



HOSPITALITY REGULATIONS MADE EASY IN BC

2022 UPDATE



About the Author

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She quickly understood that the heavily regulated hospitality industry is made up primarily of law abiding, hardworking people who break the law because they lack the necessary knowledge, not because they are trying to cut corners.

Since retiring from government, she has made it her mission to inform and educate the restaurant and liquor service industries and bridge the gap between government regulations and the businesses they regulate.

Should you have any inquiries about this manual, need assistance with any subject matter, or to obtain additional copies, please contact the BC Restaurant and Foodservices Association (BCRFA) at:

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Fourth Edition Spring 2022

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HOSPITALITY REGULATIONS MADE EASY IN BC: FOREWORD

The BC Restaurant and Foodservices Association, in partnership with the Province of BC, have created this manual and the associated website www.gov.bc.ca/startingarestaurant to make it easier to find government regulations that apply to the food, liquor service and brewing industries in BC. This information has been updated and is current as of January 2022.

In this manual you will find:

- Information about regulations, laws and policies affecting the industry
- Plain language explanations of the meaning of laws and regulations
- Tips to help you avoid problems, stay legal and work with government
- Lists of the permits and licences you need before you build, renovate and operate a food service or liquor service business
- Addresses and links to the forms to apply for permits and licences
- Web addresses for useful government sites
- Physical addresses for government offices
- lists of records you must keep and have available for a government inspector
- COVID-19 protocols and regulations.

Whether you are new to the industry or have owned or managed a restaurant or a bar for many years, this manual makes it easy to get the information you need to meet government's requirements and avoid problems.

Previous editions of this manual have concentrated on the food primary sector of the hospitality industry. This 2022 update includes liquor primary licensing and craft brewing. While much of this manual's material already applies to those sectors, in this version we have captured the laws and regulations that are specific and unique to these businesses.

It's no secret that the food service and beverage service industries have been struggling to attract and retain reliable workers in the last few years. In the updated 2022 manual we have included human resource management tips and ideas for effectively recruiting and maintaining your valuable team members. We have also included information about how to attract and recruit from groups underrepresented in our industries (such as Indigenous peoples, women in kitchens, LGBTQ+, people with disabilities, seniors, immigrants and refugees).

Before you start, a few definitions. There are three levels of government that implement regulations, policies and laws that impact the hospitality industry:

- Local or municipal: the government of the city, town, or municipality in which you operate your business. When you see the term "City Hall" in this manual, it means municipal or city government.
- Provincial: The Government of the Province of BC
- Federal: The Government of Canada
- Each government has different responsibilities.

Municipal governments make regulations (often called bylaws) covering local interests such as building, zoning, noise, parking, signage, hours of operation, waste management and heritage preservation. Bylaws will differ from community to community. What is allowed in one municipality might not be allowed in another. In some areas of BC, the input of local Indigenous governments will be required.

The BC Provincial Government is responsible for labour, employment standards, human rights, workers' compensation (WorkSafeBC), liquor and cannabis licensing and sales (also federal jurisdiction), and public health. The Provincial Government has offices throughout BC. Some larger population centres have a government services office. We've included toll free numbers, local numbers and website addresses for offices you may need to contact.

The Federal Government collects the GST, income tax (yours and your employees'), Canada Pension Plan (CPP) and Employment Insurance (EI) payments; provides Employment Insurance benefits, regulates immigration and foreign citizens work permits, and issues Social Insurance Numbers. They inspect and charge import taxes on imported food items or supplies. The Federal Government also inspects and grades Canadian agricultural products such as meat and grains.



TIP

If you plan to visit a government office in person, phone to ask if you can make an appointment. If appointments aren't offered, try to visit early in the day for faster service. Most offices open at 8:30 a.m.

In the time of COVID-19, always phone first. Some offices may be closed to the public to prevent spread of the virus.

**TIP**

If you receive a letter from Employment Standards, the local Health Authority, Revenue Canada or any other government agency, take time to read it. A letter will usually be the first contact the government agency makes with you, to provide you with important information or to tell you there is a complaint or problem. If you have been accused of contravening a regulation or law, the letter will tell you what it is you are alleged to have done or failed to do, and provide you with information about responding in a way that's appropriate and that will protect your interests. It may contain information and deadlines you must meet. Ignoring this type of letter is exceedingly unwise. Government enforcers don't just go away when you ignore them.

Some agencies will make direct, in person contact. This means they may arrive at your place of business without informing you beforehand. If a government official arrives and wants information, it is reasonable, if you're busy, to ask the inspector to return at another time. Try to set up an appointment within the next few days.

A health inspector will want to inspect your operation immediately, however, and you cannot refuse to allow them to inspect the cleanliness and food storage and handling at your business. Liquor and cannabis inspectors may arrive and observe your business practices without telling you or identifying themselves.

Unless you have been ignoring other attempts to make contact with you, most government inspectors try to be fair and come at times when you are not likely to be busy.

Be sure to keep an eye out throughout this manual for real life examples of specific regulations. You will find these titled "Don't Let This Happen to You!"



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1

**BEFORE YOU OPEN
YOUR RESTAURANT,
BAR OR CRAFT BREWERY**

There are several steps you must go through before you open the doors of your new business. Below is a checklist of things you must verify and permits, documents and licences you must have. Whether you have purchased an existing establishment or are building or renovating one, this list will be useful to follow.

OPENING YOUR BUSINESS REGULATIONS CHECKLIST

- ✓ Zoning requirements in your municipality
- ✓ Business structure (sole proprietorship, partnership or corporation)
- ✓ Business Registration with BC Registries and Online Services
- ✓ Menu planning for any food you will offer
- ✓ Business Name Approval Application
- ✓ GST (General Sales Tax) and PST (Provincial Sales Tax registration)
- ✓ Business Licence Application
- ✓ Health Operating Permit Application
- ✓ Kitchen design approval from the regional Health Authority
- ✓ Written approval for any renovations from the building owner
- ✓ Occupancy (or occupant load) permit
- ✓ Liquor Licence Application
- ✓ Permits for signs and awnings
- ✓ Waste disposal plans



TIP

You must keep the following permits and licences on open display – this means where customers may see them.

- ✓ Business Licence
- ✓ Health Operating Permit
- ✓ Occupancy permit
- ✓ Liquor Licence

There are other records and permits that must be available at your place of business and produced if asked to do so by an inspector. These will be discussed in individual sections in this manual. They include such documents as:

- All Serving it Right and Food Safe permits
- Liquor purchase and sales logs
- All records related to employee hours of work and wages paid
- All records related to safe food storage
- All records related to GST and PST collected and remitted

ZONING

Before you buy or lease a space to operate a bar, restaurant or craft brewery or buy or lease an operating business, check the zoning by-laws at City Hall. You need to know if the zoning will permit the business you want to operate in that area. Check for the following:

- Is the area zoned to allow the type of business you wish to operate?
- Are there restrictions on the number of seats allowed?
- Are outdoor areas serving food and drink permitted?
- Will the zoning allow live entertainment?
- How much parking will you have to provide?
- How many and what types of washroom facilities will you need?
- What hours of operation will the zoning permit?
- Can liquor be served? At what times? The provincial Liquor and Cannabis Regulation Branch sets the hours liquor may be served, but City Hall may limit or restrict liquor service hours to fewer hours. You can only serve liquor at the times that both Liquor Licensing and City Hall allow.
- What type of structure could be built?
- Could the existing structure be renovated to meet standards necessary to operate a bar, craft brewery or restaurant?

**TIP**

Learning the zoning requirements may require a trip to City Hall. Phone them first to ask about the best time to talk about zoning. Even better, if possible, make an appointment to talk to a City Hall representative about zoning.

**TIP**

Never buy or lease a property with hopes the zoning will change. Modify your plans to fit the zoning rather than expect the zoning might be changed.

**TIP**

When hiring a designer, do not assume they will know zoning requirements. Make sure your designer knows the zoning they must work with.

City Hall sets the zoning requirements. Each municipality will have different zoning for different areas. You will need to talk to City Hall to get the answers to these questions. Liquor Primary and craft breweries will face even more zoning restrictions than restaurants.

A turnkey restaurant, bar or craft brewery (one that is operating or was operating recently) usually complies with zoning bylaws and the Building Code, but before you put down your money, check with City Hall and be sure the building meets the Building Code and that the zoning allows the type of restaurant you wish to operate.

OPENING A LIQUOR PRIMARY

If you plan to open a Liquor Primary Establishment (a bar, pub, night club, etc.) you must obtain approval from the city or municipality in which you plan to open your business. This approval must be presented to Liquor Licensing when you apply for your Liquor Primary Licence. This means that you will be unable to serve liquor unless City Hall has approved all of the following:

- Establishment's location
- Person-capacity of the proposed establishment
- Operating hours requested
- Opinion of local residents and businesses
- Proximity to other social or recreational facilities
- Number of other licensed establishments in the area
- Potential traffic, noise, and parking issues
- Population density and trends
- Impact on the community if the application is approved

**DON'T LET THIS HAPPEN TO YOU!****Zoning**

It was just a little deli with a sun deck, but it had a fantastic view. Joe knew he could make it a successful fine dining restaurant and cocktail bar. It would be a great addition to the high end neighbourhood.

Joe dreamed of live classical music, a cozy bar with a fireplace, a packed deck in summer. He followed his heart, made an offer and bought the place. The realtor he worked with was as enthusiastic as Joe about the plans he had.

Joe hired a designer who committed Joe's dreams to paper. With design and dreams in place, Joe went to City Hall for his building permits.

Joe had a shock waiting for him. The zoning of the area wouldn't allow a full-service restaurant, any kind of liquor licence or service on the sun deck. There was insufficient parking to allow expansion. Live music would not be permitted.

Joe discovered the deli had been permitted only because the original developer of the housing in the area convinced City Hall that a deli would be a convenience for residents. However, no zoning changes were foreseeable for the future in the residential area.

Joe learned the hard way. Don't get caught up in the possibilities and put your money down before you are sure the zoning will allow what you hope for.

Check the Zoning Before You Buy, Lease or Rent a Place to Open Your Business

- Never assume your realtor knows the zoning regulations
- Never assume your architect or designer knows them either



BUILDING PERMITS

Whether you are renovating or building from the ground up, your design must meet ALL standards of the BC Building Code. The requirements of the Building Code are the same throughout BC and are based on the requirements of the National Building Code of Canada.



TIP

If you are renovating, you will require a demolition permit to remove parts of the existing structure as well as a building permit to rebuild.

The Building Code covers the following:

- It directs City Hall (which issues Building Permits) to grant permits only when the structure or renovation will be within the guidelines of the Building Code.
- It covers fire safety and environmental safety. The Building Code ensures the structure is made of materials that are strong enough to support the use planned for the building, are nontoxic and fire resistant.
- It specifies the way buildings are renovated or constructed to guarantee nothing can collapse.

- It sets the standards for access for persons with disabilities.
- It sets gas and electrical safety standards.
- More recently, environmental concerns are being addressed by the Building Code, such as a requirement that new plumbing installations conserve water.



TIP

If you are renovating a structure, make sure you factor in the cost for checking if there is asbestos in the building. This will have to be safely removed by professionals before any renovations will be allowed to start.

City Halls in most communities have passed building standards by-laws to deal with specific local conditions such as snow, extremes of heat and cold, earth tremors and earthquakes or high rainfall. These standards must be met, in addition to the Building Code standards. In BC all of these conditions exist somewhere in the province. As well, BC has a wide variety of terrain: sandstone, granite, reclaimed marshlands, tidal flats and river deltas,

to name just a few. This means structures permitted in one area may not be permitted in others.

Every construction and major renovation must meet Building Code standards AND any additional requirement City Hall has for local conditions. These local by-laws are in addition to, not instead of, the Building Code.

It's not necessary for you to know the requirements of the Building Code in any detail unless you plan to do your own renovations. It is useful, however, to understand that when you apply for permits your plans are reviewed by experts who do know and understand the requirements of the Building Code. Your plans are approved on the basis of compliance with the Building Code, by-laws for local conditions and zoning restrictions. You are entitled to a full explanation if any part of your plan is not in compliance with the Building Code.

To build a new structure OR renovate you must have a Building Permit issued by City Hall. Don't forget the Demolition Permit if there is to be any demolition.

A Building Permit is required for any repair (other than minor maintenance type repairs such as painting, replacing fixtures, cabinets or flooring), alteration, addition, reconstruction, demolition, removal or relocation of any part of the interior or exterior of the building. If you are unsure if a permit is required or not, check with City Hall.

A building permit will be issued by City Hall ONLY if the overall design and concept meets the zoning requirements, the BC Building Code and any by-laws enacted to deal with local conditions such as the terrain the building is on, earthquake safety, snow or rain.



TIP

Go to City Hall long before you actually apply for your building permits to ask what you will need to provide to get your plans approved quickly. Ask for an approximate time estimate between application and approval or denial. Don't start any work until all the approved permits are in place.

If you plan to change the type of business or add more seats, you will need a Building Permit.

Example: if the space is going to be converted from a grocery store to a restaurant or you want to add more seats to an existing restaurant, a building by-law review

may be conducted even if no structural alterations are planned. This review decides if the number of washrooms and parking spaces are sufficient, if the building would be safe with more people inside and if the proposed changes are compatible with zoning and the neighbourhood.

If renovations involve electrical, gas or plumbing work, the qualified trades person who will do the work must apply for the permit.

The Building Permit describes and authorizes the work to be done. It must be done exactly as the approved plans show and with the approved materials. If the plans or materials change, a new application must be made to City Hall.

It will take time to have your plans approved and to get a Building Permit. The size and complexity of the project and municipality where the project is located are main factors. In a large city, it could take several weeks or even months to get a Building Permit for major or complex projects. The City Hall website may give some general information about the average time it takes to process applications. A complex application involving major renovations, plumbing and electrical work will go through several experts' hands. Electrical will be seen by electrical experts, plumbing by the plumbers, the fire department will look at the fire safety and exits. You will also need to have separate plans for your kitchen approved by the local Health Authority.

To apply for a Building Permit, you will need to show drawings. The more work that is planned, the more drawings City Hall will need. If a qualified general contractor is doing the work, they will know which drawings are needed.



TIP

For more complex projects, it may be a good idea to hire an architect to design the project for you.



TIP

When hiring a contractor and an architect, ask other business people who have renovated or built restaurants, bars, nightclubs or craft breweries and get recommendations. Get several bids. Check references. Remember the lowest bid may not be the best bid.

CONTRACTOR QUESTION CHECKLIST

Make sure you ask any contractor you are considering hiring all of the following questions and make a note of the answers.

- ✓ How long have you been in business?
- ✓ What work are you, or your subcontractors, licensed to do (e.g. electrical, plumbing)?
- ✓ What kind of work do you specialize in?
- ✓ Have you done a restaurant (or bar or nightclub or brewery) renovation or build before?
- ✓ Can I have the names of the people you have done work for and will I be able to go to see the work you've done?
- ✓ Will you use your own crew for the work or will you subcontract all or part of the job?
- ✓ How would you handle a specific problem related to this project (e.g. installing a walk-in freezer in a small space)?
- ✓ How will you deal with the health and energy efficiency aspects of the job?
- ✓ How and when do you clean up, particularly fine dust?
- ✓ What work schedule will you follow?
- ✓ What kind of warranty do you offer and what does it cover?
- ✓ Do you carry workers compensation and liability insurance?
- ✓ Will you provide a written contract?
- ✓ Will you take out all required permits (e.g. building, plumbing, electrical)?
- ✓ Are you knowledgeable about the specific requirements commercial kitchens must be built to meet?

You won't offend reputable firms with questions. The best companies have anticipated your questions and come to the meeting with answers. Beware the contractor who keeps saying they 'will get back to you on that question.' They haven't come prepared with knowledge and likely will be flying by the seat of their pants throughout the build. You don't need that stress. If a contractor doesn't seem to know much about the technical details of the job or doesn't want to talk about them, you have the wrong contractor. Don't be tempted to hire a contractor because you are keen to get started. The wrong contractor can cost you a lot of money and cause a lot of grief.



DON'T LET THIS HAPPEN TO YOU!

Contractors

Sam was really keen to open her restaurant after numerous delays. She felt the exterior of her heritage building should be painted before opening. After looking around for painters, she couldn't find anyone who wasn't already booked for the season. A friend gave her a flyer that had been delivered to her house advertising the services of Super Speedy Painters. How bad could it be, thought Sam. Well, pretty bad as

it turned out. The paint job was not only sloppy, but it also destroyed some of the characteristics of the heritage building. Sam had to pay for the dreadful work and must hire another painter next year to correct the mess. Sam hired in haste for a cut rate price and got a cut rate job done by amateurs. Wait for a reputable and experienced company to perform the work.

KITCHEN CONSTRUCTION AND RENOVATION

Whether you are a Food Primary, Liquor Primary or have a tasting room, having a kitchen that is capable of producing the menu you wish to have is a necessity. Not all bars or breweries may need to have a commercial kitchen. The type of food bars and tasting rooms must serve is discussed in the Liquor section. However, Food Primaries must always have a commercial kitchen capable of preparing their menu.

Kitchen construction and renovations require a separate permit. While you may have a Building Permit, you cannot build or renovate a restaurant, bar or pub *kitchen* without the approval of the local Health Authority. Each geographical area of the province is served by one of five health authorities. Find your local Health Authority and contact information [online](#). The contact information for each Health Authority Regional corporate office is listed in this section.

The local health authorities are responsible for public health. Your kitchen design must meet the requirements of the [Food Premises Regulation](#) and be approved by the Health Authority. You may apply for this when you apply for your building permit. These are separate permits, and receiving only one does not authorize building or renovating your kitchen – you must have both. Before your grand opening, you must have received a Health Operating Permit from your local Health Authority. They will generally inspect the place to ensure the construction of the kitchen is satisfactory for the food you plan to serve and in accordance with the plans you submitted.

When you apply to the Health Authority for approval of your kitchen plans, you must also attach a sample menu outlining the type of food you plan to serve. This helps the Health Inspector decide if your kitchen design is appropriate for the menu.

The BC Centre for Disease Control has published a really excellent publication entitled “[Food Protection – Vital to Your Business](#)”. This publication covers planning a food business, getting and keeping an operating permit, ensuring safe food supplies, storing and displaying food, preparing, cooking, serving and dispensing food, illnesses and how to prevent them, cleaning and storing dishes and utensils, maintaining equipment, maintaining a food business, operating vending machines and information on the FOODSAFE Training Program. You can access this publication [online](#).

The BC Food Premises Regulation requires commercial kitchens to:

- ✓ Be connected to potable water (free of contaminants, safe for drinking)
- ✓ Have a method to heat the water to temperatures necessary to sanitize dishes and glasses
- ✓ Be built of construction materials that are easy to clean (not porous or able to retain dirt or bacteria)
- ✓ Have no direct access to private living quarters
- ✓ Have bright artificial lighting
- ✓ Have convenient hand washing stations for food handlers to use
- ✓ Have adequate separate storage for cleaning equipment
- ✓ Have ventilation systems capable of removing smoke, steam and cooking odours in an approved way
- ✓ Be connected to an approved sewage removal system
- ✓ Have washrooms for customers in most places

If any of these specifications are missing or do not meet standards, make sure you can afford to have them installed. A business that serves food but that does not meet the requirements of the Food Premises Regulation will not receive a permit to operate.

Craft Breweries and Liquor Primary businesses also have an obligation to serve food to customers. The Liquor and Cannabis Regulation Branch holds the view that the consumption of liquor is mitigated by food. These types of businesses don't have to serve the same variety of food as a Food Primary establishment. However, if food is to be prepared and served to the public, the kitchen must meet guidelines and regulations to ensure food safety.



TIP

New to the industry or new to BC? Before you are allowed to work in your restaurant or serve food in your bar or pub, you must take the FOODSAFE program and pass the exam! Be smart; take the course before you look for a business to buy or make plans to build. You will learn about kitchen design, food handling, food safety and the laws that keep our food safe. You will be better informed about kitchen cleanliness requirements and will be able to make informed choices when you begin to look or plan. You can register for [FOODSAFE online](#) or by contacting your local Health Authority.



