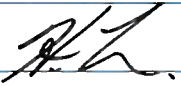




Memorandum

Date	December 2, 2013
To	Vice-Presidents, Deans, Heads, Directors
From	Hubert Lai, Q.C., University Counsel 
Subject	Liability for Alcohol Consumption

Introduction

Throughout the year, and more frequently during the holiday party season, UBC units and student groups organize events to recognize accomplishments and to celebrate. Alcohol is often consumed at these events, which raises the risk of social host liability. While such liability can be avoided by simply not serving alcohol, this is an extreme response and, with good judgment and proper planning, the risks associated with alcohol can be effectively managed.

Organizers should familiarize themselves with Policy #13: Serving and Consumption of Alcohol at University Events or on University Premises (<http://universitycounsel.ubc.ca/files/2010/08/policy13.pdf>). This memo is intended to complement Policy #13 and assist in the event planning process to reduce the risks associated with alcohol consumption. Please distribute this memorandum to anyone in your unit who is involved in organizing events.

Employer Organized Events

Where an employer provides alcohol to employees at a social event, it raises significant potential for liability. The courts have held employers to a high standard of care to protect its employees at events where employers provide alcohol. In one case, the judge found a company liable for not preventing an employee from driving after a holiday party even though the employer had offered to call a cab for any employee, offered to call the employee's husband to pick her up, and another guest had offered the employee a ride home. The judge held that merely offering was insufficient and that the employer should have called the husband (or the police) despite the employee's objections, insisted the employee leave her keys, or insisted the employee take a taxi at the employer's expense. Generally speaking, the key factors considered by the courts in assigning liability include whether the employer:

1. provided the alcohol to the employee;
2. knew (or should have known) that the employee was intoxicated; and
3. failed to take sufficient steps to prevent the employee from causing or suffering from injuries that reasonably result from the intoxication.



If a UBC administrative or academic unit wishes to organize an event where alcohol will be available, the preferred venue for the event is a licensed establishment (either on or off campus). While the event organizer remains personally responsible for the safety of employees at the event, the use of a licensed establishment considerably reduces the risk because the licensed establishment and its employees have legal obligations under its liquor license and the staff are trained to recognize intoxication. Also, consider selecting a licensed establishment in a central location or where alternate transportation is easily accessible.

For events held on campus at non-licensed locations, the event organizer must obtain a Special Occasion License and will be personally responsible for compliance with that license. To apply for a Special Occasion License, please see:

- For UBC Vancouver: <http://www.students.ubc.ca/classroomservices/event-bookings-and-space-rentals/liquor-licenses/liquor-license-checklist/>
- For UBC Okanagan: <http://www.ubc.ca/okanagan/roombookings/resources/alcohol.html>

For events held in a private home of a person, the homeowner, as host of the event, is personally responsible for ensuring the safety of all guests and that alcohol is not served to intoxicated or underage individuals.

For *all* events organized by UBC units where alcohol will be provided to employees, **regardless of location**, the following are recommended practices:

1. In advance of the event, notify employees in writing that alcohol will be available at the event and that, if any employee intends to consume alcohol, the employee should arrange not to bring his or her vehicle to work. The unit should be prepared to reimburse employees for their taxi fare home or arrange for alternate transportation home after the event.
2. At the start of the event, remind employees not to drive home if they have consumed alcohol and that alternate transportation will be provided at the unit's expense. Confirm that anyone who intends to consume alcohol has safe transportation home.
3. Provide non-alcoholic beverages and food at the event.
4. The unit head or a responsible person designated by the unit head must be present during the entire event. In order to remain alert and be prepared to handle any issues, this person should not consume *any* alcohol.
5. This person should pay attention to how much employees are drinking, both in terms of how much alcohol individual employees are consuming and how much alcohol is being consumed in general. Based on his/her observations, this person should make reasonable assumptions as to whether the employee is intoxicated and take proactive steps if required. As the employee may not be in a position to make good decisions, the organizer must exercise independent judgment and, despite the views of the employee, may, for example, need to refuse to continue providing alcohol, require the employee to wait until the effects of the alcohol wear off, confiscate vehicle keys, or call the police.



Student Organized Events

Student groups may choose to organize parties on campus where alcohol will be served and they will occasionally request permission from departments for use of University space. UBC policies contemplate these types of events on campus and student organizers should be directed to Policy #13 (identified above) and the appropriate booking office:

- For UBC Vancouver: <http://www.students.ubc.ca/classroomservices/event-bookings-and-space-rentals/liquor-licenses/liquor-license-checklist/>
- For UBC Okanagan:
<http://www.ubc.ca/okanagan/roombookings/resources/alcohol.html>

For student groups that are registered AMS clubs, the AMS imposes very specific insurance requirements for events at which alcohol will be served. Student groups should be directed to the AMS for the most current information and referred to Section 11 of the AMS Finance Commission Policy Guide: <http://www.ams.ubc.ca/wp-content/uploads/2013/04/The-Finance-Commission-Policy-Guide-13-14.pdf>. Student groups may also wish to consider the SUB as a possible venue for their event: http://www.ams.ubc.ca/wp-content/uploads/2012/04/AMS_How-To-Run-A-Successful-Liquor-Function-In-The-Student-Union-Building-20124.pdf.

Conclusion

Social attitudes about alcohol consumption and personal responsibility have changed dramatically over the last several decades and the treatment of the associated legal liability has followed those changes. Nonetheless, with good judgment, these liabilities can be effectively managed and everyone can enjoy themselves and the company of their fellow faculty members, staff members, and students. I hope that this memorandum serves as a helpful reminder of the steps that event organizers should take and, on behalf of the Office of the University Counsel, I wish you a positive and fun-filled holiday season.