with the top of the bottle.
- 5** Wine from another bottle must not be combined into the bottle that will be resealed.
- 6** A customer must not be allowed to take home an unopened bottle of wine purchased from the licensed establishment.

# RULES AND REGULATIONS: **RETAIL SALES**

All retail stores selling alcohol in Ontario are subject to the rules and regulations of both the Liquor Licence Act (LLA) and the Liquor Control Act (LCA). It is the responsibility of the store operator to ensure the proper conditions for in-store alcohol sales are met.

- 1** Only sell alcohol to customers who are at least 19 years of age or older.
- 2** Ensure all staff members selling alcohol are at least 18 years of age and Smart Serve certified.
- 3** Never sell alcohol to a person who is intoxicated.
- 4** Never sell alcohol to a second-party purchaser. A second-party purchaser is someone over the age of 19 who attempts to buy alcohol on behalf of another individual who is either intoxicated or under the age of 19.
- 5** Display the Sandy's Law poster warning that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder (FASD).
- 6** Provide full access to police and AGCO compliance officials to inspect the store at any time.



**AUTHORIZED GROCERY STORES:** Authorized grocery stores can sell beer, cider, and wine.

Alcohol can be sold from 9:00am to 11:00pm Monday to Sunday.

*Although a retail store cannot sell or exchange alcohol before or after the legal times, they may choose to further limit their hours for alcohol sales and exchanges.*



**MANUFACTURERS' OFF-AND ON-SITE STORES:**

Eligible products (wine, beer, or cider) can be sold at manufacturers' on- and off-site stores. Retail Store Information Guides can be found on the AGCO's website.

Alcohol can be sold between 9:00am and 11:00pm, Monday to Sunday.



**FARMERS' MARKETS:** Manufacturers can sell their Vintners' Quality Alliance (VQA) wine, maple or honey wines, or wine produced from fruit (other than grapes) grown in Ontario, or cider made from 100% Ontario apples at Farmers' Markets.

VQA and fruit wine may be offered for sale during the hours of operation of the Farmers' Market, although Farmers' Markets may choose to further limit these hours.



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## **RESTRICTING ACCESS DURING NO-SALE TIMES**

Authorized stores must ensure that alcohol is not available to customers outside of the permissible hours of sale. Some tips to accomplish this include:

- ... Locking refrigerators in which alcohol is located.
- ... Creating a partition around alcohol display aisles.
- ... Locking the point-of-sale system to prohibit the sale of alcohol.
- ... Ensuring all employees understand the store policies regarding the sale of alcohol.

## **DISPLAYS IN GROCERY STORES**

An authorized store must:

- ... Display beer and cider together, but wine can be in a separate location.
- ... Ensure that a proportion of the containers of beer, wine, or cider on display are produced by small breweries, cideries, and wineries.
- ... Ensure that any alcohol not on display to customers is stored in a secure area, inaccessible to the public.

## **EXCHANGING OR RETURNING ALCOHOL**

Grocery stores must not allow exchanges for other alcohol products outside of the legal hours of sale. However, they may process refunds at any time.

## **SELF-CHECKOUT STATIONS**

An authorized store that allows customers to use a self-checkout station to purchase alcohol must:

- ... Ensure that all staff members monitoring the self-checkout station are at least 18 years of age and Smart Serve certified.
- ... Ensure that all staff members are able to effectively determine the customer's age and assess the customer's level of intoxication.
- ... Ensure that all staff members know the store policy when refusing to sell alcohol to a customer (for example, intoxicated, underage or second-party purchasers).



## RULES AND REGULATIONS: **SAMPLING**

Authorized stores may offer sampling to its customers. Staff members must be over the age of 18 and Smart Serve certified. It is the responsibility of the store operator to ensure the proper conditions for in-store alcohol sampling are met.



### CUSTOMERS

- ... Never provide alcohol samples to a person who is underage or intoxicated.
- ... Never allow customers to remove samples from the "sampling area".



### LOCATION

- ... Only provide samples in an area that is adjacent to the alcohol display. This includes samples at a wine boutique.
- ... Grocery stores: customers must consume the sample in the area where the sample was provided.
- ... Manufacturer's On-site retail stores: customers may carry a sample and consume it anywhere within the store shopping area.