TIP

The local Health Authorities send out inspectors to restaurants and bars that serve food. Businesses that fail to pass inspection are named on their Health Authority websites. The public can find out with a quick search if your business has failed an inspection and why. You don't want to be on this list.

Craft Breweries and Liquor Primary businesses must also have the capacity to serve food. Liquor cannot be served unless food is available for guests. The food must be more than prepackaged food that is available from vending machines. However, it can be a simple menu of “bar food”.

WRITTEN APPROVAL FOR RENOVATION FROM THE BUILDING OWNER

The majority of hospitality businesses occupy leased or rented property. If you plan to do any work in your new place you must consult with the owner of the property.

If the work you plan requires a building permit, you must have the property owner's WRITTEN permission and approval. The written permission and approval must be attached, along with the plans, to any application you submit to City Hall for a Building Permit.



DRAWING REQUIREMENTS

If you plan to do all the work without hiring contractors, visit City Hall with your plans to ask which drawings you need to attach to your Building Permit application.

To give you a general idea of the drawings required, here's a list from the City of Vancouver:

- Five complete sets of signed and sealed design drawings bound into five individual sets. Five sets of electrical and plumbing drawings (if there are to be electrical or plumbing changes or updates).
- Sewer Connection Documentation.
- Electrical Plan Review Documentation.
- Completed BC Building Code Data Sheet attached to each set of the drawings. The Building Code Data Sheet should be signed and sealed by a registered professional when the design drawings have been prepared by a registered professional.
- Drawings Cover Sheet: A full size drawing cover sheet bearing the project title block and titled "Building Code Information" should be attached to the front of each drawing set.

Documentation Checklist:

- ✓ An Application Submission Requirements checklist should be submitted with the application. This documentation will assist processing of building permit applications.

You are probably getting the idea, by now, that unless you are an experienced commercial renovator, a qualified general contractor will be a good investment.



TIP

Request an inspection at the completion of each stage of the work. You will be expected to provide the inspector with a set of drawings while he or she does the inspection. This is particularly important on large projects. When inspectors have been involved throughout the process, your Occupancy Permit application will generally proceed smoothly. City Hall will tell you how to request these inspections.



TIP

If you lease the property, be sure your landlord will agree to renovations and will give you a letter to attach to your application for a Building Permit agreeing to the changes you wish to make. Make this a condition of signing the lease.



DON'T LET THIS HAPPEN TO YOU!

Building Permits

Camille decided to redecorate her pub. She hired a decorator to help. In addition to changing the wall colours and the floor coverings, the decorator suggested Camille build a glass brick divider between the bar and the games area (darts and pool table). This would give the pub a more contemporary look and make the bar area more intimate, her decorator said.

Before the new carpets were installed, glass bricks were cemented to the plywood underneath, then stacked and cemented to about a metre below the ceiling. The effect was an attractive opaque divider between the bar and the games area.

Camille *had* checked with City Hall. She was told she didn't need a permit to simply redecorate. At the time,

she only planned paint and fabric changes. Neither Camille nor her decorator thought to check if a permit was required to build the glass brick divider. They both saw it as a purely cosmetic change.

A routine visit from a Liquor Inspector led to the Building Inspector being alerted to the work underway. Camille was told the wall must be removed. The bricks were heavy and could cause the unreinforced floor to collapse. The wall also impeded the fire exit.

Don't make assumptions. Before making ANY changes to your place of business, ask City Hall. If Camille had asked, it would have saved her a lot of money and time.



CRAFT BREWERIES

Most of the zoning and building permit requirements you must meet to open a restaurant or a bar apply to a craft brewery as well.

In addition to all of the above, in most communities there are significant restrictions on where a brewery may be located. Unless you are buying an existing brewery, you need a Development Permit from City Hall when you find a location. Do this before you finalize your lease. If you lease a space and City Hall decides they don't want a brewery in that area, you will be stuck with expensive rent and no brewery. Make sure any tenancy is contingent on being able to receive the permits you need to open a craft brewery, have a tasting room and sell your product to the public.

As you will be installing manufacturing equipment that is heavy, your building must be capable of bearing the load of the vats and machinery.

There will also be Liquor Licensing requirements that will be covered in the Liquor section of this manual.

LIQUOR PRIMARY ESTABLISHMENTS

This includes bars, clubs, nightclubs and pubs. The line between restaurants and Liquor Primary is slowly dissolving as more bars and pubs offer darned good food and more restaurants offer bars. However, there are some distinct differences.

Most of the building and renovation requirements and kitchen requirements apply to any establishment that offers food and drinks.

A Liquor Primary Licence requires that food be available to patrons. The food does not have to be to the same extent and variety that a Food Primary Liquor Licence requires. However, packaged snacks alone are not sufficient to meet the requirement.

Liquor licensing officials believe, quite correctly, that the effects of consuming liquor is mitigated, to a degree, if food is consumed while liquor is being drunk. A Liquor Primary business or brewing/manufacture doesn't have to have a commercial kitchen capable of preparing restaurant quality meals. However, if they do have a kitchen, the kitchen must meet the same health and safety standards of a restaurant, which is a kitchen capable of preparing the food to be offered. There are no solid rules at the time of writing, however, food must be made available and it must be more than packaged nuts and chips or hot dogs and pizza slices that have been sitting in the warming case since the place opened.

Food must be available and easy to obtain. The onus can't be on the patron to go and get take-out food from a neighbouring restaurant. However, if the patron can order from the next door restaurant menu and have it delivered to their table, that may be acceptable.

Craft breweries that have tasting rooms and a place where the customers can consume their product must offer food as well. Again, it need not be elaborate. More on this subject will be found in the Liquor Licensing section.

PERMITS FOR SIGNS, AWNINGS AND OUTSIDE TABLES

SIGNS AND AWNINGS

Before you hang a sign or install an awning with your business name on it, you are required to obtain a permit from City Hall to have an exterior sign advertising your business. If that sign is on an awning, you may need a permit for that awning. Sidewalk or sandwich board style signs may be restricted. Each municipality will have its own requirements. Ask City Hall or check their website. There will be a fee for applying for signs and printed awnings. Get your permit before you give the sign painter your order!

OUTSIDE TABLES

If you plan to have a patio on which you will serve food and drinks, you must put that into your original building plans when you apply for your building permit. Patios may be required to close earlier than the interior of your business if there are residences anywhere nearby.

Even if you only plan to take a few tables and put them on the sidewalk on sunny days, you must apply to City Hall for a permit to do this. You don't own the sidewalk in front of your restaurant and you are not permitted to obstruct pedestrians. Some buildings may already own a "set back" that has created a space where a patio may be built. City Hall may also consider leasing you a section of the sidewalk on which to place a patio. Your premises will be inspected for suitability before you may be permitted to put seats outside.

COVID-19 NOTE: In order to allow restaurants to remain open and to serve guests safely, most BC municipalities

and cities have greatly relaxed patio service rules. Some have even closed streets to traffic to allow for patio expansion. There is some hope this relaxation of patio rules will last beyond COVID-19. However, don't rely on this as part of your business model. You will also need to talk to the Liquor and Cannabis Licensing Branch if you plan to service liquor on your patio, whether it is a temporary or permanent patio.



TIP

The Liquor and Cannabis Regulation Branch does not permit signs or any form of advertising that shows people drinking liquor and driving, or that makes drinking liquor glamorous. For more information go to the Liquor section of this manual.

WASTE REMOVAL AND KEEPING YOUR BUSINESS CLEAN

It's good business to keep your premises clean both inside and out. Litter, full garbage containers and cigarette butts around the outside will send customers down the street to a cleaner looking place.

Maintaining a high cleanliness standard is also a requirement for any location serving food and/or liquor to stay in business. You will be inspected, periodically, to assure you are complying with all the Health Authority requirements.



WASTE DISPOSAL

A restaurant, brew pub or bar must dispose of waste in accordance with the by-laws and requirements of City Hall AND environment protection laws. Check with City Hall for waste removal requirements and services available. The BC Restaurant and Foodservices Association (BCRFA) will also provide you with information about waste disposal and organic waste disposal requirements.

Grease must be caught in a grease trap and disposed of by waste removal, not flushing away into the sewage system.

Side products of craft brewing must be disposed of in accordance with local regulations and environment protection laws.

A professional waste removal company must be hired if City Hall doesn't collect trash from businesses.

You'll find more information about the Health Authority's waste disposal requirements in the section headed Public Health.



TIP

There are a growing number of companies that want your used cooking grease to convert to engine fuel. They will take it away and, in some cases, even pay you for it! Contact the BCRFA for information about companies that want your old grease.



SNOW REMOVAL

Most communities require businesses to keep the area in front clear of snow and ice. Your insurance company will probably require it as well.

PESTS

Pests like rats, mice, roaches and others are not just unpleasant; they are a real health hazard. Any restaurant or location serving food and/or alcoholic beverages or manufacturing beer will be closed if there is evidence of pests. Have a reliable pest control company prevent these critters from moving in; don't wait until they have set up house.



TIP

If you don't pass the health inspection, you will be warned to clean up, and, in some cases, ordered to close until the inspectors are satisfied you can reopen. Your health inspection report is a public document. Your inspection results (the good, bad and ugly) are published on the local Health Authority website, occasionally published in local papers and even mentioned on the TV news. This is not the kind of publicity you want.

GRAFFITI REMOVAL

Most municipalities have regulations requiring that property owners remove graffiti on their walls. In some larger cities there are community programs to help deal with graffiti (for example, in [Vancouver](#)). Contact City Hall to ask about graffiti removal programs.

BUSINESS STRUCTURE AND BUSINESS REGISTRATION

BUSINESS IDENTITY

You will need to decide if your business will be incorporated, a partnership or a sole proprietorship. For more information about the meaning of each go to the [BC Registries and Online Services](#) and [Small Business BC](#) websites. You can also use the [Business Structures Wizard](#) to help find the right fit for your business. There are legal implications attached to each of these choices. It is in your best interest, if you are new to business, to consult a lawyer or a Chartered Accountant to help you decide which is best for you.

You will need to choose your business structure before requesting a business name as there are naming rules for some types of businesses. Make your choice of legal identity early in the project, so your correct company name appears on Building Permit applications, Liquor Licence application, etc.

If you choose to have a “legal identity” and be registered with the BC Registry, there will be a fee for your registration. One benefit of becoming a corporate entity is, in part, to shield your personal assets in case your business fails.

You may register with the BC Registries and Online Services at:

[BCReg.ca](https://www.bcreg.ca)

1 250 387-7848

Toll Free: 1 877-526-1526

BCRegistries@gov.bc.ca

Victoria Office

Mailing Address:

PO BOX 9431

STN PROV GOVT

VICTORIA BC V8W 9V3

Courier:

200 – 940 Blanshard Street

Victoria BC V8W 3E6

BIZPAL

BizPaL is an online government service providing information about permits and licence requirements from the three levels of government.

To use this service, you enter your location and the type of business you operate or wish to operate. BizPaL then generates a personalized list of the permits and licences needed by each level of government to start or grow a business.

An operating business can use BizPaL to ensure they have all the permits and licences they are required to have.

For more information, visit bizpal.ca. This service is only available online.

NAMING YOUR BUSINESS AND SIGNAGE

NAMES

There are several regulations to keep in mind when you choose your business’s name. Before you rush to the sign maker’s and register your website, remember these rules.

Make sure the name you have chosen has been approved by BC Registries and Online Services, City Hall and the Liquor and Cannabis Regulation Branch. Each of these government departments has different reasons for approving names.

BC Registries and Online Services will not allow you to use names that belong to another company, may mislead the public or may infringe on trademarks or copyright. Your restaurant’s name may already belong to someone else, so be careful if you are thinking of naming it after a famous person or thing. BC Registries and Online Services will likely refuse your name application if they know it misleads the public, leading them to believe your business is affiliated with a well-known corporation or if the name is already trademarked.

BC Registries and Online Services does not know every possible landmine associated with naming a business. You must do your own research as well. Corporate Registry and City Hall may warn a business when they see a name that might cause copyright problems. They can’t be expected to know everything, however, and it’s not their job to identify international copyright infringement. A business must do its own due diligence. If a name is famous, check with the owner of the name to make sure they have no objection to its use in naming your eatery. Get permission in writing! Even if the owner of the name is deceased, there still may be a copyright.

City Hall may not permit certain names to be displayed. For example, names that could offend community standards or mislead customers into thinking there is an affiliation where there is none, may not be allowed. Ask the people you talk to when you check the zoning requirements what names may be refused. Don’t wait until you have already created plans that require approval. Changing names mid-process may cause confusion and delays.

**TIP**

Liquor Licensing does not permit signs or any form of advertising that shows people drinking liquor and driving, or makes drinking liquor glamorous. For more information go to the Liquor Licensing section of this manual.

Visit [OneStop](#) for more information and a name approval request form or visit [Name Request](#) or a [Service BC Centre](#) service delivery location. You can reach OneStop by:

OneStop

onestop.gov.bc.ca

Toll-free: 1 (877) 822-6727 Monday to Friday, excluding statutory holidays 7:00 a.m. to 7:00 p.m., Pacific Time.

E-mail: OneStop.help@gov.bc.ca

B.C. Name Request

bcregistry.ca/namerequest

Toll-free 1 (877) 370-1033 in Canada; or in the Greater Victoria area, call (250) 370-1033. Monday to Friday, excluding statutory holidays 8:30 a.m. to 4:30 p.m., Pacific Time.

E-mail: BCRegistries@gov.bc.ca

Upon payment of the specified fee, they will provide you with the Name Approval Request form and will submit your request to BC Registries and Online Services for examination.

Craft breweries need to be particularly diligent when choosing a name. Not only do they need to have a name that doesn't belong to another business, but they also need to be sure the name they choose isn't too similar to another beer or wine manufacturer. A lot of the appeal of a brewery's product is related to their label design and their sales in their local liquor stores. Be certain your name will be acceptable.

SIGNAGE

Before you order your signs, awnings and sandwich boards, make sure you have received approval for your name and permits to display the name on your business, awnings and sandwich board. These permits are available from City Hall.

**TIP**

You will probably want to have a website to advertise your business. Do a web domain search to make sure you will be able to have a website that closely follows the name you wish to give your business. You want your customers to find you easily.

**DON'T LET THIS HAPPEN TO YOU!****Naming Your Business**

The name the craft brewery chose reflected their values and their community. All the partners were happy, so a designer was hired and the labels were created. This was an expensive and time consuming process but the end results were worth it. That is, until a local winery pointed out the uncomfortable similarities between their name and the name of the soon to be launched brewery. The brewery agreed, it could be confusing and reluctantly went back to the beginning with the name, label and design. This cost them extra funds they could ill afford and delayed their opening by two months.

The high end wine bar named their bar after a famous movie star. Unfortunately, he wasn't flattered. Turned

out he owned some watering holes in his own name. He sued the bar to change its name. It wasn't all bad, he didn't want money, just a name change and the bar got some publicity.

It was much worse for the restaurant that named itself after a very famous mouse. The corporation that owned the mouse and his image sued the restaurant to both change its name and pay royalties for the several months they had used the name. The mouse's image doesn't come cheap. The costs of paying the corporation nearly bankrupted the restaurant.

APPLYING FOR A LIQUOR LICENCE

There are a variety of types of liquor licences. For the purpose of this manual, we will be talking about the three types of liquor licences needed in the hospitality industry.

FOOD PRIMARY

The Liquor and Cannabis Regulation Branch may issue food-primary licences to restaurants where the service of food, as opposed to liquor, is the primary focus of the business. Licensed restaurants may serve any kind of liquor purchased through the Liquor Distribution Branch. There is no such thing as a beer and wine only licence. If you have a food primary liquor licence, however, you may choose to serve limited types of liquor (such as beer and wine). You are not required to offer a full range of mixed drinks.

A full range of appetizers and main courses must be available and be served, whenever liquor is available. Liquor may be served to customers who have not ordered food, but restaurants must be able to show through sales records the focus of the business is primarily food. Only restaurants with 50 or more seats may apply to have a separate lounge area where they can serve liquor without food. Guests may be served liquor without ordering food but the focus of the business must be on food.

Restaurants may remain open 24-hours-a-day, but may serve liquor only between 9:00 a.m. and 4:00 a.m. It is, however, unusual to find a location where City Hall and the Liquor and Cannabis Regulation Branch have permitted late-night liquor service hours. Liquor service, after midnight, requires Liquor and Cannabis Regulation Branch and local government approval. These permits are usually only issued for special events and occasions such as New Year's Eve.

Children (people under 19) are allowed in all food-primary establishments. Businesses not eligible for a food-primary liquor licence – even if liquor is served – include:

- Restaurants in mall food fairs
- Restaurants that do mostly take-out service
- Stand-alone banquet rooms without fully equipped kitchens, and
- Mobile food providers, such as food trucks.

For information about eligibility and how to apply for a Liquor Licence, please go to the Liquor Section of this manual.



TIP

If you are buying an existing restaurant, you ARE NOT able to buy the existing Liquor Licence. Beware of the seller who tries to sell the licence as an asset. The licence may be transferred to a new owner, but the new owner must then apply and be eligible for a licence in his, her or their own right. The Liquor Licence belongs to the Liquor and Cannabis Regulation Branch of government, not to the restaurant owner. In some instances, there are unique restrictions on a licence that may make a property more valuable, but these are rare and usually only attached to historic properties. These restrictions will usually be grandfathered to the new licence holder.

CATERING LICENCE

Many restaurants and pubs offer catering services to their customers. The Liquor and Cannabis Regulation Branch issues licences to catering companies so that they may provide a full range of food and beverage services to their clients. Licensed caterers can purchase, transport, and sell liquor and maintain a liquor inventory.

Licensed caterers must ensure that the primary focus of their business is preparing and serving food. They must have the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes the requirement to have a full commercial kitchen at their business location.

If you have a food-primary or liquor primary licence, you may be eligible to apply for a catering endorsement. Please refer to the section on catering endorsements for food-primary licences or liquor-primary licences for more information.

Event planners, promoters, and bartending services are not eligible for a catering licence.

Except for events held at a private residence, any time you are selling and serving liquor purchased under your



TIP

Don't wait until you are close to opening or an event before applying for your liquor licence. It isn't too soon to start the application process once your building permits are in place and construction has started or the event is booked. If you are catering an event, be sure you factor the cost of the licence to serve liquor is factored into your price.

licence at a catered event, you must submit a request for a Catering Authorization to the Liquor and Cannabis Regulation Branch online via the OneStop Business Registry at onestop.gov.bc.ca.

Caterers can apply for a liquor licence if they already operate out of an existing licensed establishment.

Restaurants, hotels, and conference centres can obtain a permit to supply liquor at catered events held at offsite locations. For example, an outdoor wedding could be catered with both meal and full liquor service supplied by the couple's favourite restaurant or a hotel could supply convention delegates with both food and liquor service at an offsite location.

Serving staff will be required to have "Serving it Right" Certification.

If you have a food-primary or liquor-primary licence, you may be eligible to apply for a catering endorsement (enables you to provide food and beverage service at events hosted by your clients).

You may need to obtain City Hall approval and permits for certain outdoor events. Be sure to verify that liquor service will be allowed at your chosen venue before you apply for your liquor licence.

For a full list of requirements go to www.gov.bc.ca/lcrb.

COVID-19 ALERT: Keep an eye out for changes to [Provincial and regional restrictions](#) when planning events as restrictions can change at any time.

LIQUOR PRIMARY LICENCE

This licence is for businesses where the primary purpose is to sell liquor (bars, nightclubs, pubs, etc.) as well as other businesses that wish to serve liquor as an additional service to their primary business (spas, salons, art galleries, theatres, etc.). Private clubs may choose to apply for a liquor primary club licence, which is a subclass of the liquor primary licence.

MANUFACTURER

This licence is for wineries, breweries or distilleries. A craft brewery is considered a manufacturer.

TRANSFER OF LICENCE

If you sell your business, make sure the new owner applies to have the liquor licence transferred to their name. Make that a condition of completion of the sale. If you are a purchaser, make sure the licence is properly transferred. There is a grace period only while the new owner is actively seeking to have the licence transferred to their own or company name. Make receipt of the licence in your name a condition of completion of the sale.



