

Northwestern Health Unit



Series 2 - Substance Abuse Prevention in the Workplace

Part D: Social Host Liability

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Introductions



Joanne Peacock
Health Promoter
Substance Abuse Prevention
47 B Front Street
Sioux Lookout, Ontario P8T 1A3
807-737-2292 ext 24
jpeacock@nwhu.on.ca



Audio and PPT



This presentation is Part D of the substance abuse prevention in the workplace series by the Northwestern Health Unit.

Should you choose, an audio presentation accompanies these slides. Please follow along.

Social Host Liability

- ◆ The overall purpose of this presentation is to help employers understand their potential liability when hosting workplace events where alcohol is served.





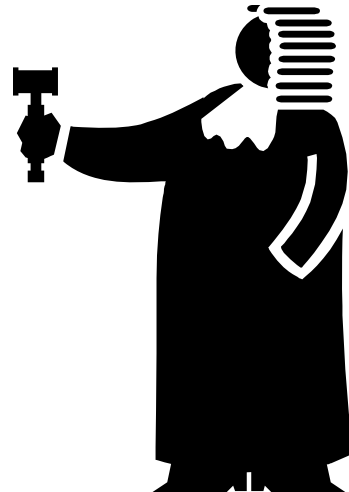
Social Host Liability Discussion Topics



- ◆ Alcohol and the Law
- ◆ Liability
- ◆ Employers as Social Hosts
- ◆ Alcohol and the Office Party
- ◆ Minimize Your Risks
- ◆ Alcohol-Free Events
- ◆ Resources and Links

Alcohol and the Law

- ◆ Many Ontario Courts are placing legal responsibility on social and workplace hosts of activities where alcohol is provided.





Liability

The host of the party has a duty of care as the:

- ◆ Provider
- ◆ Occupier

Provider

The provider of alcohol can be held liable if a guest:

- ◆ Causes damage to property
- ◆ Injures themselves or another guest
- ◆ Leaves your party and injures or causes death to someone else



Occupier

- ◆ Does not provide or serve alcohol
- ◆ Allows drinking on the property
- ◆ Has control of the property





Occupier cont'd



The occupier can be held liable if they are negligent in:

- ◆ Maintaining the physical condition of the property
- ◆ Supervising the conduct of guests or
- ◆ Controlling the activities on the property

Employers as Social Hosts

- ◆ Christmas or holiday parties
- ◆ Retreats
- ◆ Drinks with clients or employees



Employers as Social Hosts cont'd

- ◆ Activity or event days
- ◆ Employee appreciation events
- ◆ Unplanned after-work social gatherings
- ◆ Company marketing events



Alcohol and the Office Party

Potential liability risks involve:

- ◆ Providing the alcohol
- ◆ Condoning drinking and driving
- ◆ Drinking with the employees and guests
- ◆ Over serving an intoxicated employee or guest



Alcohol and the Office Party cont'd

- ◆ No workplace alcohol policy or
- ◆ Not enforcing the workplace alcohol policy
- ◆ Encouraging drinking games
- ◆ Not taking steps to prevent drinking and driving

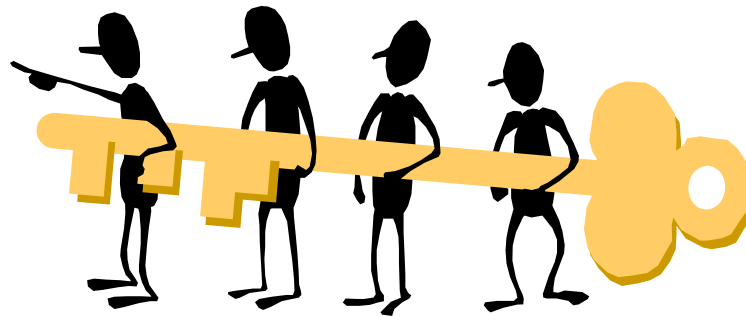
Minimizing Your Risks

- ◆ Plan well ahead of the event
- ◆ Ensure a safe environment
- ◆ Hire a bartender
- ◆ Monitor alcohol consumption
- ◆ Use a drink ticket system



Minimizing Your Risks cont'd

- ◆ Hold events off workplace property
- ◆ Enforce no drinking and driving
- ◆ Provide alternative transportation
- ◆ Assist with arranging hotel rooms



Minimizing Your Risks cont'd

- ◆ Offer food and non-alcoholic drinks
- ◆ Discourage drinking games
- ◆ Do not serve anyone under 19 yrs.
- ◆ As the host, limit your drinks
- ◆ Close the bar early



Alcohol-Free Events

- ◆ Reduce host liability
- ◆ Set an example



Conclusion

When alcohol is served to guests it is the host's duty to take all the "reasonable steps" to ensure a safe environment and safe transportation.



Resources & Links

- ◆ MADD Canada Hosting Liabilities
www.madd.ca/english/research/liability.html
- ◆ Smart Serve Training Program
www.smartserve.ca
- ◆ Special Occasion Permit
www.agco.on.ca/en/b.alcohol/b3.specialpermit.html
- ◆ Mocktail Recipes
www.lcbo.com/fooddrink/mocktailssearch.shtml