### STORE OPERATORS

- ... Schedule sampling only during permissible hours of alcohol sales.
- ... Only provide samples of alcohol products the store is authorized to sell.
- ... Never sell samples at a profit, only to recover the cost of providing the sample.
- ... Ensure that any marketing method used to support sampling adheres to appropriate AGCO advertising guidelines.

## A **SIMPLE** APPROACH: RETAIL SALES



**S**

Check for **SIGNS** of intoxication. You must never sell alcohol to a person who appears to be intoxicated.

**I**

Ensure **I.D.** is valid and has not been tampered with. A valid I.D. is one that is issued by the government and includes a person's photograph and date of birth.

**M**

**MONITOR** what's going on around you. Look for signs that would indicate a customer should not be sold alcohol or provided with alcohol samples.

**P**

**PREVENT** customers from purchasing alcohol if they are underage or intoxicated. Be aware of customers who may be purchasing alcohol for a minor, or for any customer whose sale was already refused.

**L**

**LET** your manager and co-workers know if you have refused a sale to a customer. This helps them be on the lookout in case that customer attempts to purchase alcohol from another cashier after being refused the sale.

**E**

**EVALUATE** the best way to respond to a situation. Inform your manager, co-workers, and the police as required.



# CIVIL LIABILITY

Alcohol has a negative impact on how a person thinks, acts, and moves. An intoxicated individual does not always have the ability to make good decisions. When selling or serving alcohol, you must monitor each person for signs of intoxication, and step in if you think an intoxicated person is about to make a bad decision. Otherwise, it's not just your establishment that can be held liable – you could also be held liable.



Civil liability is different from criminal liability. Criminal liability means the police could charge you with a crime. Civil liability means that an individual can sue you for damages. This means that if a court decides you have been negligent, you could be held responsible for property damage or personal injury in the lawsuit. This also includes any lawsuit brought on by an innocent third party who was injured by an intoxicated guest.



## CIVIL LIABILITY CAN ARISE IN THREE WAYS:

- 1** Under the Liquor Licence Act (LLA): The LLA states that you are not allowed to sell or serve alcohol to an intoxicated person, or serve alcohol to the point of intoxication. A server must also ensure that guests are not in danger of causing injury or harm to themselves or others as a result of their intoxication.
- 2** By a court ruling of negligence, or failure to provide "Duty of Care": Servers have a duty of care to their guests to keep them safe from harm. Servers cannot encourage drunkenness or serve drinks to guests who are intoxicated. They must also take steps to prevent an intoxicated guest from driving. Additionally, as a cashier, you cannot sell alcohol to a customer who is intoxicated.
- 3** Under the Occupier's Liability Act (OLA): The OLA deals with injuries caused by the condition of the premises or the activities that take place on the premises. In other words, the occupier (licence holder) needs to ensure that the premises are reasonably safe for guests. The occupier must also ensure that the conduct of both staff and guests does not result in injury.

### Vicarious Liability

Additionally, under Vicarious Liability, employers could be held responsible, regardless of how careful they have been, for the negligent or otherwise wrongful conduct of their employees. This does not reduce the personal liability of employees who can also be found criminally or civilly liable for their own actions.





# YOUR OBLIGATION TO DENY ENTRY

The Liquor Licence Act (LLA) outlines rules and regulations that are designed to protect you and your establishment from harm. These include the obligation to deny entry or remove guests.



The licence holder shall ensure that reasonable measures are in place and reasonable efforts are made to deter disorderly conduct on the premises. A licensee has the obligation to deny entry for the following reasons.



## THE PERSON IS INTOXICATED

Deny entry to anyone who is exhibiting signs of intoxication.



## THE PERSON IS UNDERAGE

The LLA does not specifically prevent underage customers from entering a licensed establishment. The terms and conditions of a licence could prohibit minors, as could a licensee's house policies.



## THE PERSON IS DISRUPTIVE

The LLA states that "The licence holder shall not permit drunkenness, unlawful gambling, or riotous, quarrelsome, violent or disorderly conduct to occur on the premises... under the exclusive control of the licence holder."