DON'T LET THIS HAPPEN TO YOU!

Liquor Licence

Amal sold his restaurant in 2018. He believed, wrongly, the new owner automatically became responsible for the Liquor Licence. The new owner, Bob, operated the restaurant under his own name, but the liquor licence was in Amal's name. Neither Bob nor Amal bothered to tell Liquor and Cannabis Regulation Branch of the change in ownership.

In early 2019, a group of people came into the restaurant. The customers ordered mixed drinks before dinner, several bottles of wine with the meal and after dinner drinks. The servers continued to fill the drink orders even though it was obvious some of the group was becoming intoxicated. They believed one of the patrons, who was drinking modestly, was the designated driver, so failed to take any steps to assure the customers had a safe ride home.

Later that night, one of the customers was involved in a serious motor vehicle accident, driving impaired. The police learned he had been drinking at the restaurant and reported it to the Liquor and Cannabis Regulation Branch (as they are required to do). Amal's name was still on the liquor licence. He was required to attend the violation hearing and his involvement may affect his future eligibility for a liquor licence. He is also named as one of the respondents in a multimillion dollar civil suit filed by a person disabled in the accident.

Bob, as owner of the restaurant, has liability as well; he was serving liquor without a licence as well as serving intoxicated patrons and failing to provide safe transport. Both Bob and Amal may be facing serious legal penalties. Amal need not have been involved in this at all if he had been clear about his responsibilities regarding transfer of his Liquor Licence.

GENERAL SALES TAX AND PROVINCIAL SALES TAX REGISTRATION

When you sell things, you must collect taxes on behalf of the government and then give the money collected to the government.

You are responsible for collecting **GST (General Sales Tax)** which you remit to the Federal Government and **PST (Provincial Sales Tax)** which is remitted to the Provincial Government.

BUSINESS NUMBER

You must obtain a Business Number (BN) to collect and remit GST, PST and income tax you collect from your employees. To obtain a BN, visit the [Canada Revenue Agency](#) or phone 1 (800) 959-5525.

COVID-19 ALERT: Many government offices are closed to the public to limit exposure to COVID-19. If you plan to visit a government office while the pandemic is still ongoing, phone first to check if they are open to the public.

The BN is your identifying number for GST and PST collections AND for sending taxes, Canada Pension and Employment Insurance payments on behalf of employees. The number is also linked to your WorkSafeBC number.



TIP

This manual does not give information about your personal income taxes, tax on income from operating your restaurant, tax credits you are entitled to or tax you should deduct from your employees' wages. For general information about your reporting and payment options, go to the Government of Canada website canada.ca/en/revenue-agency and follow the links or phone 1 (800) 959-5525. You will also find information to assist with preparing payroll on the same site.

Unless you are an expert on payroll preparation and tax obligations and benefits, it's wise to contract the services of a bookkeeper or accountant who is an expert. Like any service you contract, make sure you are getting a qualified person by obtaining and checking references.

For information about income tax deductions on the tips your employees receive, go to the employee section of this manual.

PROVINCIAL SALES TAX

Provincial sales tax (PST) is a retail sales tax that is payable when a taxable good or service is acquired for personal use or business use, unless a specific exemption applies.

Businesses serving liquor must charge and remit PST at the current rate of 10% on all liquor sales (as at time of writing).

You must register to collect and remit PST and you must charge and collect PST at the time the tax is payable, unless a specific [exemption](#) applies. You report and pay the PST you collect as well as the PST you may owe on items you use in your business.

To register online to collect and remit PST follow these steps:

Online

Register to collect PST online through [eTaxBC](#), open 24 hours a day, 7 days a week. You can register to collect PST at any time that is convenient for you. The registration process will take approximately 10 to 20 minutes.

Registering online is the quickest way to register and in most cases you can receive your PST number the next business day. Register at www2.gov.bc.ca/gov/content/taxes/sales-taxes/pst.

Note: If your online application contains errors, it will have to be processed manually. This will delay the time it takes for you to receive your registration number.

By Phone

You may telephone eTaxBC at 1 (877) 388-4440 (toll free within Canada) to obtain forms and information. Monday through Friday, 8:30 a.m. – 4:30 a.m.

By Fax or Mail

First complete an Application for Registration for Provincial Sales Tax. This form is available at any BC Service Centre or online www2.gov.bc.ca/gov/content/taxes/sales-taxes/pst/forms (click the Online hyperlink under FIN 418). Print this off and mail or fax to the Ministry of Finance.

The mailing address and fax number is:

Fax: (250) 356-2195

Mail:

Ministry of Finance
PO BOX 9435 STN PROV GOV
VICTORIA BC V8W 9V3

For detailed information on what PST you must collect and pay, and on what articles you must pay PST, contact the Ministry of Finance or talk to your accountant.

GOODS AND SERVICES TAX

The Goods and Services Tax (GST) is a 5% federal tax you pay on most goods and services you purchase or sell in

Canada. In some provinces, the GST has been combined with provincial sales tax. This is not the case in BC. If you have obtained your Business Number, you will also be registered to collect and remit GST. For more information, go to the [Canada Revenue Agency](#) to learn how to collect and remit the federal taxes. This is separate from the Provincial Sales Tax. Make sure you collect both and remit both to the governments they belong to.



DON'T LET THIS HAPPEN TO YOU!

Taxes

Bill leased the coffee shop of a small marina on a remote part of the BC coast. He served lunches, beer and wine on the deck.

Bill suspected he was required to collect and remit tax and that he needed a proper licence to sell alcohol. He decided he would remain ignorant and he counted on the inaccessible and remote location to operate under the radar.

Bill sadly underestimated the extent to which the Canada Revenue Agency and the BC Government will go to collect its money. Tax collectors can access boats, too.

Even though Bill had not charged PST and GST on his sales, he still had to pay it. He also owed penalties on the unpaid amount.

All the money Bill made that summer, plus an amount he had to borrow, was forfeit to Canada Revenue Agency and the Provincial Government. Don't be foolish like Bill and think you can operate under the radar. Sooner or later, you will be found. That nice tourist eating a sandwich may be a tax collector.



BUYING AN EXISTING BUSINESS

Before you put your money down, ensure the following has been taken care of:

- Verify the seller has sent in all the GST and PST they collected. Without a Clearance Certificate, you may be held responsible for GST and PST collected before you became the owner of the business. The Clearance Certificates are available from the tax offices of the federal and provincial governments.
- The Business Number (BN) number is not transferable from the previous owner. You must apply for your own.
- Are you keeping the employees? Know your obligations to these employees under the *Employment Standards Act*. Go to the Employee section – [successorship](#) – in this manual for more information.
- Is the business operating within the zoning, Building Code and health requirements of the local government? Go to City Hall to see the records of compliance and violations of the business. You can also see this information online on your Health Authority's website.
- You are NOT buying the liquor licence. A new owner must apply for a licence in their own name. The existing licence is transferred only when the new owner has applied for and qualified to hold it. You will find more information on transferring a liquor licence in the Liquor section of this manual.

- If you are buying the inventory of liquor, make sure the ledger record of purchases and the receipts are given to you. Do a full audit of the liquor to assure there is no illicit liquor, that the open liquor hasn't been adulterated or watered down and that the seals on full bottles are intact.



TIP

If you are planning extensive renovations, it is best to look at the restaurant or bar as a completely new enterprise. You will be required to follow most of the steps required when you are starting from scratch.



TIP

While many real estate agents are knowledgeable, it is prudent to verify bylaw and land use laws directly with City Hall. You need to ask CITY HALL, not the agent, about zoning, tenant improvements, water piping, number of restrooms and other issues specific to food and liquor service businesses in the area. Not all agents know everything about regulations affecting restaurants. Be an informed buyer.



DON'T LET THIS HAPPEN TO YOU!

Buying an Existing Business

The fully equipped restaurant on the main floor of an old building sure looked like a great deal. When the real estate agent showed it to Mario, Mario felt his dreams of having a restaurant of his own just might come true.

The agent told Mario the place was for sale because the current owner had decided to retire.

There was only one washroom, no disabled access and the hot water didn't seem to work too well. The agent told Mario that "maybe" these issues were overlooked by City Hall because this was "probably" a heritage building.

Mario mortgaged his house and bought the place.

While he was in the middle of cleaning and painting, he discovered cockroaches and mice were living in the restaurant. He also had a visit from the Health Authority

Inspector who told him the previous restaurant in the location had been shut down due to infestations of pests, insufficient washrooms, insufficient hot water to meet health standards and no disabled access.

The agent didn't lie to Mario – the previous owner had decided in the face of all the work required to bring the location up to standard, it was time to retire. The agent didn't tell Mario the place was up to current Health and Building standards or that it was a heritage building, he merely suggested that might be the case.

Mario failed to do his due diligence. He should have gone to City Hall to find out why the restaurant was not operating. Now he will either have to try to sell the place to someone else or borrow more money to bring the place in line with Health and Building Code requirements.

MENUS

Before you open a restaurant, bar or tasting room at your brewery, decide on your general menu. This is a necessity for:

Zoning: Is the type of establishment you want permitted by the zoning?

Renovations: Your kitchen fixtures must meet or exceed the requirements to cook the type of food you wish to serve.

Liquor Licence: A Food Primary Licence will not be issued until the Liquor and Cannabis Regulation Branch is satisfied you serve a sufficiently extensive menu to qualify to serve liquor.

Most government departments will want to see your proposed menu. It should show the range of food you plan to serve, including appetizers, soups, salads, main courses and desserts. Make sure you mention daily fresh sheets if you plan to include these as part of your menu.

There are menu requirements for bars, pubs and breweries too. If you plan to serve liquor of any kind, you must be prepared to serve food too. You must be prepared to show how you will prepare the food, even the limited menu a bar or brewery tasting room is required to offer.



TIP

If you are opening a restaurant, it's best to have your menu in mind before you even start looking at potential locations. This isn't as crucial for bars and brewery tasting rooms, but the type and style of food you will serve should be part of your business plan.

BOOKS, RECORDS AND AUDITS

Some government agencies audit your business on a random basis; some audit only when they have received a complaint or if they have reason to believe a regulation isn't being followed. Some do both.

In every circumstance, it's up to you to prove that you have met your obligations to collect and remit PST and GST, you have paid your employees correctly, bought and sold liquor in compliance with regulations, your food handling, food storage and sanitation comply with the Food Premises Regulation and you have the proper safety plans and procedures in place.

Most audits and examinations of your business will begin with a request for you to produce your records. You will usually be asked, pleasantly, to produce records. It isn't really a request; however, you must produce them. If you refuse or if you don't have them, you may be fined or penalized.

If you fail to produce your liquor purchases and sales records, you will lose your liquor licence. You will find more information about the liquor purchase and sales record you are required to keep, further down in this section.

If you do not or cannot produce records, it will usually be assumed you didn't keep them. You have no evidence you did what was required of you if you have no records.

TAXES

Records you must keep on file for GST and PST:

- Records of all purchases made for the restaurant on which GST/PST was paid (you must keep an orderly register of the purchases and the corresponding invoices).
- Records of all purchases made for the restaurant on which GST/PST was not paid (you must keep an orderly register of the purchases and the corresponding invoices).
- Records showing items you purchased on which GST/PST was payable but not paid at point of purchase and records of your subsequent payment of the GST/PST (a ledger showing those items, a calculation of the GST/PST and proof that you paid it).
- Records of all items sold on which GST/PST was collected, and evidence it was paid to [Ministry of Finance](#) (records of all sales and corresponding invoices).
- Record of items that were given away, but on which GST/PST must still be paid, such as alcoholic drinks you gave away to customers (a list of items you gave away, a calculation of the GST/PST that would normally be paid on that item and proof you paid that GST/PST).
- If you bought the business with assets and fixtures, proof you paid the GST/PST or that the seller paid the GST/PST on those assets and fixtures.

Records related to GST/PST must be kept for at least 5 years. It is wise to keep them longer.



TIP

Keep records in separate ledgers or files; for example, keep payroll and employee records in one file, PST and GST in another, liquor in its own ledger, etc. The record keeping requirements are quite different and trying to keep them on the same ledger could cause mix ups. You may keep these files electronically but must be able to print them on demand. Back them up every day; if your system loses the files, auditors won't be sympathetic and will deal with it in the same way they would if someone refused to produce or failed to keep records.

LIQUOR

Records of all liquor purchased, including the date of purchase and where the liquor is stored, must be kept in the form of a log or ledger.

Remember, liquor can only be purchased from Liquor Distribution Branch approved outlets.

Records you must keep on file for Liquor Inspection:

- Records of all liquor sales
- Records of all food sales (if you are a Food Primary Licence)
- Agreements with any liquor manufacturer or agent
- Leases and management contracts related to the business
- Records of the quantity and price of each alcoholic drink served
- Records of all alcoholic drinks given away as promotions
- If you have lost liquor due to internal theft, you must show an inspector how you determined the liquor was stolen, how much was stolen and what you have done to prevent internal theft
- Record of all spoiled liquor returned to point of sale
- Record of liquor on hand and liquor stored elsewhere
- Record of liquor purchased for kitchen use only
- Written account of any incident related to liquor sales or possibly related to liquor sales that have occurred in or near your business (such as fights, excessive noise, intoxicated customers, dine and dash occurrences where liquor had been served)
- A liquor inspector may take samples of liquor you have on hand as a form of audit to assure there is no illicit, adulterated or watered down liquor

- A liquor inspector may require you to produce employee records (see Employees below). Don't forget employees who serve liquor or handle liquor must have Serving it Right certificates
- If you have had a judgment or court order against you related to the sale, service or manufacture of liquor, you must produce this for an inspector

The Liquor and Cannabis Regulation Branch doesn't specify a time limit for keeping these records. However, the log or ledger and the proof of purchase of liquor that is on hand either in the restaurant or offsite storage must be available as long as each bottle of liquor is on hand. It is recommended the log or ledger be kept as required at the place of business while the liquor is still in stock, then removed to offsite storage and kept for at least one year, or longer as you wish. For example, you purchase 10 cases of wine in June 2019. By January 2020, all the wine has been sold; you are no longer required to keep the records of the purchase or sale of that wine at the business. However, these records may be useful for GST or PST. Exercise your judgment. We at the BCRFA recommend you keep these records for two years after the product has been sold.

EMPLOYEES

Records you must keep on file for employees:

- Each employee's name, date of birth, occupation, telephone number and residential address
- The date each employee's employment started
- Each employee's wage rate, whether paid hourly, by salary or on some other basis
- The hours each employee worked on each day, whether paid hourly or by salary or by any other method
- Any benefits paid to the employee
- Each employee's gross and net wages for each pay period
- The amount of and reason for each deduction from each employee's wages
- The dates of the statutory holidays taken by the employees and the amounts paid
- Record of all agreements to substitute another day for a statutory holiday
- The dates each employee took annual vacation, the amount of vacation pay paid, the days taken and the vacation pay entitlements remaining
- Time held in a time bank (go to the overtime section on the [Employees section](#) of this manual for an explanation of time banks)

- Averaging agreements, records and any signed agreements (go to the overtime section on the Employees page of this [site](#) for an explanation of averaging agreements)
- Record of agreement regarding cleaning and maintaining uniforms and records showing reimbursement for that cleaning

All records must be in English and kept at the employer's place of business in British Columbia.

If there is more than one business location, the records should be in a staffed head office or principal place of business. Do not keep the only copy of these records at home or at an accountant's office.

An investigator from the BC Employment Standards Branch may arrive in person to ask for these records. More frequently, however, the request will be made by letter.

As well, you must keep and be able to produce Serving it Right certificates for every employee involved in liquor sales and FOODSAFE certificates for all employees involved in food preparation and handling.

All employee records must be kept for two (2) years after an employee leaves.

TIP

Benefits you provide to employees (such as free meals) may be subject to income tax (for the employee) and GST/PST (as goods or services provided by you). When employees eat your food, be sure you treat the bill of sale in the same way you would a customer's bill of sale.

FOOD STORAGE AND SAFETY

Inspections are always done on site. The details of what the inspector is looking for are found in the [Public Health section](#) of this manual.

FIRE SAFETY

You may receive a visit from a fire department representative from time to time. Allow them to walk around your business to point out any potential fire hazard and to ensure there is safe access to fire escapes. These folks may also show up when you are really busy, especially in bars and nightclubs, to ensure there aren't more people inside than the occupancy load limit permits.

WORKSAFEBC

A WorkSafeBC inspector may arrive, unannounced to inspect your place of business for any potential safety hazards that could cause an industrial accident. Cooperate with these people. They are genuinely there to help you. Listen to what they tell you and follow through with their recommendations. It will save you time and money! An industrial accident is expensive, bad for employee morale, causes loss of valued worker hours and causes your WorkSafeBC assessment ([insurance premiums](#)) to go up. Your assessment is the amount you pay in WorkSafeBC premiums.

You should have a safety committee at work and safety plans and requirements prominently posted. You will find more information in the WorkSafeBC section of this manual.

COVID-19 ALERT: COVID-19 is a workplace hazard. Employers must be able to show they have taken appropriate precautions to protect both employees and guests from the possibility of infection. This includes barriers between customers and employees, hand sanitizer stations, mask requirements (if in place) and cleaning protocols. More information on COVID-19 safety requirements is found in the [WorkSafeBC section](#) of this manual.





2

EMPLOYEES

In BC, the *Employment Standards Act* regulates how and when employees are paid, the minimum wage, vacation time, hours free from work, leave entitlements and notice or payment when an employee is terminated.

You may contact the Employment Standards Branch by phone Toll Free at 1 833 236-3700 Someone can help you in a language of your choice Monday to Friday, 7:30 a.m. to 5:00 p.m.

Employing people is also subject to the regulations under personal information and privacy laws, the BC Human Rights Code and the Labour Code.

PERSONAL INFORMATION AND PRIVACY ACT

Your hiring process might be subject to a Freedom of Information inquiry. As well, many of the interviewing and hiring requirements in this legislation make good human resource management sense.

The *Personal Information and Privacy Act* (PIPA) was passed into law in 2004. This law regulates the way non-government organizations (private businesses such as restaurants, bars and liquor manufacturers) gather and disclose personal information. The law also allows a private individual to request and obtain information that was used to make a decision that had an impact on them. This primarily affects the hospitality industry in matters related to employees and people interviewed for jobs.

The law requires you to obtain a person's consent to the collection of information about them. This means you must always ask job applicants to provide you with consent to contact previous employers for the purpose of checking their references.

The applicant's résumé may contain the names and contact numbers of certain references. By including these names on their résumé, the applicant has consented to you contacting those references.

Note: If any previous employer is not listed specifically as a reference, you must ask for permission to contact that employer.

Keep all the information about each job applicant, their interview and their references for at least one year. The law requires you keep personal information about both applicants and employees secure and only use it for the purpose you obtained it. Secure means stored on paper or electronically in a location where it cannot be accessed by anyone who has no employment related purpose for obtaining it. Information such as the applicant's work

history, home address, civic status (married, single, etc.) is considered personal. It may be used by their employer for employment related purposes but cannot be disclosed to outside parties without the employee's consent.

For example: You receive a call from a credit granting business such as a bank asking you to confirm certain information about an employee. Do not provide this information without first asking the employee if they agree to you doing so.

For example: Your employee tells you they have a medical condition that is causing them some health problems. They want to have light duties or may need time off for surgery.

This is employment related information and may be disclosed to the employee's manager or the person responsible for scheduling shifts. These people need to know the employee's personal information for employment related purposes (to schedule the employee's shifts). However, making this information general knowledge throughout the workplace violates the employee's privacy.

Sometimes, people will drop by with a résumé, just wondering if you are hiring. If your practice is to never use unsolicited résumés when you are hiring, you may shred those résumés or refuse to accept them. If you use information in a résumé (or simply hold onto it for possible future use), you are responsible for protecting the personal information in it. If you solicit résumés electronically, such as on your website, you are responsible to keep the résumés secure and private.

Make sure your staff knows your policy about accepting résumés. If staff are in the habit of putting off prospective applicants by asking them to send in a résumé, that amounts to soliciting the résumé. You are collecting the personal information in it and therefore must protect it and retain it for at least a year.

