



ASHA Inc American Safety & Health Associates

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Alcohol & Employer Liability

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Employers may have “host liability” for employees and guests who drink and drive depending on state laws and circumstances. Suggested guidelines to avoid negligence and to reduce risk and liability include:

At company events and during work related activities including meals for entertainment:

1. Don't serve or allow alcohol, but if it's allowed and especially if you serve, then:
2. Ensure minors do not drink, bring or get alcohol from others; check IDs
3. Exercise “reasonable care” to ensure adults who may drive do not exceed legal and safe blood alcohol limits ... This may be difficult, but it is key, so let's proceed as follows:
4. Inform everyone in advance in writing (with invitations, in policy handbooks, in training and on any drink tickets you may issue) that: You want them to enjoy themselves and you want them to be safe. So they must follow these rules regarding alcohol at company events and work related activities:
 - a) People must turn in their keys to a “monitor” upon arriving
 - b) Only people with a designated driver or lodging at the event may drink more than 2 drinks
 - c) If someone needs a designated driver they should arrange for transportation with a server or monitor before drinking
 - d) People must not give their drinks or drink tickets to others and must never allow a minor to drink alcohol
 - e) You reserve the right to refuse to serve alcohol to anyone
 - f) Any employee who drives impaired or facilitates someone else driving while impaired will face discipline up to and including dismissal and possible legal penalties
5. Have guests, especially employees print and sign their name before they drink on
 - a) A statement that they will obey your rules and will not drive impaired and
 - b) A name and phone of someone who can get them if they cannot drive safely
6. Have 1 or 2 designated servers (preferably professional bartenders) who identify guests and serve drinks only upon collecting tickets and will refuse to serve those who may be intoxicated
7. Issue 2 drink tickets per adult guest; have your rules printed and that person's name clearly written on the ticket; if you wish, have people pay for alcoholic drinks and serve non-alcoholic beverages at no charge (Note: Even 2 drinks may impair someone, especially over a short time on a small person with an empty stomach who was previously drinking or on certain medication)
8. Have designated, sober and responsible “monitors” who will monitor people and the parking lot and coordinate with servers and track the number of drinks guests have and make “reasonable assumptions” to determine if someone is impaired; they should account for people's behavior, weight and timing of drinks
9. Serve a variety of non-alcoholic beverages
10. Serve food; have sugary not salty foods
11. Close the bar at least ½ hour before the function ends
12. Provide or ensure safe transportation and/or lodging and get people to use them
13. If someone is obviously impaired, discourage them from driving; if they insist on driving call police and give them the license number and location of the vehicle

NOTE: Have ASHA write your Safety Management Program, do your Training & Consulting. Get \$500 off. Contact Terry Welsh of ASHA Safety at 517 927-3177 or twelsh@ashasafety.com

Sustainable Profits require Safety, Compliance & Quality; all are Attainable

“A visit from ASHA makes a visit from OSHA become a walk in the park”