## THE PERSON WAS ASKED TO LEAVE OR WAS REMOVED EARLIER IN THE DAY

A person who has been asked to leave or was removed, but returns the same day, must be denied entry.



## THE PERSON HAS BEEN BARRED FROM THE ESTABLISHMENT

A person who has been barred from the establishment must be denied entry.



## THE ESTABLISHMENT IS AT MAXIMUM CAPACITY

Every licensed establishment has a maximum capacity that it must not exceed. It is the responsibility of the licensee to ensure that the total number of customers and employees does not exceed the establishment's licensed maximum capacity.

**Entry cannot be denied to on-duty:** AGCO compliance officials, Police Officers, Firefighters, Government Inspectors (i.e., building code inspectors, health inspectors).



# YOUR OBLIGATION TO REMOVE A CUSTOMER

The Liquor Licence Act (LLA) outlines rules and regulations that are designed to protect you and your establishment from harm. These include the obligation to deny entry or remove customers.



Customers who become violent, aggressive or out of control are not allowed on the premises. Under the LLA, you have the obligation to remove an individual from the licensed establishment if you reasonably believe that the person falls into one of two categories:



## PERSONS NOT PERMITTED BY LAW TO BE ON THE PREMISES

- ... intoxicated individuals
- ... previously barred
- ... previously asked to leave, but returns the same day
- ... under 19 years of age when a condition of the licence states no entry to minors
- ... not permitted to be in the establishment at any time according to a condition on the licence



## PERSONS ON THE PREMISES FOR UNLAWFUL REASON(S) OR BREAKING THE LAW ON THE PREMISES

- ... rowdy or disorderly
- ... quarrelsome or riotous behaviour, or intent on causing a fight
- ... selling or using illegal products
- ... gambling illegally
- ... soliciting for prostitution

### Use No More Force Than Is Necessary

If a customer does not leave as requested, he or she can be removed with "no more force than is necessary." This means force can only be used to remove an individual, not to cause harm. All force must stop once an individual has been removed, otherwise, you could be held responsible for a foreseeable injury suffered by the customer or others.

### Duty of Care

An establishment has a duty of care to protect an intoxicated customer from injuring themselves or others. An establishment cannot permit intoxication on the premises. Once a customer has been identified as intoxicated, they should be monitored until arrangements can be made to get the customer home safely. You are responsible for the customer until they are sober again.

Ensure you are aware of your establishment's house policy on the correct procedure when removing a guest.



## CASE STUDY: CROCKER V. SUNDANCE RESORT



As a promotion for its ski resort, the Sundance Resort held a competition, which involved two-person teams sliding down a portion of a steep hill in oversized inner tubes. After drinking alcohol before arriving, and then continuing to drink at the Sundance Resort, Crocker entered the competition, signed the entry and waiver form without reading it and paid the entry fee.

Crocker was visibly drunk at the start of the first heat and suffered a cut above the eye. The owner of Sundance asked him if he was in any condition to compete in the second heat but did nothing to dissuade him from continuing on. The resort manager, also suggested that Crocker not continue participating in the competition but he took no further steps to restrain him when Crocker insisted on competing.

During the second heat, Crocker suffered a neck injury and was left a quadriplegic.



The question before the Court was whether the Resort had a positive duty at law to take certain steps to prevent a visibly intoxicated person from competing in the Resort's dangerous tubing competition. The Sundance Resort raised the defence of voluntary assumption or risk and contributory negligence.

### THE DECISION

#### The Court found that the Resort had:

1. Organized the inherently dangerous tube racing competition for its own commercial ends.
2. Provided Crocker with the alcohol when it knew he had been drinking and when it could foresee the risk of injury.

The Court concluded that the Resort was obliged, in law, to accept responsibility as promoters of the dangerous event, and to take all reasonable steps to prevent Crocker's injury. At the very least, the Court said, the Resort should have disqualified him, or otherwise prevented Crocker from competing, but it did nothing other than to suggest he ought to consider not racing.

The Court also rejected the defence of voluntary assumption of risk despite the fact that Crocker had signed a waiver prior to participating in the event. It concluded that Crocker was incapable of understanding the risks at the time he entered the race. Also, the waiver had not been properly brought to Crocker's attention. In fact, he did not even realize that he had signed a waiver.