During the hiring process you may ask for personal information that is reasonably relevant to the hiring decision. This means asking for information about qualifications, experience, knowledge, skills and abilities as well as answers to interview questions and skills tests.

You should not ask for personal information for any purpose other than assessing suitability for the job and establishing an employment relationship. If you ask for information that does not relate obviously to qualifications, experience, knowledge, skills and abilities, you must be able to show why it was necessary to obtain the information in order to determine the applicant's suitability for the job.

For example: Asking the applicant to permit a credit check is not legal unless you can establish the information is necessary to decide if the applicant is able to perform the job.

In order to obtain information that is not normally used to establish suitability for a job, the employer must be able to show it was relevant to the particular employment.

For example: People hired to process raw food must comply with Canadian Food Inspection Agency Guidelines for pre-employment testing for health-related reasons.

After you have hired a person, you may provide personal information to agencies such as the Canada Revenue Agency. You do not need the employee's consent, but they must be told you will be doing this. As well, you may only provide information if there is a legitimate employment related reason for doing so (in this case, the requirement you deduct and remit taxes).

ASKING FOR AND GETTING REFERENCES

When you make that call to talk to a previous employer or supervisor, it is a good practice to tell them the applicant has authorized you to contact them. Ask direct questions "was this person always/seldom/never punctual"? Never ask anything that could be seen as unrelated to the ability to perform their job. If the job you are considering the person for is different from the position the person held before, give the previous employer an overview of the job you are considering the applicant for.



TIP

It is a good idea to ask, "if the opportunity presented itself, would you hire this person again and why or why not"?

Always take and keep notes of questions and answers from reference checks.

The information you obtain during interviews and reference checks is personal and is protected. The applicant has the right to see the information. This is more likely to happen if the applicant is unsuccessful or receives an unfavourable reference. You can withhold the identity of the person who gave an unfavourable reference, and you may withhold personal information about the successful applicant, but tribunal rulings suggest the person who applied and was not successful may apply for and expect to receive information on how a decision about their application was made. You may be

required to produce interview notes and scoring as well as any notes taken when references were checked.



TIP

It is good HR practice when interviewing to:

- Ask every job applicant the same questions
- Give every job applicant the same tests or role plays
- Have a second person present to help you interview and take accurate notes
- Decide in advance the number of points the applicants will score for good responses to questions
- Never ask personal questions during interviews
- Ask job related questions only (scenario questions are useful...describe a real or fictitious event, perhaps a complaining or intoxicated customer and ask the applicant how they would have handled the event had they been there)
- Ask what they liked most about their previous position and what they liked least
- Take full notes of all answers
- Ask about career hopes and plans
- Never ask about family status
- Never ask about childcare arrangements

Keep any information you obtain during the process of hiring for at least a year after you make the decision, so that the individual has a reasonable opportunity to obtain access to it.

You can obtain more detailed information at the:

Mailing Address:

Office of the Information and Privacy Commissioner for
British Columbia
PO Box 9038, Stn. Prov. Govt.
Victoria, BC V8W 9A4

Location:

4th Floor, 947 Fort Street
Victoria BC V8V 3K3

Telephone: (250) 387-5629

For toll-free access call Enquiry BC at one of the numbers listed below and request a transfer to (250) 387-5629

Vancouver: (604) 660-2421

Elsewhere in BC: (800) 663-7867

The web address is oipc.bc.ca

Email: info@oipc.bc.ca

MINIMUM WAGE

Effective June 1, 2021, the general minimum wage in British Columbia is \$15.20 per hour.

The liquor server minimum wage is phased out.

There is no longer a training wage that is lower than the minimum wage. All employees, regardless of age or experience are entitled to at least the minimum wage.

You cannot pay an employee less than the minimum wage for their position, even if they agree to be paid less. The agreement to work for less would be invalid.



TIP

The minimum wage will change on a regular basis. If you are uncertain what the current wage is, check with the BCRFA or Employment Standards Branch.



DON'T LET THIS HAPPEN TO YOU!

Minimum Wage

Arnie is the owner of a popular bar. He never has a problem attracting servers to work for him because tips are good and servers can go home with \$300 in tips on a good night. Mazie is a good server who regularly gets good tips. Mazie is saving up to buy a condo. She asks Arnie for extra shifts – she says he doesn't need to pay her, she will work for tips. Arnie agrees. Months later, Arnie and Mazie have an

argument and Mazie quits. Arnie gets a call from the Employment Standards Branch telling him Mazie has claimed wages for all the shifts he didn't pay her, plus overtime for shifts that put Mazie into overtime! Arnie's claim they had agreed to Mazie just working for tips is not a defense. You cannot enter into an agreement to break the law. Arnie is going to have to write a large cheque to resolve this claim.

PAY DAYS AND PAY STATEMENTS

Employees must be paid at least twice each month.

You must provide a statement with every paycheque that shows:

- Hours worked
- Rate of pay
- Overtime hours worked and rate (time-and-a-half or double time)
- Statutory holiday pay
- Amount of, and reason for, each deduction
- Any accumulated vacation or overtime banked

- The employer's name and address
- The employee name

The wage statement requirements apply to all employees, salaried or hourly paid.

The hours a manager works each day must be recorded, shown on the pay statements and maintained like all other records. While a Manager may not be eligible to receive overtime, he or she must still be paid for the hours they work. There are a lot of misconceptions about paying managers, particularly in the hospitality industry. If you have managers, please be sure to read the section regarding managers in this chapter.

HOURS OF WORK AND BREAKS

In BC, 8 hours per day is considered the standard day. Any hours worked over 8 in a day must either be paid for in overtime or the employee must be on an averaging agreement. (See the sections on [overtime and averaging agreements](#)).

MEAL BREAKS

No employee can be required to work more than 5 hours without receiving a meal break of at least 30 minutes. If the employee is free to leave the workplace and do what they like for that 30 minutes, the break does not need to be paid.

Example: Jack is a bartender at a popular bar. He reports for work at 2:00 p.m., sets up the bar mise en place and makes drinks for early customers. At 5:00 p.m., Jack's buddy and co-bartender, Lucy starts. The bar is large and can easily use the two of them on a busy night. Jack goes for a meal break at 5:15 p.m. His break isn't paid because Jack has enough time to go for a walk and get a sandwich at the nearby mall. He comes back at 5:45 p.m. By then the bar is jumping. He and Lucy work in tandem until 9:00 p.m. Lucy tells Jack she's starved, but it's too busy to stop. Jack is good friend. He hands Lucy the sandwich he bought for her when he took his break. Lucy grabs it gratefully and runs out back to have her sandwich and a bathroom break. She's back behind the bar by 9:15 p.m. Lucy's meal break must be paid. Even though she had the opportunity to eat, she was unable to take 30 minutes free to have that meal.

Whenever possible, employers should ensure employees have a 30 minute meal break. If they are free to leave the workplace in that half-hour, the break is unpaid. If they, like Lucy, can't leave and must essentially eat on the run, the break must be paid.

There is no law in BC requiring employees be given coffee or smoke breaks. If an employer does allow 10 minute coffee or smoke breaks throughout a shift, they cannot be added together to make up for a 30 minute meal break. In other words, giving coffee breaks or smoke breaks gains no points towards a meal break.

DAILY MINIMUM PAY

If an employee reports for a scheduled shift but is sent home because it's slow, they must be paid for the time they worked or two hours of wages, whichever is more. If they were scheduled to work more than 8 hours in the shift they reported for, they must be paid for the time worked or at least 4 hours of wages. Employees should NOT be told to come to work to see if they're needed unless the employer is prepared to pay minimum daily pay. On a slow shift, an employer or manager may ask if any employees will volunteer and agree to go home and agree not to be paid for anything more than the hours they worked. These employees must be willing, not coerced.

For example: Dan's restaurant has a patio. When the weather is nice, the patio is crowded and extra staff is needed. Because weather can be uncertain, Dan expects employees who are scheduled for the patio to report for work. Employees are told to expect to be sent home if it's too cold or wet for the patio to be busy. This is fine, as long as Dan **pays** the employees at least daily minimum pay simply for reporting. However, Dan cannot expect his employees to report and sit around waiting to be told if they can start work or not without paying them. It costs money to come to work – transit fare, gas and parking, and babysitters for some.

If an employee reports for work but is unfit for work (not in proper clothing, suspected of intoxication, etc.) the employer may send them home for that shift without any pay.



DEDUCTIONS FROM WAGES

An employer must deduct the following from every employee's wages:

- Income Tax
- Canada Pension
- Employment Insurance premiums

All of these deducted amounts must be remitted to the Federal Government. For more information about payroll deductions and remittance go to the Government of Canada website [Canada Revenue Agency](#) or call 1 (800) 959-8281.

Other deductions are permitted only if the employee has agreed to them in writing and they are for the employee's benefit (i.e. savings bonds, medical plans, repayment of advances, meals, etc.).

Employers cannot deduct breakage and cash shortages. Breakage, loss of money, dine and dash and other items

are costs of doing business and an employee cannot be made to pay for any cost of doing business.

Court ordered deductions must be honoured. This is most commonly court ordered [family maintenance](#) orders (child or spousal support).

Using employees' tips to pay for breakage or dine and dash is also not allowed. If employees contribute to a social fund, the money in that fund belongs to the employees and they decide how to use it (i.e. staff party, gifts for special occasions, etc.). It cannot be used to pay for breakage, dine and dash or cash shortages.

If an employee's cash float is short, they cannot be made to cover the float out of their tips or their own pocket. If the employees are required to carry a cash float, the employer must provide it, and cannot tell the employees to bring their own cash. If breakage or cash shortages are an ongoing problem with an employee, this may indicate a need for training or discipline.



DON'T LET THIS HAPPEN TO YOU!

Deduction from Wages

Emilio was furious when a server dropped and broke a \$200 dollar bottle of wine. The server was furious when he received his paycheque and found it short \$200, the cost of the bottle of wine.

Emilio and the server argued. The server said it was an accident and he couldn't be held responsible. Emilio told the server he was careless and in real life, people pay for accidents they cause.

The server quit.

A few weeks later, Emilio received a letter from the Employment Standards Branch, notifying him the server had made a complaint. He put it aside because he didn't have time to deal with it that day. He gave the matter no further thought. A few weeks later, he remembered the letter but couldn't find it. Another letter arrived some weeks after that. Emilio didn't open that one – he decided if he ignored the matter, the server would give up and go away.

At the end of the month, Emilio had just about cleaned out his account, paying bills. He had about \$800 left to

meet weekend expenses. He went to get some money from the ATM that afternoon. He was puzzled when the withdrawal was refused due to lack of funds. He kept trying smaller and smaller amounts, but no money came out. He phoned his bank to ask what was going on. An account manager told him a bailiff had come by that morning and taken \$800 from his account to satisfy an order from the Employment Standards Branch.

Emilio had no legal right to take \$200 from the employee. If he had read the letters, he would have known that a determination had been issued finding he owed the money, plus interest and a penalty. Once a decision was made by Employment Standards, the money was owed. Emilio couldn't win the case because he had broken the law. Because he ignored the process a bailiff was sent to collect the money. The bailiff added his fee to the amount collected.

Don't take money from your employees – it's illegal.

If you receive letters from Employment Standards Branch, open them and deal with them.

OVERTIME

An employee must be paid daily overtime for any time worked after 8 hours a day at time-and-a-half and double time after 12 hours.

An employee who works more than 40 hours in a week, must be paid weekly overtime.

Confused between daily and weekly overtime? Here's an example to help:

Joe worked the following schedule:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	5	10	14	3	6	

Joe worked 38 hours in this week. He must be paid overtime for his shifts on Wednesday (2 hours at time and a half) and Thursday (4 hours at time and a half and 2 hours at double time). This is called daily overtime.

Jane worked the following schedule:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	8	8	8	8	8	8

Jane worked 48 hours in this week. She must be paid overtime for 8 hours over the 40 she worked, even though none of her workdays were longer than 8 hours. This is called weekly overtime.

Sometimes, an employee works both daily and weekly overtime.

Zak worked the following schedule:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
15	4	7	12	12	15	

Calculate Zak's daily overtime first: 22 hours in total (16 hours at time-and-a-half and 6 hours at double time). Subtract that 22 hours from his hours worked that week: $65 - 22 = 43$.

Pay Zak weekly overtime at time-and-a-half for the 3 hours over 40 he worked. Zak's pay statement will show 19 hours at time-and-a-half and 6 hours at double time.

Overtime Must Be Paid. Agreements to work additional hours for regular pay are not legal. No agreement to break the law is a valid or an enforceable agreement. The only exception to this rule is an averaging agreement, which is discussed in detail later in this chapter.



DON'T LET THIS HAPPEN TO YOU!

Overtime

The restaurant was busy enough to require more staff. Sally approached the boss when she heard he was hiring another employee. She told him she really needed extra money and would work extra shifts for straight time if he would let her do the extra work. The boss liked Sally; she was a good worker and if it would help her out, he decided to give her the extra shifts rather than hire someone new.

This arrangement worked fine for several months until Sally found another job and quit.

The boss was very surprised when he received a letter from Employment Standards Branch – Sally wanted to be paid overtime for all the extra hours she had worked.

He called Employment Standards Branch to explain the overtime for straight pay was a mutual agreement to help Sally out. He was shocked when they told him that such agreements are illegal and invalid. He had to pay Sally more than \$9000 in overtime wages.

Don't enter into an agreement with an employee to break the law. If you're unsure if the agreement is legal or not, check with the BCRFA or with Employment Standards Branch before you agree to anything.

SPLIT SHIFTS

Split shifts are not unusual in the bar and restaurant business; overtime must be paid if

- The shift covers more than 12 hours
- The total hours worked are more than 8 hours

For example: Raj worked lunch from 11:30 a.m. to 1:30 p.m. He works dinner from 5:30 p.m. until 11:30 p.m. He didn't work more than 8 hours and his shift ended within 12 hours. No overtime.

Ming starts at 12 noon and leaves at 1:00 p.m. He returns at 6:00 p.m. and works until 1:00 a.m. He worked 8 hours, but the split went over 12 hours, so he must be paid overtime for the 6th hour (midnight to 1:00 a.m.).

AVERAGING AGREEMENTS

These are written agreements made in advance of working shifts, between an employer and employee or group of employees, where the employees agree to work longer daily hours in exchange for longer periods of time off. This is mutually advantageous. The employer can schedule employees to work longer hours at peak times and the employee has a regular schedule of workdays and days off.

A common averaging agreement is an agreement the employee will work a regular 10 hours a day, 4 day a week shift followed by 3 days off. When a written averaging agreement is in place, overtime is still payable if the employee exceeds the previously agreed to hours.

For Example: Jeannie's Bar is a popular spot, packed on Thursday, Friday and Saturday. The bar opens at 4:00 p.m. and closes at 2:00 a.m. Staff are expected to arrive at 2:00 p.m. and help set up for the busy nights ahead. There are some employees who have agreed in writing, they will work those 3, 12 hours shifts without overtime, in exchange for having the remainder of the week off. This is a win-win. Jeannie's Bar has employees who are aware of the long hours and are prepared for them, without the expense of paying overtime. The employees have the other 4 days in the week to pursue other interests.

Not all the employees need to be involved in the averaging agreement. An agreement can be between the employer and one or more employees.

An averaging agreement is not valid unless the agreement:

- is in writing,
- is signed by the employer and employee *before* the start date provided in the agreement,
- specifies the number of weeks over which the agreement applies,
- specifies the work schedule for each day covered by the agreement,
- specifies the number of times the agreement may be repeated; and
- provides for a start date and an expiry date.

The employees affected must receive a copy of the agreement before it begins.

The hours of work must not be more than 40 hours a week, averaged over up to a four-week period.

If an employee must work more hours on a day than they are scheduled, they must be paid overtime for the additional hours. This means in Jeannie's Bar, an employee who works 13 hours is entitled to receive double time for the extra hour.

Employees on an averaging agreement must have at least 32 hours free from work each week.

Employers cannot impose averaging agreements on employees. They must be willing to participate.

For example: Some kitchen workers and some servers approach the employer to discuss averaging their hours, so they will work longer hours at busy times and have slower times off. Other kitchen workers and servers don't want or are unable to work the longer hours. The employer may arrange a schedule so some employees (those that want them) will work longer, averaged hours, and some (those who don't want them) work regular hours. Employees cannot be compelled to work under averaging agreements.

HOWEVER, if an entire department or workforce is operating under an averaging agreement, a person being considered for a position within that workplace can be told agreeing to participate in the averaging agreement is a condition of employment.

For example: There are four bartenders at Jeannie's Bar. Three work 3 x 12 hour shifts on the busy weekend. One bartender works Monday to Thursday, four x 10 hour shifts on the quieter weekdays. One of the weekend bartenders quits. When considering a new employee, the employer is entitled to expect the new person to

agree to work the averaged shifts. If an applicant didn't want to, the employer would have a difficult time finding an appropriate shift and the change would disrupt the schedules of the other employees.

Remember:

- The agreement must be in writing. Verbal agreements are not valid.
- The agreement is an individual agreement between an employer and an employee and once signed does not apply to any time worked prior to the signing of the agreement.
- The agreement must specify a 1 to 4 week period. The agreement must not exceed 4 weeks but can be repeated as many times as wanted. Usually a 6 or 12 month period is used as the expiration date. It's a good idea to talk to employees about the averaging agreement periodically to determine if it's meeting everyone's needs – both employer and employee.
- The agreement must contain a daily schedule of hours and cannot exceed a total of 40 hours in a 1 week period or an average of 40 hours in a 2 to 4 week period.
- If an agreement contains more than 12 scheduled hours in a day, all time worked over 12 is payable at double-time of the employee's regular wage.
- The duration of the agreement can be for any period of time however, the expiry date must be specified in the agreement.
- The employee must receive a copy of the agreement before the work schedule in the averaging period begins.

Here are some examples:

An employer enters into a verbal agreement with an employee to work three 12-hour days per week. Since the agreement is not in writing the agreement is not valid and the employer must pay the employee overtime.

The employer and employee enter into a two-week averaging agreement with a work schedule of 40 hours in week one and 50 hours in week two, totaling 90 hours. The agreement is not valid since the average hours of work exceeds 40 per week.

A written averaging agreement specifies a schedule of 12 hours a day, 3 days a week for 4 weeks, to be repeated until one year from signing. This is valid. It's in writing, it specifies the number of hours, they don't exceed 40 in a week and an end time for the agreement is given.

Cancellation of an averaging agreement can only occur at the expiry date of the averaging period in the agreement

(1, 2, 3, or 4 weeks) or, in the case of an agreement with a repeating averaging period, when either party advises that the agreement will conclude at the end of the rotation.

For example: Jeannie's Bar has a weekday bartender who works 4 X 10 hour shifts. The schedule is agreed to be over a 4 week period. The bartender has a change in his personal life and is no longer able to work 4 X 10 hours a day. He may change the agreement at the end of the 4 week rotation he is currently on.

Important:

Employers must keep averaging agreements and schedules on file, at their principal place of business, for a minimum of 4 years.

ANNUAL VACATIONS

After an employee has been employed for five days (not necessarily consecutive days) they become entitled to receive vacation pay retroactive to the first day they worked. If an employee quits or is fired before they work for 5 days, no vacation pay needs to be added to their earnings.

Vacation pay is 4% of gross wages. After five years of consecutive employment, vacation pay increases to 6%.

After one year of employment every employee must take two weeks' vacation. It is illegal to pay out vacation pay and allow the employee to work through, even when the employees ask for this (and they do).

Vacation pay and vacation time are every employee's entitlement. This includes part time and seasonal employees. An employee must be employed a full calendar year before being entitled by law to vacation. When an employee works part time or casual hours, the vacation time entitlement is still 2 weeks; the vacation pay they are entitled to receive is always the 4% or 6% of gross earnings.

After 5 years, the vacation pay entitlement increases to 6% and vacation entitlement increases to 3 weeks a year.

TOTAL WAGES

The wages used for calculating vacation pay includes all money paid by an employer to an employee. This includes overtime, statutory holiday pay, bonuses and previously paid vacation pay. However, vacation pay is not paid on gratuities or tips.

