

Serving:

- Do not serve, provide or make alcohol available to any person who is or may be under the legal drinking age.
- Do not permit drinking to be the focus of the event.
- Make food and non-alcoholic beverages available. People who have eaten absorb alcohol more slowly than those who have not, thereby lowering their peak level of intoxication.
- If you are providing alcohol, serve drinks rather than having a self-serve bar. A self-serve bar encourages some people to drink excessively. Moreover, if you are serving the drinks, it will be easier to monitor your guests' consumption and behaviour.
- Do not encourage intoxication by serving extra-strong drinks, double shots or high-alcohol content beer.
- Stop serving alcohol long before you expect the event to break up. It is simply not smart to serve people alcohol just before they drive or otherwise try to get home.

Supervising:

- Refrain from drinking or, at most, drink moderately. The more you drink, the more difficult it will be for you to anticipate problems, supervise the event and intervene to avoid potential risks.
- Be attentive to your guests' behaviour and appearance. Be prepared to have a friendly word with a person who is becoming intoxicated.
- If your guests are endangering themselves or others on your property, you will be expected to take reasonable steps to defuse the situation. While the courts are unlikely to require you to intervene physically, a simple verbal warning to desist may not be viewed as sufficient.
- A guest may be significantly impaired and at risk well before he or she appears to be drunk.
- Do not provide alcohol to a guest who is becoming or may be intoxicated. Such conduct only increases the risks of a mishap and your chances of being sued.
- If gentle persuasion fails, you may have to verbally insist that an intoxicated guest not attempt to drive home.
- Arrange for a guest who may be intoxicated to be taken home safely or stay the night.

THE BOTTOM LINE

Being a good host means protecting your guests, yourself and others, as well as having a good time. The steps you take to safeguard your guests will reduce your risks of being sued. Your exposure to legal grief is largely in your own hands.

October 2006

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Sobering Thoughts on Safe Partying:

A Guide to Avoiding Legal Liability

(Second Edition)

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HOSTING, ORGANIZING OR SPONSORING A PARTY?

If it's your party, your alcohol or the event is on your property, you may have some legal responsibility for any injuries that occur. The number of alcohol-related civil suits has increased sharply, and it's not just bars that are being sued. Claims have been brought against schools, universities, municipalities, service and sports clubs, social hosts, parents, and employers.

The risks posed by drinking, and thus your chances of being sued, are not limited to car crashes. For example, in Canada about 65% of snowmobiling deaths, 38% of pedestrian deaths, 50% of violent crimes, and 25% of suicides involve alcohol. Moreover, while alcohol-related falls cause fewer deaths than impaired driving crashes, falls result in more people being hospitalized. Young people are particularly vulnerable, as illustrated by the fact that they are dramatically over-represented in almost every category of alcohol-related trauma.

This pamphlet will help you understand your potential liability, safeguard your guests and minimize your chances of being sued.



WHAT WILL GET ME SUED?

- **As a Provider of Alcohol:** The law does not prevent you from being a gracious host, and no one has ever been held liable for serving alcohol responsibly.

Your potential liability as an alcohol provider begins when you serve, give or make alcohol available to intoxicated individuals in circumstances in which they pose a risk of harm to themselves or others. For example, you may be held liable for serving alcohol to an obviously intoxicated guest who you know is planning to drive. Individuals will be considered intoxicated well before they become incoherent or completely unable to take care of themselves. The courts will focus on whether the individual displayed obvious signs of intoxication, such as slurred speech, boisterous conduct or a lack of physical coordination.

As a provider, you may be held liable if your intoxicated guests injure themselves or others on your property, on their way home and, perhaps even until they regain sobriety at home. These general principles will be applied more strictly in the case of underage drinkers.

- **As an Occupier:** Even if you do not provide any alcohol, you may be liable for alcohol-related injuries that occur on your property. The term 'occupier' includes anyone in control of property who has the power to admit or exclude entrants. For example, you would be considered an occupier when hosting a party in your home, running a social at your service club, or renting a hall for your daughter's wedding.

Occupiers are not responsible for every injury that occurs on their property. Rather, they can only be held liable if they are negligent in maintaining the physical condition of the property, supervising the conduct of their guests or controlling the activities on the property.

The liability issue is often framed in terms of whether the occupier took reasonable steps to prevent harm in the specific circumstances.

- **Expanding Liability:** The scope of alcohol liability continues to evolve and expand. For example, organizers of potentially dangerous activities must take whatever measures are reasonably necessary to prevent intoxicated individuals from participating. Employers have been held liable for negligently failing to prevent alcohol-related workplace injuries, and for alcohol-related injuries arising from negligently-planned, managed or supervised company parties or other social events. Parents, coaches, counsellors, police, and others in positions of authority appear to have a broad duty to protect young people who are or may be intoxicated.

However, the Canadian Supreme Court recently held that social hosts of adult BYOB events have no legal responsibility for intoxicated guests who drive away from the event and cause a crash. The Court indicated that social hosts should be subject to narrower principles of liability than commercial licensed establishments.

HOW CAN I REDUCE MY RISKS?

No single measure will eliminate all the risks of alcohol-related liability. However, with some planning, common sense and basic precautions, you can dramatically reduce your chances of being sued and held liable.

Planning:

- Do not sponsor, organize, supervise, or allow on your property, any inherently dangerous events or activities, such as underage drinking parties, drinking contests, or all-you-can-drink stags or similar events.
- If there have been previous problems with a particular event, group or person, take steps to avoid a recurrence.
- Consider hiring trained servers and staff to help run large events, such as family weddings or major service club socials.
- Do not combine alcohol and potentially dangerous activities, such as boating, snowmobiling, skiing, or hunting.
- Check your property and guard against potential hazards. Even minor measures, such as locking the gate to the pool, replacing a burned-out light bulb, or tightening a loose railing on the stairs, can significantly reduce your risks.
- Have a plan in advance to ensure that guests who become intoxicated can be taken home safely.