### THE OUTCOME

At trial, the Sundance Resort was held to be liable for 75 per cent of the damages suffered by Crocker. Crocker was found to be negligent to the extent of 25 per cent.

## CASE STUDY: MCINTYRE V. GRIGG



In September 1996, Andrew Grigg, after visiting a couple of local bars dropped by a local University pub. Video at the door showed that Grigg appeared to be “sober” when he arrived. His evidence was that he consumed no more than 6 drinks over the course of the night. As he was driving away from the pub, he ran into a group of pedestrians, seriously injuring Andrea McIntyre.



The question before the Court was whether the University Pub could be held liable for Grigg’s actions when it claimed that Grigg did not appear intoxicated.

### THE DECISION

This appears to be the first Canadian case in which punitive damages were awarded against an impaired driver.



#### The Jury found that the pub had:

1. Increased the person’s intoxication so that he was in danger of causing injury to himself and others.
2. Served to the point of intoxication.
3. Shown poor enforcement of Smart Serve protocol and made no changes to Smart Serve protocol post-accident.

#### The Jury found that the pub was 30% liable and Grigg was 70% liable.

The case was appealed to the Ontario Court of Appeal on the grounds that the liability against the pub was too high and that the punitive damages were not appropriate in this case. The Court had no mercy for the commercial host. It began by stating that commercial vendors of alcohol have an obligation to monitor a patron’s consumption of alcohol and should have protocols in place to ensure that all reasonable precautions are taken to prevent such patrons who subsequently drive from becoming intoxicated to the point where they cannot safely

operate a motor vehicle. Moreover, a commercial host does not escape liability simply by not knowing that the patron became inebriated before driving. The commercial host is liable if it or its employees knew or ought have reasonably known under the circumstances that the patron was in such a condition.

The pub tried to argue that Grigg did not appear to be intoxicated. The Court responded that the pub does not escape liability simply because a patron does not exhibit any visible signs of intoxication if, in the circumstances, the tavern knew or ought to have known that the patron was becoming intoxicated. Likewise, it cannot avoid liability when the establishment has intentionally structured the environment in such a way as to make it impossible to know whether intervention is necessary.

The Court of Appeal stated that there was evidence upon which the members of the jury were entitled to make the finding they made, including Grigg’s BAC levels two hours after the collision (.178 and .174), and the opinion of the plaintiff’s expert who stated that it was possible that Grigg was served up to 18 drinks at the pub.

### THE OUTCOME

The original division of liability was upheld by the Court of Appeal. “A tavern’s standards are too low if drinks are only refused if a patron exhibits signs of impairment such as being too loud, starting arguments, knocking over drinks, falling down, creating problems for the staff, or upsetting other patrons. Taverns have a duty also to take affirmative action to prevent intoxicated patrons from driving. In circumstances where it is reasonable to expect that a patron has come by car, there is a heavier duty on tavern staff to keep an eye on the patron when they depart to check to see if the patron is driving and to arrange safe transportation, if necessary.”



# A **SIMPLE** APPROACH



## ARRIVAL

## DURING

## DEPARTURE

**S**

Check for **SIGNS**  
of intoxication

**I**

Ensure **I.D.**  
is valid

**M**

**MONITOR**  
alcohol  
consumption

**P**

**PREVENT**  
over-service

**L**

Determine **LEVEL**  
of intoxication

**E**

**EVALUATE**  
risk before  
departure



## A **SIMPLE** APPROACH: RETAIL SALES



**S**

Check for **SIGNS** of intoxication. You must never sell alcohol to a person who appears to be intoxicated.

**I**

Ensure **I.D.** is valid and has not been tampered with. A valid I.D. is one that is issued by the government and includes a person's photograph and date of birth.

**M**

**MONITOR** what's going on around you. Look for signs that would indicate a customer should not be sold alcohol or provided with alcohol samples.

**P**

**PREVENT** customers from purchasing alcohol if they are underage or intoxicated. Be aware of customers who may be purchasing alcohol for a minor, or for any customer whose sale was already refused.

**L**

**LET** your manager and co-workers know if you have refused a sale to a customer. This helps them be on the lookout in case that customer attempts to purchase alcohol from another cashier after being refused the sale.