Vacation entitlement applies to all employees including part time and casual, salaried and hourly.

Seasonal employees are entitled to vacation pay, but as their employment rarely lasts for a full year, they usually don't receive scheduled vacations. They must still receive vacation pay, however.

Statutory holiday pay for employees on vacation.

When calculating statutory holiday pay for employees, an employee who is on annual vacation is considered to be working for the purpose of statutory holiday entitlement.

If you give more vacation time than the law requires, this is legally enforceable.

For example: Cameron is a manager at Fine Food Restaurant. He has worked there for two years. Under the *Employment Standards Act* he is entitled to 2 weeks' vacation. However, to attract good employees Fine Food offers 3 weeks' annual vacation to its managers. Once committed to this policy, Fine Food cannot reduce Cameron's vacation time. If they give Cameron less than his 3 weeks, the Employment Standards Branch can enforce Cameron's right to the 3 weeks.

EARNING VACATION TIME WHILE ON LEAVE

An employee on leave of absence, including temporary layoff, medical, pregnancy, parental or any other legally entitled leave of absence is considered to be still employed for the purpose of calculating vacation entitlement.

For example: Jenny works for 12 months then goes on pregnancy and parental leave. She takes the two weeks of vacation she earned in her first 12 months at the beginning of the leave. She is absent for 12 months. When she returns to work, she is considered to have been employed for 24 months continuously. She is entitled to take her next two week vacation entitlement after she passes her 24 month anniversary. However, her vacation pay will be based only on the gross wages earned. As she was on leave, she had no earnings and so she will not receive pay for this vacation time.

PAYING VACATION PAY ON EACH PAYCHEQUE

Some employers want to pay the percentage vacation pay to their employees on each paycheque. This is common in the hospitality industry. Before paying employees their vacation pay every pay day, however, make sure you have their written consent. A form to use for this consent is in the forms section.

If an employer has staff for more than just a season, it is best to let vacation pay accumulate and pay it out when vacation is taken.



TIP

New employees will often ask for vacation before they earn it.

Employers are nice people, and often give it to them. If you do give an employee vacation before they earn it, protect yourself from overpaying vacation.

For example: Julie started work in June 2019. In December 2019, she asked her boss, if she could take her two weeks of paid vacation early to attend her sister's Cancun wedding in January 2020. Her boss is a nice guy and agreed. Julie went on her two weeks' paid vacation 5 months before she becomes legally entitled to it and received more vacation pay than she had earned.

Normally, this isn't a problem as long as Julie understands she will not receive any further vacation until she has completed 2 years of employment. However, if Julie quits or is terminated before June 2021, she has been overpaid vacation pay. An employer cannot deduct the overpayment from the employee's final paycheque unless the employer has a written agreement with the employee allowing them to do this.

To protect himself, the employer should ask Julie to sign an agreement she has received an advance on vacation pay; if she quits or is terminated before earning the full amount advanced to her, she agrees to have the balance she owes deducted from her final pay.



STATUTORY HOLIDAYS

Statutory holidays are government designated general public holidays. In BC those holidays are:

- New Year's Day (Always January 1)
- Family Day (second Monday in February)
- Good Friday (moveable – consult your calendar)
- Victoria Day (the third Monday in May)
- Canada Day (always July 1)
- BC Day (the first Monday in August)
- Labour Day (the first Monday in September)
- Thanksgiving (the second Monday in October)
- Remembrance Day (November 11)
- Christmas Day (December 25)

Easter Monday and Boxing Day are **not** statutory holidays, even though some businesses and most government offices treat them as though they are and close for the day.

Employees entitled to statutory holidays are those who have:

- ✓ Been an employee for 30 days before the holiday.
- ✓ Worked or was on annual vacation at least 15 of the 30 days before the holiday.
- ✓ Work on an averaging agreement no matter how many days or hours worked in the 30 days before the holiday.

For example: Lou is a Prep Cook. She works 12 hours a day, 3 days a week on an averaging agreement. This means in a 30 day period, she will usually only work 12 days. Because Lou works on an averaging agreement, however, she is entitled to statutory holiday pay, even though she works less than 15 days of the 30. While the number of days are short, her hours are the same as a regular work week.

HOW TO PAY STATUTORY HOLIDAY PAY

Entitled employees who do not work on the statutory holiday receive an average day's pay.

Those who do work must be paid time-and-a-half for all hours worked and double time after 12 hours **PLUS** an average day's pay.

Employees who have been employed for less than 30 days, or worked less than 15 days prior to the holiday, are not entitled to statutory holiday pay or to premium pay if they work.

To calculate an average day's pay, divide the employee's gross wages for the prior 30 day period by the number of days worked in the period.

For example: Sam is paid \$15.00 an hour. She works Saturday, Sunday, Thursday and Friday. On Sunday and Thursday, she works 6 hour shifts. On Friday and Saturday, she usually works 8 hour shifts.

Her 30 day period before the stat holiday looks like this:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				8	8	

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
off	off	off	6	8	8	6

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
off	off	off	6	8	8	6

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
off	off	off	6	8	8	6

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
off	off	off	6	8	8	6

Sam has worked for 15 of the 30 days so she is entitled to statutory holiday pay. To calculate her pay, count up the hours she has worked in that 30 day period, multiply that by \$15.00 and divide it by the number of days she worked. That is her average day's pay. If Sam is off on the statutory holiday, she will receive the additional day's pay on her next paycheque. If she works, she will receive that amount, plus time-and-a-half for the hours she works on the statutory holiday.

If Sam is off on the holiday – she is paid \$103.33 for the day.

If Sam works on the holiday – she is paid \$103.33 + her earnings for the day at time-and-a-half.

Managers are not entitled to receive either premium pay or time off for statutory holidays. Just calling an employee a manager, however, does not necessarily mean they are one. Take a look at the Manager section of this manual to make sure your employee is really a [manager](#).



TIP

Statutory holidays in BC are either Christian based or secular (not related to any religion). There are many people working in BC who have important religious or cultural holidays they may wish to observe. If an employee requests a day off and it's clearly a significant religious or cultural day for them, their employer should make every effort to accommodate the request. If these requests are granted, they are without pay; the employer and employee may agree to use a day of the employee's vacation, overtime bank or other time that they have accumulated.

UNIFORMS

Clothing that identifies an employee of your business is a uniform. Uniforms must be provided and cleaned free of charge or deposit.

Deposits or “opportunity to buy at a discount” set-ups are illegal.

If employees wash their own uniforms, they must receive an allowance to cover the cost. The amount is not set by law. Most restaurants, bars and breweries pay between \$.75 and \$2.00 a shift, depending how often the uniform must be washed.

Some examples of uniforms:

- A T-shirt with the restaurant name or logo
- Chef whites with the restaurant logo embroidered on the sleeve
- Aprons that match the restaurant’s décor
- A shirt or pants or skirt of a specific brand
- A tuxedo

Dress standards or codes are not usually considered uniforms and these items of clothing do not have to be supplied or cleaning paid for. For example, these are NOT uniforms:

- A white shirt of any brand or style and black skirt or pants of any brand or style
- Chef whites of any brand or style
- Shoes with no slip soles of any brand or style

Servers should wear comfortable shoes with slip resistant soles. Requiring employees to wear high heels leads to accidents and WorkSafeBC claims.



TIP

Do not require your servers to wear clothing that is revealing, makes them uncomfortable, or is demeaning. Unfortunately, even in our more enlightened society, some clothing may be taken as an invitation to inappropriate behaviour from customers, particularly when alcohol is involved. Not only do you put your employee’s well-being at risk but it could lead to complaints of harassment against YOU, the business owner.



TIP

To help decide if you are setting a dress code or requiring a uniform, ask yourself “Is the clothing style something that can be found in most people’s wardrobe, can it be any brand the employee chooses and can the employee wear the clothing at other times and not be identified as my employee?”





DON'T LET THIS HAPPEN TO YOU!

Uniforms

Whenever a new server was hired at Milo's restaurant, he gave them a list of the clothing they were expected to wear, the brand and where they could purchase it for a discount. He gave them the store name and account number and allowed them to charge it to his account provided they agreed to make payments from their paycheques. The list was fairly high end:

- 2 pairs black Calvin Klein dress pants
- 1 pair Shoes for Crews black dress shoes
- 4 Hugo Boss tuxedo shirts
- 2 black silk bow ties (not clip-on)
- 3 white bistro style aprons #17 at Serving Uniforms (\$22.00 each)

The employees' average bill was \$800. They paid it back at the rate of \$100.00 a paycheque until paid in full.

Milo rationalized the employees could wear those items in their daily life and at other jobs, the high-end brands were more durable and looked more professional so he

was doing them a favour to help them buy the clothing and he believed the clothing wasn't a uniform.

The clothing is a uniform, according to the *Employment Standards Act*. Because Milo specifies the brand of clothing the employees must wear, he must pay for the clothing and pay for cleaning it. Milo can save this cost by changing his list to a dress code. His list should read:

- Black dress pants
- Slip resistant sole black dress shoes
- White tuxedo shirt
- Black silk bow tie (not clip-on)
- White bistro style apron

Milo is also expected to provide employees with the tools they need such as corkscrews and pens.

Milo may be required to pay back to all employees, past and present, the money they paid for the uniforms. This could cost him a lot of money.

TERMINATION

Employees rely on their wages to meet their financial commitments and support their families. When an employer decides to end the employment they must meet specified legal standards.

COMPENSATION OR NOTICE

Notice must be given and/or compensation must be paid to employees who are terminated without just cause. Just cause is a very high bar to reach. This will be discussed in this chapter.

Employees must be given written notice, compensation or a combination of the two. The amount of notice or wages is based on how long they have worked at the business (even if it has changed hands). After 3 months, the employee is entitled to receive either a week of written working notice or compensation amounting to an average week's pay. After a year of employment, the amount increases to two weeks' notice or two week's pay, after three years it increases to 3 weeks' notice or 3 weeks' compensation. For each year after, it increases by an additional week, to a maximum of 8 weeks. An employer may provide a combination of wages and written notice.

Vacation pay is also payable on the compensation at the rate of 4% or 6% if the terminated employee has worked for the business for 5 or more years.

As noted above, notice and compensation may be combined.

For example: Joe worked for 4 years. His employer decides he must cut some positions, and Joe is terminated. Joe can be given 4 weeks' written notice or 4 weeks' pay or a combination, such as one week of written notice and 3 weeks' pay.

To calculate an average week's pay, add together the last 8 weeks the employee had normal earnings (excluding overtime), divide the total by 8 to get an average week. Multiply that total by the number of weeks compensation the employee is entitled to receive, and this is the amount, plus vacation pay, due to the employee.

It is not legal to reduce an employee's hours in order to pay them less compensation.

**TIP**

The *Employment Standards Act* sets the minimum standard required by law. Employees who are terminated can, and often will, take their employer to court and sue for wrongful dismissal. If you are contemplating terminating an employee, get some advice. The BCRFA can help you with advice, or you can discuss the issue with your lawyer.

LAYOFF

A layoff is treated as a termination UNLESS there is a clear and written understanding at the time of hiring there will be periods of lay off.

For example: When Great Beer Craft Brewery hires new employees, the owner tells them that every year, the brewery will shut down for 2 weeks for cleaning and maintenance of equipment. This is scheduled for the first two weeks of January. This information is provided in the new employee's letter of offer.

The employee can make an informed decision as to whether or not they can accept the job knowing lay off will occur. When the layoff occurs, employees have been warned in advance.

For example: Babe's Burgers does not anticipate a need to lay employees off. They are nearly always busy enough to keep all staff on. An economic downturn hit Babe's badly however, and the owner decided to lay off some employees. Since layoffs were not something that had happened to employees at Babe's, none of the employees had any reason to anticipate it. Babe's must provide employees with either notice or compensation if they are to be laid off, even if there is intent to call the employees back to work when business picks up.

COVID-19 ALERT: When all businesses selling food and drinks were ordered to close on March 17, 2020, employers were forced to lay off many of their employees. The *Employment Standards Act* has a section that states "if layoff occurs due to unforeseen and unanticipated circumstances, compensation or notice is not required". COVID-19 was certainly unanticipated. This seldom used section of the *Act* came into play. It is only considered relevant to situations which no reasonable person could have foreseen or planned for – in the same category as fires, earthquakes and insurrection.

This type of layoff, however, anticipates an eventual return to employment. The recall date was extended several times by the BC Government. The final recall date was set at August 30, 2020. This means, unless the employer and the employees had an agreement to extend the lay off

period, all laid off workers should have been offered recall on or before August 30, 2020. Workers not offered recall are entitled to compensation for length of service.

JUST CAUSE

When employees are terminated for just cause, they may not be entitled to notice or compensation.

Just cause is a legal test, not an opinion that the employee deserved to be fired. The legal test is this:

Did the employee know or should they have reasonably known the behaviour would lead to termination?

Here are a few examples of behaviour that may be just cause:

- Proven or admitted theft – everyone knows stealing is wrong. An employee does not need to be warned not to steal.
- Sexual harassment or bullying of coworkers – employees should reasonably know that sexual harassment and bullying are inappropriate. This can be reinforced by employers with a policy prohibiting sexual or any other type of harassment or bullying in the workplace.
- Serious breach of rules or policy (the employee has to know the rule or policy and know that any breach will be cause for termination).
- Failure to respond to corrective discipline (they have been told to change, given time to change and warned that failure to change will lead to dismissal).

Even without a contract of employment, there is an understanding that an employee must report to work and the employer will pay them to do so. This is the most basic employment contract. If an employee is unable to work due to illness or disability however, the contract is not necessarily breached. The employee may recover and return to work and must be given time to do so.

CORRECTIVE DISCIPLINE

It's a myth that employees must be given three written warnings before they can be fired for problem behaviours.

**TIP**

Terminating an employee who has been injured, is genuinely ill or is pregnant may lead to a human rights complaint being filed. More information is available in the [Human Rights section](#) of this manual.

The truth is, there are three elements to a discipline that could lead to dismissal:

- The employee must be told what they are doing is not acceptable.
- The employee must be given a reasonable time* to correct the behaviour.
- The employee must be told the consequences of not improving or changing will be termination.

The discipline need not be in writing, however, if it is in writing, there is less dispute the warnings were given. A written copy should be given to the employee and one should be kept on file. The employee does not need to sign it. They may even refuse to do so. In that case, make sure there is someone to witness the employee was told in writing they were warned about inappropriate behaviour.

For example: Bob was regularly arriving late for work. When it was just a couple of minutes, his manager would just shoot him a “look” and say, “late again Bob”. When Bob started to be late 15–20 minutes, his manager decided something had to be done. Bob arrived 30 minutes late. His manager took him to a private place and asked why he was late again. Bob said his car wasn’t running so he was taking the bus. If he missed an earlier bus, he had to wait half an hour for the next one. His manager told Bob he needed to get to the bus stop on time; being late is unacceptable and Bob’s arrival time is going to be closely monitored for the next 4 months. If Bob is late again without a legitimate excuse, he will be terminated.

Employers must follow through. A warning to the employee that he will be fired has no meaning if every time he’s late, he’s told he’ll be fired if he’s late again. It becomes a joke if he never is fired – until one day when the employer can’t stand it anymore and actually fires him. The warnings will be considered meaningless because they were never followed through.

USING SOCIAL MEDIA TO SLANDER AN EMPLOYER

There have been occasions where businesses have discovered an employee has used Facebook or other social media to vent frustrations about their job to a few thousand close friends. There is a legal principle that employees cannot defame their employer and expect to remain employed.

An employee saying bad things about your bar or restaurant on social media is much the same as taking

out a full-page ad in the local paper or going on TV to tell the world the employer is bad. This is not freedom of speech nor is it none of the employer’s business because it’s done on the employee’s own time. They are an employee, they are publicly defaming the business or employer, and this can be, in most cases, grounds for termination.

DON’T IGNORE LEGAL ACTION TAKEN BY EX-EMPLOYEES!

Even if you follow all the requirements, lawsuits can still happen.

For example: One restaurant learned this the hard way. The employee had been a pain in the neck for some time, lazy, insubordinate and neglecting his duties. After a particularly bad night, the manager had had enough and fired him. The restaurant knew they hadn’t taken the proper disciplinary steps to establish just cause for dismissal, so they paid him wages in lieu of notice. Some months later, the restaurant owner received a summons to court. The employee was claiming wrongful dismissal and that he was entitled to wages and lost tips, amounting to several thousand dollars. The restaurant owner thought it was a joke and ignored the summons. Months later, the restaurant owner received a “default judgment,” a court order to pay the employee the money the employee claimed.

What happened here? The restaurant made a huge mistake ignoring the summons. If a person or company being sued fails to respond and defend itself, the person suing them can ask the court for a “default judgment”. Default judgments are not easy to get overturned. In the case of legal action, silence is NOT golden. Silence means agreement without dispute.

In certain cases, even when the employer has responded to the claim, judges have decided people are entitled to receive more compensation than the *Employment Standards Act* requires.

If you are considering terminating an employee, be aware the *Employment Standards Act* provides a minimum standard which must be complied with. Employees may take a claim of wrongful dismissal to court and sue their ex-employer. This is more likely to happen if the employee has been employed for several years.

* Reasonable time depends on the problem. It is reasonable to give a week or more to learn the correct cash out procedure. Tardiness can be corrected by the next shift.

If you do decide to terminate someone, it's always best to get some advice before you do. Call the BCRFA for free advice or talk to your lawyer first.



TIP

Never fire someone when you are angry. Send the employee home for the shift and tell them you will discuss the issue with them the next day. Think through what happened. Get advice.

DID THEY QUIT OR WERE THEY FIRED?

Sometimes the employer claims the employee quit and the employee claims they were fired.

For example: Sue, a cook, was exhausted after a 12 hour shift in the kitchen of a resort hotel. At 9:00 p.m. meal service ended. Sue had finished cleaning the kitchen and was getting ready to go home. About 9:50 p.m., a group of guests arrived at the restaurant. They wanted dinner. The restaurant manager told Sue to get back into the kitchen and wait for the orders she was to cook. Sue said she was going home. She was too tired to cook anything and the restaurant was closed. The restaurant manager said these were important guests who were spending a lot of money. If she left, he'd tell the resort owner she had quit. Sue was furious. She knew the guests had given the restaurant manager a big tip to reopen the restaurant and she'd never see any of it. She put on her coat and left.

The next day, Sue reported to work at the usual time. Her coworkers seemed surprised to see her. Chef said he'd been told she quit. Sue protested she hadn't quit; she'd left at the end of a long shift. She explained she considered the order to stay unfair and unreasonable. The restaurant manager had no right to order her to stay, so she didn't.

Employment Standards ruled that Sue had not quit; she had been fired. Sue had no intention to quit. She did not believe the restaurant manager had any authority to open the restaurant or order her to stay. She considered his threat as hollow and meaningless and her behaviour, showing up for her shift the following day, indicated she did not see her departure at the end of her shift as an act of quitting.

For an employee to be seen to have quit, the employee has to make it clear they have come to the decision to voluntarily leave their employment and have behaved in a manner consistent with that decision.

TERMINATING AN EMPLOYEE WHO HAS GIVEN NOTICE

There is no legal requirement for an employee to give notice. When an employee does give notice, however, the employer must either allow the employee to work out the notice period or, if they wish the employee to leave immediately, they must pay the employee the compensation the employee would be entitled to if they had been fired without just cause.

For example: Pascale worked at Super Good Lunch for three and a half years. She found a higher paid job and gave her employer 2 weeks' notice she would be leaving. Her employer found a replacement immediately, and about 3 days into the notice, told Pascale she need not come to work anymore.

Pascale wasn't due to start her new job for another week and a half and she needed her paycheque to cover her rent. She complained to Employment Standards Branch who ruled she was entitled to be paid out for the remainder of the notice period.

An employer is not required to pay an employee more than their statutory entitlement.

For example: Mike worked for Stompers night club as a doorman for 2 years. He decided to quit and gave his boss 4 weeks' notice. This is nice of Mike, but not required of him. His boss tells him he doesn't need to report again, because he has a candidate to replace him. Mike will be entitled to his 2 weeks' compensation, the statutory requirement, not the 4 weeks he gave as notice.