**E**

**EVALUATE** the best way to respond to a situation. Inform your manager, co-workers, and the police as required.



# TIPS FOR SLOWING DOWN SERVICE

Here are eight tips for slowing down service.

## 1 COUNT THE NUMBER OF DRINKS YOU SERVE

Know how much you can safely serve and how many drinks you have already served the customer. You can check their tab or, if they are paying for drinks as they order them, carry a small pad of paper and note each drink served. You could also make note of the time they started consuming alcohol.

## 2 SERVE ONE DRINK AT A TIME

Avoid serving a customer multiple drinks at a time. Do not encourage customers to reorder while they still have a partially-filled drink on the table.

## 3 SLOW THE RATE OF SERVICE

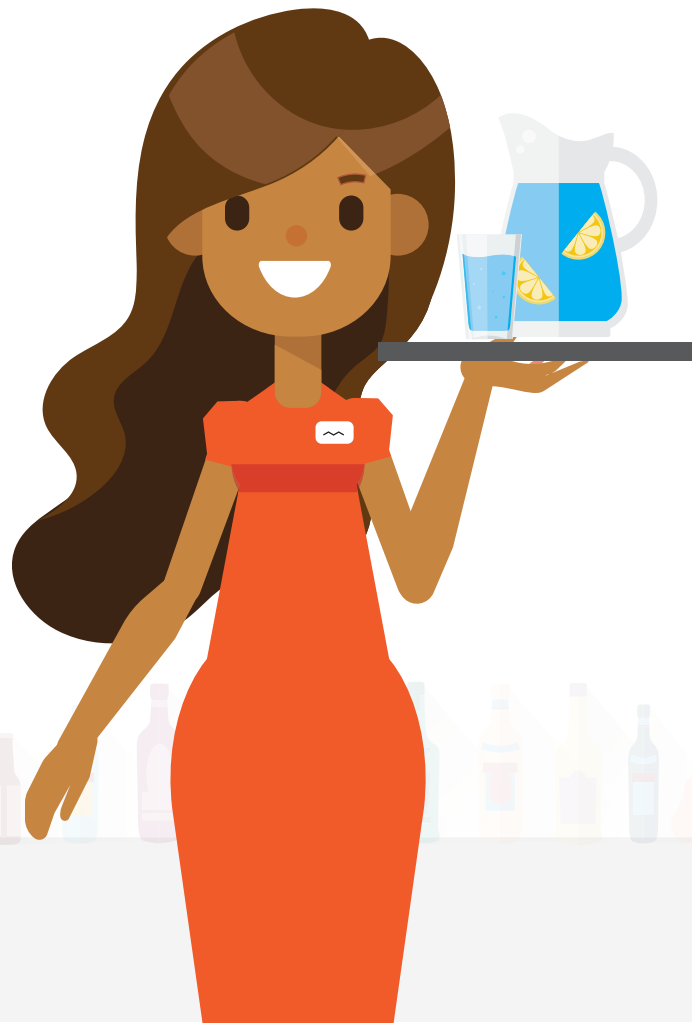
Be less available for service by passing the table less frequently. Don't ignore your customer, but don't rush to serve them alcohol.

## 4 MANAGE THE BUYING OF ROUNDS

When a customer orders a round for the table, acknowledge the order, then politely ask each person if they would like to have the drink ordered for them. Some may turn down the offer.

## 5 SERVE A GLASS OF WATER

Serve a glass of water and refill water glasses often.



## 6 OFFER FOOD

Food helps slow the rate at which alcohol is absorbed. Some foods do this better than others. Eating foods that are high in fat and protein, before or while drinking, will keep alcohol in the stomach longer and slow down absorption. Avoid salty foods such as chips, pretzels, or peanuts as these can make customers thirsty and increase the amount of alcohol they drink.

## 7 OFFER ALCOHOL-FREE BEVERAGES

Providing alternatives like soft drinks, mocktails, coffee or juice will allow time for the customer's body to process some of the alcohol consumed. Use different glasses to identify alcohol-free drinks from alcoholic drinks. This is especially important when minors are permitted on the premises and are being served alcohol-free beverages.

## 8 COMMUNICATE

Let your manager and co-workers know when you begin to slow down service to a customer. Be sure to do this before you go on break, when your shift ends, or when you change sections. This will prevent the customer from undermining your decision by trying to get served by other staff members.

# TIPS FOR STOPPING SERVICE

Here are eight tips for stopping service.

## 1 ALERT A BACKUP PERSON

A back-up person should be ready to provide help in case a customer becomes hostile or violent. Your manager is a good example of a back-up person and can also be a valuable witness.

## 2 SEEK PRIVACY

Be discreet. You can minimize confrontations by speaking to the customer in private to avoid embarrassing them. If necessary, inform a sober individual in the same party that you have stopped service, as the customer may be willing to accept this decision from a friend.

## 3 WATCH YOUR BODY LANGUAGE

Crossed arms, frowns, pursed lips, or standing 'toe-to-toe' with a customer suggests an aggressive approach that could encourage hostility. Always maintain an open but firm manner and posture when talking to a customer.

## 4 AVOID BEING JUDGEMENTAL

Statements such as "I think you've had enough to drink" or "You're drunk" are likely to offend the customer and make them hostile. Instead, take a calm and firm approach. Let the customer know that you cannot, by law, serve them any more alcohol. Statements such as "I'm sorry but I could get in a lot of trouble if I serve you another drink" can take the focus off the customer, and help minimize the risk of confrontation.



## 5 SHOW CONCERN AND EMPATHY

Statements like "We want to make sure you get home safely" will show customers that you are concerned about them. Maintaining eye contact or nodding your head will let customers know you are listening to them.

## 6 BE FIRM

Be calm, firm, and keep it simple. Do not get into lengthy explanations, bargaining, or defending your decision. If the customer tries to talk you out of your decision, stand firm and repeat your decision.

## 7 COMMUNICATE YOUR DECISION

Let your co-workers know that you have stopped service to a customer. This will prevent the customer from getting drinks from another server.

## 8 STAY ON GUARD

If you have stopped service to one customer at a table, ensure they do not get drinks from their companions. If this happens, stop service to the entire table and remove all alcohol from the table.



# TIPS FOR KEEPING YOUR CUSTOMERS SAFE

You are responsible for keeping your customers safe. This includes not serving them to the point of intoxication, as well as being aware of what's happening around them.

## 1 ASSESS THE CUSTOMER

When you first make contact with customers, it is important to note their initial condition.

- ... Do they seem impaired by drugs and/or alcohol?
- ... What mood are they in?
- ... Do they show signs that might indicate a medical condition?

## 2 USE LISTENING AND OBSERVATION SKILLS

Always take a few minutes to engage customers in conversation and make eye contact. Listen carefully to what they say and how they say it.

- ... What tone of voice do they use?
- ... Are they loud or aggressive?
- ... Do they slur their words?
- ... Does their behaviour seem inappropriate for the situation?

## 3 WATCH FOR ACTIVITIES AROUND THEM

It's not just the customer's level of intoxication you need to be aware of. There may be situations in which a customer is harassing or is being harassed by other customers, and things are becoming unsafe. Monitor these situations closely and step in if required.



## 4 MAKE NOTE OF THEIR BODY LANGUAGE

A customer who appears to have a slower response time in speech and movement may already be under the influence of alcohol or drugs.

**NOTE:** There are medical conditions whose symptoms may mimic those of someone who is intoxicated. You need to be sensitive to the possibility that something other than alcohol or drugs may be responsible for a guest's symptoms, and then use your experience and common sense to help you make the right call.

## 5 KEEP LINES OF COMMUNICATION OPEN

Continue to talk to and assess your customers throughout their visit.

# TIPS FOR CHECKING I.D.

Here are ten tips for checking and verifying identification.