CHANGES TO TERMS AND CONDITIONS OF EMPLOYMENT

Employment Standards Branch can decide that a major change to the employee's job, including hours, wages or work to be performed, is the same as termination.

For example: Juan worked for 6 years as a pastry chef. He started work at 4:00 a.m. and was finished by noon. His employer decided it would save money to contract his pastry to a commercial bakery. He liked Juan, so offered him a prep cook position from 10:00 a.m. to 6:00 p.m. Juan declined. His pastry chef shift worked because it enabled him to be home when his children came home from school. The employer gave Juan a good reference and wished him luck finding a new job. It didn't occur to anyone to offer Juan any compensation, so the employer was surprised to receive a demand to pay 6 weeks' compensation for length of service. The boss argued that Juan quit. He was offered another job and refused.

Employment Standards ruled Juan was dismissed. The extreme change in the hours of work and job description amounted to dismissal and Juan was entitled to 6 weeks' pay in lieu of notice.



TIP

Termination can be tricky. If you terminate without legal just cause, you might be required to pay compensation or damages. If you plan to fire someone, get advice. The BCRFA offers free advice to members. Any termination could have potential for a claim for compensation for length of service or a lawsuit for wrongful dismissal. Never terminate an employee in anger or in the heat of the moment. Send the offending worker home for the shift; give the matter thought and obtain some advice before acting.



DON'T LET THIS HAPPEN TO YOU!

Termination

The restaurant was very popular with families and heavily booked at spring break.

The owner heard from a server that a cook had assaulted her in a particularly nasty and sexist way. The employer quickly interviewed the witnesses, and everyone confirmed the server was telling the truth.

The cook had a bad temper; he had been allowed to get away with the behaviour because he was good at his job. No one wanted to work with him, however, and some employees were actually afraid of him.

The employer decided the cook would be fired. First, however, the restaurant needed to get through spring break. If he fired the cook, he wouldn't be able to replace him immediately and customer service during his busy time would suffer.

Nothing was said about the incident until the first day after spring break. The employer told the cook he was terminated because he had assaulted the server.

The cook asked the owner how long he had known about the incident. The owner told him he knew two weeks earlier but decided to let the cook work through spring break.

A few weeks later, the restaurant received the cook's claim for compensation. Employment Standards Branch ruled if the incident was serious enough to merit termination without notice or compensation, it should have been done immediately.

The message sent to the employee by being allowed to continue to work for two weeks after the incident was that the incident was not considered by the restaurant owner as serious enough to require termination.

Employment Standards Branch agreed the incident was serious, and if the termination had been done immediately, it would have been with just cause. However, letting the employee stay gave the employee the impression the employer had decided to overlook the incident and he would not be terminated. If an incident is serious enough to merit termination, suspend the employee and consult with the BCRFA or a lawyer and make your decision quickly.

Do your investigation; check with your legal advisor and if you decide to terminate, terminate in a timely manner. Letting the incident sit for the sake of convenience diminishes the seriousness of the matter.

LEAVES OF ABSENCE

THESE LEAVES ARE PROTECTED BY LAW.

Employees are entitled to unpaid leave of absence in the amounts and for the reasons set out in this section.

MATERNITY LEAVE (OR PREGNANCY LEAVE) AND PARENTAL LEAVE

Pregnant employees can take up to 17 consecutive weeks of unpaid maternity leave. An employer may request a note from a doctor or nurse practitioner that states the expected birth date, the actual birth date, or any other reasons for the leave.

Before the birth: Leave must begin on or before the date the baby is born. It cannot start earlier than 13 weeks before the expected birth date.

After the birth: Leave continues for at least six weeks after the birth. A certificate from a doctor or nurse practitioner is required if an employee wants to return to work sooner.

If the employee is unable to return to work for reasons related to childbirth, the leave can be extended for six weeks (for a total of 12 weeks).

Termination of a pregnancy: Employees can take up to six consecutive weeks of leave starting on the date a pregnancy ends. An employer may request a note from a doctor or nurse practitioner that says when the pregnancy ended.

If the employee is unable to return to work for reasons related to the pregnancy ending, the leave can be extended for six weeks (for a total of 12 weeks).

Parental leave

Employees can take up to 52 weeks of unpaid parental leave. Both parents can take one full period of parental leave. This applies to birth parents and adoptive parents.

Parental leave can begin at any time within 78 weeks of a baby being born or a child being adopted. It can be extended by up to five weeks if the child needs more care due to a physical, psychological or emotional condition.

An employer may ask for proof that an employee is entitled to parental leave or an extension of parental leave – for example, they can ask for a certificate from a doctor or nurse practitioner.

Pregnant employees can take both maternity leave and parental leave. A pregnant employee can take up to

61 weeks of unpaid parental leave after their maternity leave:

17 weeks of unpaid maternity leave and up to 61 weeks of unpaid parental leave. For a total of 78 weeks (about 18 months).

Parental leave must begin immediately after maternity leave ends unless the employee and employer agree to a different date.

5 DAYS ANNUALLY FOR DEALING WITH FAMILY RESPONSIBILITIES

An employee can take up to five days of unpaid leave in each employment year (an employment year begins on the date the employee started work) to help with the care, health or education of a child under the age of 19 in their care.

An employee can also ask for this type of leave to care for the health of any other member of their immediate family.

Family responsibility leave does not accumulate from year to year.

For example: Jim's 10 year old daughter needs extensive dental work. Jim is entitled to take up to 5 days' leave annually to take his daughter to the dentist.

For example: Marla's son is having some problems at school. The teacher has asked her to come to a parent teacher meeting to discuss how to help the boy. Marla needs to take a shift off work to do this. She is entitled to an unpaid leave for this purpose.

THREE DAYS BEREAVEMENT LEAVE WHEN A DEATH OCCURS IN THEIR FAMILY

An employee can take up to three days of unpaid leave if an immediate family member dies. This leave:

- Does not have to be consecutive days
- Does not need to be for attending a funeral
- Does not have to start on the date of death

Note that under BC law, family is given a wide interpretation. A broad and liberal interpretation of "immediate family" is considered to include common-law spouses, step-parents, step-children, and same sex partners and their children. Any persons will be included as "immediate family" if they reside with the employee as a member of that employee's family. An exchange student residing with the employee's family would be considered "immediate family."

JURY DUTY FOR AS LONG AS THE JURY SITS

Employees must be allowed to report for jury duty if called and to carry out jury duty if chosen.

COMPASSIONATE CARE LEAVE

Employees are entitled to take up to 27 weeks of compassionate care leave within a 52-week period to care for a family member who is terminally ill.

Step 1: The employee must request the leave from their employer. They do not have to make the request in writing or give the employer advance notice. However, the employee should speak with their employer about the need to take the leave when they first become aware of it.

Step 2: The employee must get a medical certificate that states the family member has a serious medical condition and is at risk of death within 26 weeks. They must give the employer the certificate as soon as it is reasonably feasible to do so. They are not required to do this before taking the leave. The 52-week period starts on the Sunday of the week that the certificate is given, or from the Sunday of the week that the employee first takes leave.

Step 3: The employee takes the leave. If the employee takes leave before getting the medical certificate, the time taken will be included in the 52-week period covered by the certificate.

Step 4: The leave can end in three ways, whichever comes first:

- On the last day of the week in which the family member dies.
- After the employee has had 27 weeks off within the period of 52 weeks – the employer doesn't have to give more leave during that 52-week period.
- 52 weeks after the period begins – even if the employee has not taken 27 weeks of leave, the employer is not required to give any more leave until the employee shows another medical certificate.

If the family member does not die within the 52-week period, an employee may take more leave after they get a new medical certificate stating that the family member has a serious medical condition with significant risk of death within 26 weeks.

For example: Jenny has cancer. Her doctor believes she will die within the next six months. Jenny's sister, Laurie has been staying with Jenny throughout the illness. Laurie asks Jenny's doctor for a certificate confirming Jenny's probable impending death. Laurie asks her boss

for 27 weeks of unpaid leave, to care for Jenny, starting immediately. Jenny dies 12 weeks later. Laurie's leave ends on the Saturday of that week. Laurie is also entitled to 3 days of bereavement leave.

For the purposes of compassionate care leave, the definition of family is broad.

A family member is someone who is:

- In relation to the employee
- The employee's spouse, child, parent, sibling, grandchild or grandparent
- Any person who lives with the employee as a member of the employee's family
- The employee's step sibling, aunt or uncle, niece or nephew, current or former foster parent, foster child, ward or guardian
- The spouse of the employee's sibling or step-sibling, child or step-child, parent, grandparent, grandchild, aunt or uncle, niece or nephew, current or former foster child or guardian
- Anyone else who the employee considers to be like a close relative regardless of blood, adoption, marriage or common law partnership
- In relation to the employee's spouse
- The spouse's child, parent or stepparent, sibling or step-sibling
- The spouse's grandparent, grandchild, aunt or uncle, niece or nephew
- The spouse's current or former foster parent, or ward

RESERVISTS' LEAVE

Employees who are also a reservist for the Canadian Forces are entitled to 20 days of unpaid leave in a calendar year for the following reasons:

Being deployed to a Canadian Forces operation outside of Canada.

Participating in pre- or post-deployment training activities.

Being deployed to assist with an emergency or its aftermath in Canada.

Employees must give their employer four weeks' written notice that includes the start and end date for their leave. If they get less than four weeks' notice of deployment, the employee must give as much notice as possible.

If training activities are extended, the employee must give the employer notice four weeks before the date the leave was to have ended.

If deployment is extended, the employee must give the employer notice four weeks before the date the leave was to have ended, or as soon as possible.

If the employee wants to return to work sooner than they originally said, they must give the employer at least one week of notice.

LEAVE RESPECTING THE DISAPPEARANCE OF A CHILD

An employee can take up to 52 weeks of leave if their child disappears as the result of a crime (e.g. a kidnapping). The employee may take leave in different units of time with the employer's consent.

The leave ends:

- 14 days after the child is found alive.
- On the date the child is found dead – the employee then can take leave respecting the death of a child.
- At the end of the 52 weeks off – or, if the employee has taken time off in different units, the last day of the last unit of time.
- The leave also ends if it is probable that the child's disappearance was not the result of a crime or if the employee is charged with a crime in relation to the child's disappearance.

LEAVE RESPECTING THE DEATH OF A CHILD

An employee is entitled to 104 weeks of leave if their child dies. The leave starts on the date of the child's death. In the case of a child who has disappeared, leave begins on the date the child is found dead. The employee may take leave in different units of time with the employer's consent.

The leave ends after 104 weeks off, or if the employee has taken time off in different units, the last day of the last unit of time. The leave also ends if the employee is charged with a crime in relation to the child's death.

CRITICAL ILLNESS OR INJURY LEAVE

An employee can take leave to care for a family member whose health has significantly changed as a result of an illness or injury, and the life of the family member is at risk. The employee can take up to 36 weeks to care for a child and up to 16 weeks to care for a family member over the age of 19.

For example: Stephan's mother has been diagnosed with dementia and it is not advisable she live alone in her home any longer. Stephen is entitled to take up to

16 weeks to find alternate living arrangements for his mother, to pack up and dispose of her belongings and move her to her new home.

LEAVE RESPECTING DOMESTIC OR SEXUAL VIOLENCE

An employee is entitled to 5 *paid* days leave and up to 10 days per calendar year for situations related to domestic or sexual violence, plus additional unpaid time, up to 15 weeks annually, if necessary.

For example: Sue has been abused by her domestic partner. She decides she and her children must leave the situation. She asks her boss for some time off to resettle herself and her family. She must be given up to 10 days off to deal with this situation, and be paid for at least 5 of those days. She must also be given more time if it is necessary, up to 15 weeks.

Leaving a violent domestic arrangement, especially with children is frightening. This type of situation is far too common. An employer who is in touch with their employees, both their work and personal lives, will probably have suspected Sue had been dealing with a serious concern. This is the time to step up and support Sue and make sure her workplace is safe and supportive.

For example: An employee has been sexually assaulted. The employee is entitled to 5 days off with pay, an additional 5 days without pay, and in some circumstances, up to 15 weeks without pay.

This ensures employees do not have to choose between keeping their job and escaping to a safer situation or dealing with the aftermath of domestic or sexual violence.

PERSONAL ILLNESS AND INJURY LEAVE

As of January 1, 2022, employers must provide employees with at least 5 paid days of sick leave. To be eligible to receive this leave, the employee must have been employed for 90 days.

An employer may ask for reasonable proof the employee is unable to work due to illness.

If the leave is not taken, it does not accumulate to be carried over to another year.

If requested, employees need to provide enough information to satisfy their employer that they are ill or injured and therefore entitled to the leave.

The employee's entitlement to sick days is applied on the anniversary of their start date. This means an

employee hired on March 1, will become entitled to 5 days paid sick leave every March 1, for the remainder of their employment. As the legislation was proclaimed on January 1, 2022, all employees became entitled to 5 days paid sick leave on that date. In 2022, there is an anomaly that will allow some employees 10 days of paid sick leave in 2022. This cannot happen after 2022.

To calculate an average days pay, add together all the employees earnings (excluding overtime) for the past 30 days. Divide the total by the number of days worked. That is an average days pay.

It is worthwhile for employers to note the BC Human Rights Code prohibits discrimination on the basis of a physical disability and requires employers to accommodate workers who are ill or injured. This means it is a bad idea to terminate an employee because they are being treated for a serious illness or injury. This will be discussed in more detail in the chapter on human rights in BC.

JOBS MUST BE KEPT FOR THE EMPLOYEE

The employer must keep the jobs of people on these leaves available for them to return to. A temporary replacement may be hired to cover the job, but the person on leave is entitled to return at the conclusion of their leave. They must be returned to the same or similar job, at the same rate of pay, same schedule and in the same location.

The employee continues to accumulate vacation time entitlement and length of service entitlement while on leave.

It is illegal to terminate an employee who is absent or plans to be absent on leave they are entitled to by law.



TIP

Employers are entitled to require verification of the employee's claim of leave entitlement, such as a death certificate, doctor certificate and notice from the court for jury duty.

ANY OTHER LEAVE IS DISCRETIONARY

Any other leave of absence, to attend school, special events or travel, for example, is granted or not at the discretion of the employer.

For example: Matthias likes to travel. He regularly asks his employer for open-ended time off to pursue this interest. Matthias' employer is free to decide if he will give Matthias the time off. Matthias' employer may need to make it clear that Matthias does not accumulate years of service (under the *Employment Standards Act*) and that his absences and returns constitute new employment each time.



TIP

In the hospitality industry, there is significant staff turnover. Sometimes, the reason is the employee wants time to pursue other interests. A wise employer keeps an open door. When Matthias runs out of money and comes home, he's going to want work somewhere. If he's a good worker, keep the door open for him to reapply to your business.

There are other leave requests employees may make for religious or cultural reasons. Employers are obligated, under the BC Human Rights Code, to make reasonable or fair accommodation of these requests.

For example: Linda is Jewish and observes her religion. She is entitled to ask for those Jewish holidays she considers significant as days off without pay. Her employer is expected to accommodate her whenever possible.

For example: Mac is Indigenous and active in his Band's culture and politics. He is expected to attend a gathering of his Band and participate in the election of a new Chief. He has the right to ask for the time off and his employer must make every effort to accommodate Mac's request.

MANAGERS

Just because an employee has the title of manager, it doesn't necessarily mean he or she is a manager.

In order to legally be a manager, an employee must have more than just the title. The manager must have real management responsibilities, such as control and direction of employees, control of substantial amounts of money and the ability to make important decisions.

Calling a person in charge of french fries "Manager" seldom makes them a real manager. A real manager has a seat at the boardroom table and has input into hiring and firing decisions, budget, menu, pricing, hours of operation and other important matters and performs management level work at least 50% of their time.

It's important to be certain the person you call "Manager" truly is one. Managers often work extra hours; if they have been called a manager when they are not, you could face a large overtime liability.

Managers are not entitled to receive overtime pay or statutory holiday pay. However, if the manager and you have agreed they will work 50 hours a week, and they work 55, they are entitled to be paid straight time for the extra hours.

At the start of employment, it is wise to make a written offer to a new manager that includes the number of hours the manager is expected to work each week to fulfill their duties.

Remember – a manager must spend at least 50% of their time doing management work.



DON'T LET THIS HAPPEN TO YOU!

Managers

The busy franchise has several managers.

1. The Owner. She reports to the Franchise which requires she meet a certain standard. The Franchise dictates the menu, the suppliers, the look and layout of the restaurant, the method of hiring employees, the uniforms, liquor service, etc. The Owner decides who she will hire and fire, the hours of operation, the operating and local advertising budget, community involvement, etc. As the Owner owns several restaurants, she relies heavily on her Restaurant Manager to make most day to day decisions.

2. The Restaurant Manager is responsible for scheduling, appraising and deploying staff, and keeping workers hours within a budget she and the Owner have set. She also overlooks the kitchen to ensure all health and safety requirements are met and that cooks prepare food that meets the Franchise requirements. The Restaurant Manager works closely with the Owner to keep the restaurant on budget and in compliance with the Franchise standards.

3. The Kitchen Manager reports to the Restaurant Manager. Because the staffing level is set by the Owner and the Restaurant Manager, the menu and suppliers are set by the Franchise, the management responsibilities of the Kitchen Manager are limited to verifying that the supplies ordered are delivered before passing invoices to the Restaurant Manager to be paid. The Kitchen Manager drafts the schedule for the kitchen subject to the Restaurant Manager's approval. The Kitchen Manager can send employees home if it is not busy. The remainder of the Kitchen Manager's time is spent cooking.

4. The Bar Manager reports to the Restaurant Manager. He is responsible for drawing up a bar employee schedule and giving it to the Restaurant Manager for approval and integration with the main employee schedule. He is also responsible for keeping the inventory of liquor maintained at a pre-set standard and periodic inventory to assure all purchased liquor is accounted for. He reports shortfalls to the Restaurant Manager and the Owner together with recommendations for dealing with the shortfalls. Most of the time he works as a bartender, mixing drinks according to the Franchise menu.

5. The Assistant Restaurant Manager is responsible for smooth operation of the restaurant if neither the Owner nor the Restaurant Manager is available. She calls in employees or sends home employees when necessary, deals with and adjusts any customer complaints, ensures there is no liquor over service and closes, locks and sets the alarm at the end of the day. She works as a server the 80% of the time she's not called upon to handle any problems.

How many legitimate managers are there in this business?

There are two managers: The Franchise Owner and the Restaurant Manager. The other employees are not managers. They spend minimal time involved in management duties. They are at best, Lead Hands. The owner of this restaurant called all these positions Managers and failed to pay employees 3, 4 and 5 overtime and statutory holiday pay. When the test of a manager was applied, the restaurant was found liable for the statutory holiday pay and overtime that wasn't paid to these employees.

TIPS IN THE WORKPLACE

TIPS AND THE *EMPLOYMENT STANDARDS ACT*

Tips are common in the hospitality industry. There are differing opinions on where the custom of giving a tip to a person who has provided a service comes from, but, like it or not, it is part of our culture. As guests, we feel obliged to give tips and as workers, hospitality workers are accustomed to receiving them. Tips are considered income and tax must be paid on tips by the person receiving them.

Although gratuities (tips) are not wages, the *Employment Standards Act* says employers cannot take them or withhold them from the employee who earned them. This includes tips that are paid by customers to the person who served them, or mandatory gratuities or service charges large groups are required to pay.

An employer cannot withhold tips from the employee they were left for, take a share of tips, or require the employee to give a portion of their tips to the employer.

For example: A large hotel offers banquet services. A 15% service charge is added to the food and beverage service for the event. This 15% is not the hotels to keep. It must be shared among the employees who worked on the banquet.

For example: An employer cannot require employees to pay any percentage of their tips into a breakage or dine and dash fund.

Employers *can* require that employees pool their tips and share them with other employees.

For example: At the end of a shift, all employees are paid out their tips. The employer can require employees to contribute a certain amount to a pool that will be distributed to the kitchen workers, host, etc. The amount to contribute is not specified in any law, but customarily ranges between 5 to 25 % of the tips the servers have received. Some businesses have decided to require all tips be pooled and then divided equally. This is legal as long as the employees receive 100% of their share.

An individual employer (a proprietor or a partner in a business) is allowed to share tips if they regularly do the same type of work as the employees who are given tips, or if they regularly do the same type of work as the employees who share in the tip pool.

For example: Oksana owns a small restaurant. She regularly works in the kitchen, waits and busses tables as part of the team with her three employees. Oksana is legally entitled to share in the tip pool.



TIP

Employers are cautioned to very carefully exercise their legal right to share in the tips or tip pool. It can create dissension and morale problems among employees who may perceive it as unfair.

An employer may withhold tips or make a deduction from tips if there is a court order in place such as a garnishment order or a family maintenance order. This money must be sent to the issuer of the order immediately.

If an employer illegally takes or withholds tips from an employee, they can be recovered by the Employment Standards Branch on behalf of the employee in the same way as wages are.

For example: Stan takes 10% of the tips charged on credit and debit cards as an administration fee. This is illegal and the Employment Standards Branch is entitled to recover the money and redistribute it to the employees. HOWEVER, Stan is charged 0.5% of the bill as a service charge by the credit card company. Stan can require the employee pay that amount on the tips. Stan's server Bill receives a \$20.00 tip on a \$100.00 check. The credit card company will charge Stan for the transaction, and Stan may pass on the fee on the \$20.00 to Bill. It may only be pennies, but with cards being the preferred method of payment, over a large number of transactions, it can add up.

TIPS AND TAXES

Most employers expect their employees to keep track of their own tips and pay the taxes on them. In some circumstances, employers are required to take income tax from employees' tips and remit it to the Canada Revenue Agency.

The Canada Revenue Agency says there are two types of tips: Controlled Tips and Direct Tips.

CONTROLLED TIPS

A service charge the restaurant adds to a bill (often done for large parties) is a controlled tip.

A service charge added to the price of a catered or special function such as a wedding, or a banquet is a controlled tip.

These service charges are set by and collected by the employer. In other words, controlled by the employer. When the employer pays their share of that service

charge to each employee who worked the function or served the table, the employer must deduct and remit the appropriate income tax, Canada Pension Plan (CPP) and Employment Insurance (EI) and pay the employee the net amount. The employer must also pay their share of CPP and EI just as if the amount is wages.

Tips can become controlled even when they didn't start out that way.

For example: An employer accumulates all the credit card tips received by each employee, depositing them with the general revenue. Every two weeks, the amount each employee has received in tips is tallied up and the employer writes each employee a cheque. The employer has taken the money into their control and has deposited it into their account. When a cheque is issued to each employee, the income tax, CPP and EI must first be deducted and remitted, and the employer must pay their share of CPP and EI.

For example: To end the bickering over tips, sections and tables, an employer decreed all tips were to go into one central pot; each server receives a share based on the length of shift. Since the employer has ordered this distribution of tips, he or she has control and the employer must deduct and remit income tax, CPP and EI from those tips and pay their share of CPP and EI.

If an employer takes the tips into their control, even for a short time, the tips become controlled. Examples of this are depositing all the money and credit card slips into the general operating account and writing each employee a cheque at a later time, or keeping accumulated tips together and using that money for operating expenses until such time as each employee receives their share.

TIP

BC law does not permit taking and using tips for business expenses. If an employer takes tips and uses all or part to pay for any business cost, the tips convert to wages and the Employment Standards Branch can collect those tips just like they were wages.

DIRECT TIPS

Tips that are paid directly to the employee by the guest are considered direct tips. These can be cash or written onto credit or debit cards. At this time, the Canada Revenue Agency has stated tips paid by credit and debit card are direct and the employer does not have to deduct and remit taxes on those amounts, provided they are paid out immediately. Immediately can include the next day or shift if there was insufficient cash on hand to pay out all the tips at the end of the previous day or shift.

TIP

Cash is becoming increasingly unpopular. Consider paying the employees' tips out by e-transfer at the end of shifts.

Employees may need to be reminded they must include all the tips they receive when they do their income tax returns. Any person receiving tips could be audited at any time. It's just foolish in this day of electronic transactions to fail to declare the tips received. They can be tracked and if an employee fails to declare tips, they can be made to pay the taxes owed, plus interest, plus penalties, which can add up to substantial sums. They may also attract an audit of all their coworkers' tax returns!

TIP

Employees can ask or employers may offer to take and remit extra amounts from their pay to reduce the amount they pay when they do their tax return.



SOCIAL INSURANCE NUMBER (SIN)

Social Insurance Numbers are issued by the Federal Government upon request and are free of charge to every legal resident of Canada. This number tracks all the money the individual has paid to income tax, Canada Pension Plan and Employment Insurance. It's like a bank account, tracking deposits against future debts owed to the government (tax) and benefits to be received in the future (Canada Pension Plan and Employment Insurance).

Employers must obtain this number from a new employee before the employee starts work. Do not allow an employee to start work until their SIN is on file. If they say they don't have one or if they are forgetful or seem reluctant to provide it, the person may not be legally entitled to work in Canada. Employers must resist the temptation to employ the person anyway and pay them 'under the table.' Chances are very high they will be caught and will be liable for the penalties and fines.

If an employee has a SIN beginning with a '9', you must verify that the date on the SIN card has not expired. SINs that begin with '9' are issued to temporary workers who are neither Canadian citizens nor permanent residents. These SINs are valid only until the expiry date printed on the front of the card. The expiry date corresponds to the date on the Immigration, Refugees and Citizenship Canada document authorizing a person to work in Canada.

For more information, please visit the [Immigration and Citizenship Canada](#) or visit the [Service Canada](#).

SUCCESSORSHIP – WHEN YOU BUY A BUSINESS WITH EMPLOYEES

Successorship is the term used when a new owner keeps some or all of the employees of a business they have purchased.

For example: Jane buys an operating restaurant. Jane has "hired" the employees who were there before. She is a new owner, but they are not new employees. Employment is considered undisturbed by the sale for the purpose of such rights as notice or vacation based on length on employment.

Employees on legal leave when the business changes ownership have the right to return to work after their leave, just as though the sale had not happened.

If you plan to buy or sell a restaurant or bar or brewery, the employees should be part of the sales negotiations.



TIP

Real estate agents are not always familiar with labour laws and legal concepts such as successor rights. They will not likely even discuss the matter of the employees currently employed at the restaurant, bar or brewery you want to buy. Before you buy, contact the BCRFA or a lawyer for advice.



DON'T LET THIS HAPPEN TO YOU!

Successorship

Sam bought the successful bar in mid-2018. He retained all the employees and hired a few new employees. In December, a woman came to speak to him. She introduced herself as Leah. She said she was on parental leave and had been since December 2017. She wished to return to work and was there to discuss the date she would report and her schedule. Sam was stunned. He had no knowledge of Leah and no position for her. Sam was wise, however; he obtained advice and learned that Leah was an employee with successor

rights and he was compelled to return her to her position just as if he had been the owner of the bar at the time she went on leave.

Sam avoided both potential employment standards and human rights violations.

When you purchase a business with employees, be sure you get all the information, including a list of employees on legal leaves.



DON'T LET THIS HAPPEN TO YOU!

Successorship

Lunch Time is a busy successful restaurant in an industrial park.

Aaliyah started the business. Her formula was keeping it simple. The restaurant opened at 11 and closed at 3. Only lunch was offered. The menu was limited – 5 types of sandwiches, 2 soups, 2 types of dessert bars, fresh fruit, a selection of cold drinks and coffee.

There were 5 employees:

Meg and Jeff came in at 9 to make sandwiches. They left at 4 after cleaning up.

Soo came in at 11 a.m. every day made the coffee and ran the counter until 3. At 3 she made the dessert bars for the following day. She was done by 7 p.m.

Mario and Parminder made the soups. They came in at 5 a.m. to have the soups ready by 11 a.m. From 11 a.m. until 1 p.m., they ran errands or delivered lunches.

Aaliyah decided it was time to retire. She sold the business to Mike.

Mike met with all the employees and told them he would be keeping them all on doing exactly what they were doing.

After 4 months, however, Mike began to look for ways to expand Lunch Time.

He decided a corporate office coffee break delivery would be a good plan. He went to the corporate offices in the park and they all indicated the service would be used.

Mike told Soo she would be having a shift change. He wanted her to start at 5 a.m. and make fresh muffins and scones. When the fresh items were made for that day, she would make the dessert bars for the following day. She would no longer need to work the counter and she could go home at 1 p.m.

Meg would come in at 7 a.m. She would prep and prepare sandwiches with Jeff, but at 11 a.m., she would make coffee and serve the counter until 3 p.m.

Jeff, Mario and Parminder would keep the same schedules and jobs.

Meg and Soo were horrified. Soo had chosen her schedule because she was able to get her children ready for school and have some time before work to take care of her household. Her husband was home by

3 p.m. when the kids came home. This would disrupt their lives terribly. Meg hated serving at the counter. She had children to get off to school as well as a toddler who couldn't go to daycare until 7:30 a.m. when it opened.

Mike told the two women that his mind was made up. They could either go along with the new direction or quit. Soo and Meg both had to quit. Mike decided to be a nice guy and pay them each a week of wages, but because they quit, he didn't believe he had to.

Mike's decision to grow his business by adding a new service is a good one. None of his other decisions were. His actions were wrong on several levels.

Making arbitrary shift decisions without considering employee obligations was his first mistake. When he made the decisions, he in effect, terminated the two employees by making substantial changes to their terms and conditions of employment.

"That's OK," said Mike, "because even if my actions amounted to termination, I paid them both a compensation for the time they had been in my service, so I don't owe them anything". Wrong again. Even though Soo and Meg had only worked for Mike for a few months, both had worked for Lunch Time for more than 10 years. They were each owed a minimum of 8 weeks wages in lieu of notice.

Since Meg and Soo had both been employed for so many years, they might consider also suing Mike for additional lost wages.

Meg and Soo being the only two women is also problematic. Why did Mike not consider making changes to any of the schedules of his male employees? This is a question he could be compelled to answer before a Human Rights Tribunal.

Mike could have avoided a lot of this grief and expense by discussing his plans with his employees and taking their personal circumstances, preferences and childcare issues into consideration before making radical shift and duty changes.

Employment is considered continuous and uninterrupted by the change of ownership of a business. Asking the vendor to fire everyone and then hiring them all back does not necessarily relieve a purchaser of the obligation to consider the workers to be employed on a continuous and uninterrupted basis.

VOLUNTEER EMPLOYEES

Registered charities often use volunteers to perform work. Volunteers for charities don't expect to be paid.

Your business is probably not a registered charity and therefore cannot use volunteers. Don't get caught in these potential traps:

- Cousin Vinny's daughter wants to get the feel of restaurant work before she commits to school. Can she hang out for a few weeks?
- A friend from the old country is sending her son to Vancouver. Can the boy spend some time with you learning the craft brewing industry?
- A college kid comes to tell you he will work for you for free so he can get experience working in a night club
- Your sous chef's partner comes by at night and helps her clean up the kitchen so they can go home together

Unless you are prepared to pay wages, your answer should be "no". A person who performs work must be paid wages. If Vinny's daughter or your old friend's son even picks up a spoon, you owe wages. That college kid

who wanted to get experience will probably require you to pay him wages when he's received sufficient experience. Your sous chef's partner could realize they're doing a job an employee should be doing and ask to be paid.

Work is defined as anything done directly or indirectly for an employer. If a person performs work for your business, you become their employer and owe wages, even if you didn't intend to allow them to work or direct them to do work.

Schools are in the business of teaching people skills. The students pay fees and attend classes. Schools must be registered and licensed by the government. Unless you are a registered and licensed trade school, don't allow people to come to "study" in your business. If any of that "study" involves performing work, you will owe wages.

Registered trade schools, high schools and colleges may ask you to host a student for a specified period of time, as part of the student's learning process. You may contract with the school to host these students. They are NOT considered employees, and you will not be required to pay wages. The contract with the school makes your business an extension of the student's classroom. Be certain the school you are working with is accredited.



DON'T LET THIS HAPPEN TO YOU!

Volunteer Employees

Frank is a successful restaurant owner. Lydia is his well-known chef. Lydia is a celebrity chef with a number of TV cooking show appearances on her résumé. Young people want to work with her for the experience and how it will look on their résumé.

Frank noticed a lot of young people are working in the kitchen for a month or two, then disappearing. He asked Lydia who these people are and if they should

be on payroll. Lydia told him they are there for work experience and are volunteers, not employees.

Lydia is wrong. Frank has a reason to be concerned. Unless these people are on a legitimate work experience program from an accredited trade school or public school, they are employees. Any one of these workers could file a claim for unpaid wages with Employment Standards Branch. This could cost Frank a lot of money.

CONTRACTOR OR EMPLOYEE?

You may be asked by someone you wish to hire if you will hire them “as a contractor”. This usually means they want you to pay them 100% of their wages without deductions for income tax, CPP and EI. They will often tell you they have their own company and will take care of their own deductions. You may think there is no harm in this and agree.

There is huge potential for harm. Don't agree. Be very cautious about these arrangements. Agreeing to consider an employee a contractor is illegal and may cause you serious problems. “Contractor or employee?” is not decided by an agreement between people, it is decided through a variety of legal tests.

A simplified list of the tests that determine contractor versus employee is:

- Who owns the business?
- Is the work integral to the business?
- Can the person performing the work profit or sustain any loss to the agreed pay or wages?
- How much direction and control is asserted?
- How long has the relationship lasted?
- Who owns the tools and materials?

COMMON MISCONCEPTIONS

The following factors are not, on their own, enough to show that a worker is an independent contractor. There may be an employment relationship even if the worker does some of the following:

- Agrees to be an independent contractor;
- Charges GST;
- Works at more than one job;
- Submits invoices instead of time cards;
- Doesn't have statutory deductions taken from earnings;
- Works independently without much direct supervision;
- Drives their own car;
- Provides their own tools; or
- Is paid by piece rate or commission.

In a restaurant or bar, the following jobs cannot be done by contractors, as the work being performed is necessary and integral to the business and must be performed on a regular and scheduled basis:

- Cooks
- Chefs
- Servers
- Dishwashers
- Bartenders
- Managers
- Bussers
- Hosts

These people might be contractors, especially if they do work for several businesses, not just yours:

- Decorators
- Designers
- Accountants or people who prepare payroll
- Appliance repair technician
- Security
- Janitors



TIP

There is a legal principle that says you cannot contract outside the law. This means that people cannot agree to break the law. Any contract to break the law is invalid and cannot be enforced.





DON'T LET THIS HAPPEN TO YOU!

Contract Employees

Marco needed a new restaurant manager. He interviewed Sally. She seemed to have a lot of experience, so he offered her the job. Sally told him she had her own company; she would contract her services as a restaurant manager to Marco.

Marco was unsure what this meant. Sally told Marco he would pay her a flat rate of \$6,000 a month. She would work doing all the regular management duties for 50 hours a week. Marco wouldn't take any deductions from her pay. Sally would do that through her own company.

This sounded okay, so Marco agreed. For several months Sally produced an invoice for "management services" and Marco paid. After a while, though, Marco started to wonder just what he was getting from Sally. She certainly wasn't in the restaurant anywhere close to 50 hours a week. There had been no menu consultation, no promotions and staff were complaining Sally was hardly ever there and when she was, she was ordering drinks for herself and her friends but not paying for them.

Marco asked Sally to meet with him to discuss these concerns. They argued. Sally stopped coming to the restaurant at all. When Marco received her next invoice, he refused to pay.

Shortly after, he received a letter from the Canada Revenue Agency requiring he remit income tax, CPP and EI benefits for Sally. He also received a letter from Employment Standards Branch requiring he pay Sally vacation pay and hourly pay for hours she claimed to have worked in excess of 50 each week.

Marco protested that Sally was not an employee, she was an independent contractor. He was asked to describe her duties and was told she was, by law, an employee. The agreement that Sally would be treated as a contractor was illegal. Marco was compelled to pay income tax, EI and CPP. He had to pay vacation pay. Because he failed to keep a record of the hours Sally worked, only her records were considered, and Marco had to pay many additional hours even though he knew Sally probably hadn't worked them. Marco had to pay nearly \$10,000 total to deal with the various laws he had broken.

Sally created the problem, but Marco is the employer and considered to be in control. He had the authority to say no. If someone suggests you allow them to work "as a contractor" the best answer is usually "no". If you have any doubts or questions, call the BCRFA or Employment Standards Branch to discuss the situation and obtain advice.

HOW TO PAY DELIVERY DRIVERS

Due to the high cost of outsourcing delivery services, some businesses that do a substantial amount of delivery employ their own delivery drivers. Delivery drivers are usually employees like any other and are entitled to the same minimum standards as any other member of staff. If delivery drivers don't receive at least minimum wage, vacation pay, have the cost of their gasoline reimbursed and have taxes, CPP and EI deducted from their pay, Employment Standards Branch, the Canada Revenue Agency or both may investigate practices and order payment of wages and unpaid taxes. Large penalties or fines can be imposed.

For example: Popp's Pizza hired Taylor to deliver pizzas for the restaurant. Taylor is expected to be available from 5:00 p.m. until midnight every night but Monday. Taylor is paid \$5.00 per delivery and given a free pizza every night. They are paid in cash at the end of every evening. On a

quiet night, Taylor might only get four or five deliveries, so they will make \$20.00 to \$25.00. On a busy Friday or Saturday however, Taylor might do as many as 25 deliveries and earn up to \$125.00. On those busy nights, they might finish their last delivery around 2:00 a.m.

There are several potential concerns with this arrangement.

Paying Taylor in cash every day is not a problem, as long as the appropriate statutory deductions are taken from their wages. The employer must calculate the appropriate CPP, EI and income tax contributions and must deduct them from Taylor's wages at least twice a month and remit them to the Canada Revenue Agency. If the employer still wants to pay Taylor cash every night, and Taylor still wants to be paid that way, there will be at least one day where most if not all of the earnings will be withheld to pay for income tax, CPP and EI unless the employer wants to calculate this each night.

A pay period can be no longer than half a month. Taylor's earnings in a pay period must be at least minimum wage for every hour he works in the pay period.

Taylor worked the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	7	7	7	7	11	7

Taylor was paid the following amount:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	\$20	\$20	\$45	\$125	\$75	\$65

Total hours: 46 hours

Total wages paid: \$350.00

Taylor has not been paid minimum wage. They worked 40 regular hours plus 6 hours of overtime in this week. At minimum wage of \$15.20 an hour, they are owed regular pay of \$699.20 and overtime pay of \$45.60 for a total of \$744.80. Taylor hasn't been paid minimum wage, so their employer must top the wages up to at least \$744.80 for this pay period. If Taylor earns more than minimum wage in the next period, their employer CANNOT claw it back.

Popp's Pizza also requires Taylor to use their own car. The cost of gas to make the deliveries is a cost of doing business. Taylor must be reimbursed for the gas they use. Taylor must keep a log of the kilometres they drive and the amount of fuel used each kilometre. Taylor must then submit that log to be reimbursed.

Taylor is also expected to have a cell phone so they can keep in contact with the store while making deliveries. They can expect to be reimbursed for every call made on the phone that is for their employer's businesses.

Taylor is entitled to receive at least 4% vacation pay on gross earnings as well.

The free pizza Taylor receives is a taxable benefit and must be taken into account when the income tax is calculated. It is easier to offer Taylor the pizza at cost and they can choose to buy it or not.

Some delivery drivers aren't employees. At least they aren't your employees; there are companies in the business of delivering food for a number of restaurants.

For example: Dinner on the Run contracts with many different restaurants to pick up and deliver food to customers. The drivers are the employees of Dinner on the Run.

Sometimes a taxi service is also used to deliver food to customers. The taxi driver is not a delivery driver; they are an employee of the taxi company.

EMPLOYING CHILDREN

Employment of any child 12, 13 or 14 years of age is only permissible under the *Employment Standards Act* where an employer has obtained the written consent of the child's parent or guardian. "Guardian" is defined as "one who has the legal authority and duty to care for another's person, especially because of the other's infancy, incapacity or disability."