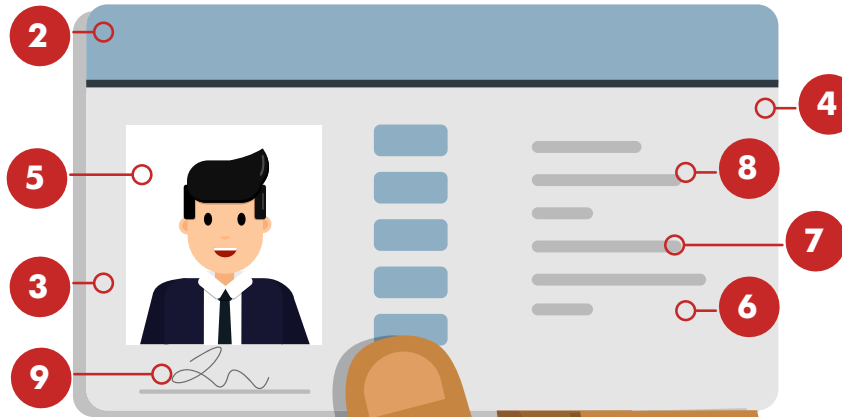
**1 HOUSE POLICY**  
Understand your house policy for checking identification. For example, an establishment might require every customer who appears to be under the age of 30 to show identification before being allowed onto the premises, or served alcohol.

**2 VIEW THE CARD**  
View the information on the card in a well-lit area. Have the customer remove the I.D. from their wallet and hold it in your hands. You should not remove the I.D. yourself.

**3 CONDITION OF THE CARD**  
The card should be without tears, bubbles, creases, or folds. Extra thickness around the photo or laminated edges might indicate that the card was re-laminated with a different photo placed on top of the real one.

**4 GOVERNMENT-ISSUED**  
Check that the I.D. is government issued.

**5 PHOTO**  
Make sure the photo on the card matches the customer standing in front of you.



**6 DATE OF BIRTH**  
Check the date of birth. Know how to determine what year they should have been born to be of legal drinking age today. If the date looks scratched, dull, or tampered with, do not accept it.

**7 EXPIRY DATE**  
Check that the I.D. has not expired. Expired I.D.'s are not valid. If the date looks scratched, dull, or tampered with, do not accept it. Be aware that minors may try to use the expired I.D. of an older sibling.

**8 NAME AND ADDRESS**  
If you are unsure about an I.D., you can ask the customer verifying questions. For example, you can ask them to state their address, confirm their postal code or spell their full name.

**9 SIGNATURE**  
If you still have doubts, ask the customer to sign a piece of paper and compare that signature to the signature on the card.

**10 OUT-OF-PROVINCE I.D.**  
If a customer shows an I.D. that was not issued in Ontario, ask to see a secondary piece of I.D. and compare the two.

# TIPS FOR HANDLING DANGEROUS SITUATIONS

Violence, harassment, and illegal activities (e.g., drug use/sales, prostitution, illegal gambling, and alcohol being brought onto the premises by a customer) are just some of the situations you may witness in your workplace. When handling potentially dangerous situations, safety comes first. Check to see if your establishment has a house policy on how to handle these kinds of situations.

## 1 TALK TO YOUR MANAGER

Your manager should be informed whenever you feel your safety or the safety of others is at risk. Get your manager involved in the situation as soon as possible. They can determine the best way to proceed or be available as backup.

## 2 SPOT SIGNS OF TROUBLE

Be on the lookout for signs of trouble, such as verbal arguments, that usually precede a physical fight. If you sense a customer is going to become violent, intervene in a friendly and diplomatic manner and explain that fighting is not allowed. However, if you spot a customer who is carrying a weapon, avoid confronting them and call the police.

## 3 AVOID PHYSICAL CONTACT

If a fight breaks out, don't ask other customers to help you break it up. This may endanger their safety and lead to potential legal implications for you and your workplace. Instead, move customers to safety and if necessary, call the police. Licensed establishments should develop house policies and procedures around the management of resistance. This includes training in de-escalation and restraint.



## 4 SPOT SIGNS OF HARASSMENT

Be on the lookout for signs of harassment including a customer who is targeting another customer with unwanted attention such as getting too close, touching, or persistent conversation.

If a stranger approaches a customer and/or tries to buy them a drink, check to see if this customer appears uncomfortable with the situation. If you sense a customer is being harassed, intervene in a diplomatic manner and always focus on the safety of the harassed customer.

## 5 CALL POLICE

If you are worried about your safety, or the safety of your co-workers and customers, don't hesitate to contact the police.