Employers who employ a child under the age of 15 without the written consent of the child's parent or guardian will face penalties.

Employment of a child under the age of 12 is only allowed with the permission of the Director of the Employment Standards Branch. The Director will carefully assess each situation. If there is concern about the safety of the worksite or the child's ability to function in an employment relationship, the permit will not be granted.

Before a permit will be granted, the employer must demonstrate that:

- The parent or guardian has given their written permission;
- The school has given its written permission;
- The child will be under direct and immediate adult supervision at all times;
- The child will not be exposed to dangerous chemicals, noxious substances or highly flammable material;
- The child will not work at or near hot surfaces (i.e. cooking grills, deep fryers, coffee maker, etc.);
- The child will not operate potentially dangerous equipment, machinery or power tools (i.e. paper shredder, meat slicer, etc.);
- The child will not work in a dangerous work environment (i.e. a construction site); and
- The child will not be required to make his or her own way to and from the worksite.

The Director will also consider such things as:

- The degree to which the child can physically be expected to perform the work;
- Whether the child has the maturity to function in a work environment;
- The child's ability to understand the nature of an employment relationship;
- The child's ability to understand health and safety issues in the workplace.

The Director may cancel or suspend a child employment permit at any time if they are concerned about the health and welfare of the child, or if the conditions of employment set out in the permit are not being followed.

This part of the *Employment Standards Act* is not saying children cannot work in restaurants. However, children will be severely restricted from engaging in any work where there is any possibility they might be injured.

Children should not be working in bars, nightclubs or any other Liquor Primary establishment nor should they be working in craft breweries.

If an employer does decide to let their friends' kid come and bus tables a few hours a week, be sure they are supervised at all times, not working with or near any equipment that could hurt them or burn them, have safe rides to and from work, that the work doesn't interfere with school hours and that the child does not work late or alone.

There are exceptions to the employment of children laws for the entertainment industry – movie and television production and recorded commercials have different rules. Children who perform in entertainment venues are also subject to different rules which will be discussed in the Liquor section off this manual.

IMPORTANT NOTE: The laws regulating employment of children have changed, anyone wishing to employ a child 15 and under must complete an application for permission to employ a child. Information and applications are available from the [Employment Standards Branch](#).

EMPLOYMENT STANDARDS COMPLAINTS INVESTIGATIONS, MEDIATION AND ADJUDICATION

The Employment Standards Branch receives and investigates complaints that employers are not meeting the standards set out in the *Employment Standards Act* or Regulation. Usually an investigation is set in motion when the Branch receives a complaint, but the Branch can decide to investigate an employer without a complaint if it is in the interest of promoting compliance with the Act.

When a complaint is received, the employer will be contacted by an investigator who will ask for the employer's response to the complaint. Generally, a written response will be asked for. The investigator may ask for witness statements.

Investigations related to unpaid wages include a review or audit of payroll records. The Employment Standards Branch will:

- Audit the records directly;
- Require an employer to conduct a self-audit and review it; or
- Review an audit completed by a third party hired by the employer.

Once the investigation is complete, the Employment Standards Branch will make a written decision called a determination. If an employer is found to have contravened the Act, they will be ordered to pay wages owed along with interest and penalties. The Employment Standards Branch may publish information about employers who do not follow legal requirements.



TIP

It is unwise to ignore the Employment Standards Branch. A complaint investigation will proceed, with or without the employer's input. If the employer refuses to participate, a decision will be made anyway. If the employer doesn't tell their side of the story, only the employee's story will be heard and the employer could be ordered to pay wages, interest and penalties. An employer cannot appeal or ask for a review of a decision if they ignored the process.

EMPLOYMENT STANDARDS TRIBUNAL

This Tribunal hears requests to review decisions made by the Employment Standards Branch. They will review decisions under the following circumstances:

- If new evidence is found and there is a reasonable chance it will affect the outcome.
- If there is a possibility the adjudicator misinterpreted the law.
- If the person requesting the review has been denied natural justice. Natural justice is the principle that a person has the right to know the case against them and the right to be heard.

The Tribunal will not review decisions where the applicant for review had an opportunity to give evidence but did not.

For example: An employer thought ignoring the complaint would make it go away, so he didn't pay attention to the letters and phone calls from Employment

Standards Branch. Now there is a decision ordering him to pay a substantial amount of money plus penalties. He wants his evidence heard and seen. He knows it will change the outcome.

The Tribunal will not review this case or hear the evidence. The employer was given chances to give his evidence and chose not to. He will not receive any more chances.

For example: The employer doesn't like the decision and wants a review. She thinks maybe the Tribunal will interpret the evidence differently. The Tribunal is not in place to hear evidence being rehashed. It's not likely they would come to a different conclusion anyway.

THE TEMPORARY FOREIGN WORKER PROTECTION ACT

This Act is administered by the Director of Employment Standards.

A foreign worker recruiter is a person who makes their living recruiting people from outside Canada to come

to work in Canada. Frequently, these recruiters will take care of all the government documents necessary for the worker to enter Canada and charge the Canadian employer a fee for the work they do. All foreign worker recruiters must be licensed by the Director of Employment Standards. If you are approached by a foreign worker recruiter assure they are properly licensed. This information is published and available on the [Employment Standards](#) website. If you are considering using a foreign worker recruiter to help you find foreign workers, it's important you assure the recruiter is licensed in BC.

If you are an employer who plans to employ foreign workers you must register with the Director of Employment Standards. This is to assure foreign workers are given all the statutory rights under the *Employment Standards Act*. It's important to know that all laws regarding wages, vacation and vacation pay, statutory holidays, termination and hours of work – all the provisions of the *Employment Standards Act* apply to foreign workers. Visit Hiring a [Temporary Foreign Worker](#) to register as an employer.





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FINDING AND KEEPING THE BEST EMPLOYEES

In 2020 and 2021 the hospitality industry went from being unable to find workers to having to lay workers off due to business closures and reduced hours. The pendulum has swung and there is likely to be a shortage of hospitality industry workers again. Cooks are already in short supply. Many front of house workers are leaving the industry for less volatile employment. Now restaurants and bars are staffing up to full hours, there is a shortage of serving staff as well.

It has been challenging in the past years for the hospitality industry to fully staff their businesses and equally challenging to keep the employees they have.

Times have changed. There are more jobs than there are people interested in taking them. The most successful employers – the ones who seem to attract and keep employees – have a number of approaches to human resource management. They have learned to be innovative to compete for the shrinking pool of workers.

These employers:

- Make time for employees to lead healthy lives. Time for exercise, time for family and friends, time for their education and interests makes for happier and healthier employees
- Offer more regular hours of work, regular days off, predictable schedules and flexible schedules to allow employees to have a work-life balance
- Offer medical and dental benefits. These benefits are not necessarily prohibitively expensive. They can be good value
- Reward employees with perks like a season's pass to a local gym, spa certificates for massages and pedicures, tickets to events the employees enjoy, or grocery gift certificates
- Offer training and in-house promotion
- Don't passively wait for applicants to come to their business, they actively go looking for them
- Have workplace rules and procedures and ensure employees know them and follow them
- Treat employees with respect and compassion and ensure the workplace is harassment, discrimination and bullying free
- Engage, one on one with their employees on a daily basis to get to know their employees as people
- Employers who do follow these basic practices will find it easier to recruit and retain their employees. It can cost a business anywhere from \$5,000 to \$50,000 to recruit an employee. They are a substantial

investment. Take time choosing your employees and treat them well

RECRUITING EMPLOYEES

People want jobs with meaning and to be proud of where they work. Consider investing in a professionally designed website to advertise your business' values and products AND invite people to join your team. As well as showing your food, drinks, products and services, your website can talk about the charities and organizations you support and what you do to prevent waste and be environmentally aware. It can be helpful for your website to have a link to an employment application that will arrive in your inbox.

1. Social media can help you to find employees. Open social media (Facebook, Twitter, Instagram, etc.) accounts for your business and share your good employment practices with the world. Post available jobs and invite your happy employees to post comments. If you don't know how to do this, ask one of your employees, as part of their regular duties, to help and keep the accounts up to date. This will be a fun job for an employee who enjoys social media.
2. If you are having trouble getting applications, think about looking in different places. By ensuring your search includes under-represented people, you increase the pool of candidates.

Persons with physical and mental disabilities are often underemployed, yet many are highly skilled and ready to work. Expand your hiring efforts to vocational rehabilitation agencies, senior's groups and other special-interest organizations to find these potential workers. People with physical disabilities may require modification to the jobsite to perform at their best. Many of these modifications are simpler and less expensive than you might expect.

While women are slowly finding work in kitchens, they are still under-represented. More than 50% of the graduates of culinary schools are women, but less than 25% find their way into commercial kitchens. Make sure you encourage women to apply, have a workplace that is welcoming to women and offer shifts that accommodate both men and women with children.

Indigenous people are not well represented in the hospitality industry. Reach out to Indigenous people through the local Aboriginal Friendship Centres and First Nations governments. Make sure you describe how you want to hire and welcome Indigenous employees to your

team. Offer training, both in-house and professional, to help Indigenous employees to succeed and flourish.

Recruitment Sites:

- EightSix Network – 86network.com
- Scout Vancouver – scoutmagazine.ca
- indeed – indeed.ca
- Monster – monster.ca
- go2HR – go2hr.ca
- bcjobs – bcjobs.ca
- Workopolis – workopolis.com
- Have Culinary Training Society - have-cafe.ca
- ISS of BC – issbc.org
- MOSAIC – mosaicbc.org
- Access, Training and Employment for Indigenous People – accessfutures.com
- BC Centre for Employment Excellence, Programs for People with Disabilities – cfeebc.org/resource/people-with-disabilities
- BC Centre for Employment Excellence, Programs for Older Workers – cfeebc.org/resource/older-workers

WorkBC is a government funded agency that matches workers with employers. Their excellent service has an impressive list of work-ready people. As well, they will assist employers looking to employ people with physical and mental disabilities and support those workers during their training, orientation and throughout the employment.

3. Ask your employees for recommendations and give a bonus or other benefit to those who help you find new employees.

4. Offer the best wages and benefits you can afford. Benefits can include a flexible work schedule, extra paid vacation, bonuses, as well as traditional medical, dental and pension benefits. You are competing for the best you can afford. Minimum wage with no benefits is just not attractive to applicants who have several jobs to choose from.

5. Be involved in the restaurant community and your local community. Attend events. Be as high profile in your community as you can be so people looking for jobs already know you. While everyone is enjoying the community event, there is nothing wrong with making it known you have jobs available.

6. Support a sports or kids team... you may meet some stay at home parents interested in a few shifts at your restaurant or bar.

7. Your local community college and high school may have students looking for work. Make yourself known to them through the counsellors at the schools.

No Shows

You picked the best person. They were to start this morning. They didn't show up! This happens. There is little you can do, other than phone the person to make sure they understood they were supposed to start today.

The best time to lower the chance of new employees not showing up for the first day of work is at the interview and job offer stage.

Ask if they are looking at several job offers; if they are, ask how you can help them choose you. This is a good time to talk about benefits and perks you offer.

Give a formal written offer of the job. You treat it seriously so maybe they will too. The written offer should include the hours to be worked, the duties of the job, the wage you will offer, and the start date, along with any benefits you offer.

Keep in touch with your choice for the job – send a “welcome to the team” card and call them a day before they are due to start to tell them how excited you and the rest of the staff are they will be joining the team.

Some businesses offer a “signing” bonus. This is a cash offer to get a person to choose to come to work for you. There are more jobs than people to fill them. Anything you can do to get people to choose your job offer is fair. A signing bonus could compensate the person for the extra travel time, extra housing costs, etc. they will have if they accept your offer.

Don't rush the person. They may need a bit of time to look at different offers. We know you need someone now, but it's worth waiting a week or two for the best person.

INTERVIEWING SKILLS

A job interview is your opportunity to show the job applicant that you are a professional and well-run organization.

Conduct the interview in a private and quiet place. Make sure there are no interruptions while the interview is underway. Interviewers should focus on the potential new employee, not their phone and the incoming delivery. This rule is valid for both in-person and online interviews.

Make sure the applicant is at ease by offering them a drink – water, tea or coffee. Give them some paper and a pen to make their own notes on. If the interview is

conducted online, suggest the applicant get themselves a drink and a pen and paper to jot down notes.

Whenever possible, it is best to have two people conduct the interview, so you can both take and compare notes and observations.

Ask every applicant the same questions, take note of the answers.

If possible, give the applicant job related tests. For example, ask an applicant for a server position what they would do for a table with several food allergies, have a bartender applicant prepare a selection of commonly ordered cocktails (or, if online, ask them to list ingredients of popular drinks) and have a cook prepare a simple dish (or describe how they would prepare a dish).

Don't ask personal or lifestyle questions.

Do ask about interests and life goals.

Keep the notes you have made for a minimum of one year.



TIP

Eager and trainable is often as good as experienced. Don't overlook applicants with no experience.

Here are some sample interview questions to get you started.

Appropriate questions for front of the house are:

1. Why do you want to work here?

Good answers include:

- I like to make people happy.
- I like being hospitable and friendly.
- I like people and want them to have a good time while I'm serving them.
- I enjoy it when I feel I've made a guest have a great time.

2. Tell me about your most memorable experience as a guest in a restaurant or bar.

Look for a thoughtful, detailed answer – be it a positive or negative experience – that shows the applicant has thought about restaurant work and has an understanding of how things can go well (or badly).

3. What does “hospitality” mean to you?

The dictionary defines hospitality as “the friendly and generous reception and entertainment of guests, visitors, or strangers.” A good candidate will sum this up in their own words.

4. Tell me about an occasion where you were hospitable in a work setting.

Your candidate should be able to give an example of being hospitable. It doesn't need to be in a restaurant, any work setting will do.

5. A customer has asked about the special cocktail or dish of the day. Using a favourite drink or dish of your own, describe it to the customer.

The candidate should be able to describe the menu item in a way that makes it sound really good.

6. How would you respond if a customer wrote something negative about your service or food online, which you know to be inaccurate? For example, described your service as abrupt.

The focus of their reply should show an understanding of the customer's perspective or understanding of how they might handle a situation better in the future to make things right. Take note if the answer aligns with how you'd like staff to handle conflict resolution.

7. If a customer presents you with a coupon that clearly states, “not valid with other offers,” and they try to use it with another offer, how would you handle that?

The candidate probably doesn't know your policy when it comes to special offers and you may not even have offers in the first place! The “correct” answer lies in their reaction.

Do they clam up, get nervous? Or do they stay calm and keep a smile on their face?

How they react to this question is a great indicator of how they'd react under pressure. If a candidate can't keep their cool here, how are they going to do so in the middle of a busy service, when the level of pressure is much higher?

8. Pretend you are serving a guest who is visiting the area from another province. They want to chat about the area. What will you tell them?

Look for the applicant asking the guest about their interests and telling the guest about local attractions, great shops or sporting events that fit with their interests.

9. Tell me about a conflict you've had to deal with involving your co-workers and how you handled it.

You may want to give an example of a conflict and ask how the applicant would deal with it.

Here are a couple of examples of conflict.

For example: You arrive at work and find that you've been assigned to back tables again. The tables with the water view are the ones that fill up and stay full all evening. The back tables, not so much. The view tables tend to tip better too. You were told the view tables were assigned on a rotating basis, but you seem to have been left out of the rotation. How will you handle this situation?

The right answer is to work the shift without complaint. At the end of the shift, talk to the person who assigns the shift about how the rotation for the front tables works and find out when your turn will be.

For example: The bartender seems to leave your drink orders until last, and doesn't let you know when your orders are ready. This means delayed service and watery drinks for your tables and smaller tips for you. How will you discuss this with the bartender?

Again, look for a calm, friendly, non-confrontational approach.



Some good questions for kitchen applicants are:

1. What's your experience in food handling? Do you have or will you be willing to get **FOODSAFE** certification?

The answer should be yes.

2. Do you prefer working alone or as a team?

The answer to this will help you determine the suitability of the person for *your* bar, restaurant or brewery. A person who needs a team may not do well in a solitary position.

3. What do you do to stay on top of a busy service?

The applicant should be able to tell you how they ensure they have the tools, ingredients and mise en place organized in sufficient quantities, and how they communicate with the front of the house to find out what the reservations look like, so they can be prepared for a rush.

4. What do you like most on our menu?

The answer should indicate the applicant has at least researched the type of food you serve and has an opinion about it.

5. What entrees/sauces/etc. do you like to prepare?

Every cook or would-be cook should at least be able to describe a sauce they enjoy and know how to make.

6. (For kitchen helpers) How do you ensure cooks always have the supplies they need, when they need them?

The applicant could be asked to prioritize a list of tasks that need to be done during a busy service.

For example:

Shrimp is being ordered a lot and more needs to be thawed

Chef needs parsley chopped

There's a spill of oil that needs cleaning up before someone slips

The dishwasher needs help because the kitchen is running out of clean dishes

Someone has cut their hand and needs a fresh rubber glove right away

7. What do you like about working in a kitchen?

You want to hear the applicant talk about the camaraderie of kitchen culture, satisfaction of making it through a busy service, the artistry involved in food preparation and the pleasure of making something delicious.

CHECKING REFERENCES

Never skip this important step. You want the person to start yesterday but skipping reference checks is a bad idea.

If the applicant has put the name of the references on their résumé, this means you may contact them. If the applicant has not provided references, ask for them. Even a kid right out of school should have someone, even a teacher or coach, who may be able to provide them with a reference.

Always contact the reference at their place of work, not on a personal phone. You want to make sure the person you are speaking to is a former employer or other appropriate reference and not the applicant's buddy.

The very best question to ask is “if you had a position available, would you rehire this person?”

Give the reference a brief overview of the job the applicant is applying for and ask if they believe the applicant would perform well in the position.

You may ask if the person was usually punctual.

You may ask the reference what position the applicant held in their business and if their performance was satisfactory.

Never ask for personal information. Anything personal you need to know for things like income tax must wait until the person is hired.



DON'T LET THIS HAPPEN TO YOU!

Reference Checking

Back in the days before COVID-19, Mary ran a small restaurant and catering company. She had a busy season coming and was desperate to hire some people. Smith and his partner Jones seemed ideal. Smith had restaurant management and cooking experience, Jones could serve and bartend. Mary left preparing for the catering events up to Smith and Jones so she could concentrate on sales and running her restaurant. She became more confident when she received positive feedback after a couple of catering events.

The first sign of a problem came when there seemed to be food and liquor missing. She asked the couple but they laughed it off, saying it was at their house because it was easier to transport it to the events. Mary told them she didn't like that idea and she preferred it was stored at the restaurant.

Over the next weekend there were 4 quite large catering events – 2 weddings and 2 birthday parties. Smith and Jones were running all four. The last event was on Sunday afternoon. Mary was finishing her

restaurant's brunch service when she got a call from a client. The client told her the caterer was demanding cash payment before he would cater the birthday party that afternoon.

This was never something Mary required. She asked to speak to the caterer and was told he and his partner had left. She couldn't reach Smith and Jones so scrambled to cover the event with other staff. While doing this she discovered a great deal of food and liquor was missing. Some investigation of other events uncovered Smith had demanded up-front cash and the clients had paid. Smith and Jones had vanished along with several thousand dollars of revenue, food and liquor.

Only then did Mary check references. Only one of the references knew of Smith and Jones. The one who did know them said they worked in the same restaurant as her, and they never came back to work after a theft of cash and liquor was discovered.

Always check references before you make your offer.

ORIENTING YOUR NEW EMPLOYEE

Once you have a candidate you like and have hired them, the hard work begins. You must orient and train the new hire to ensure they succeed.

Proper orientation of new employees sets the tone for the employment relationship. This important process tells the employees the rules and standards, and gives them insight into your company culture.

It's crucial to introduce the new employee to their co-workers and assign a mentor. Never forget to tell them such basics as where the washrooms are, when they will be paid and how they are expected to dress on shift.

Assign each new employee a seasoned mentor who the newbie will shadow for as long as they need. The new employee's mentor should commit to being available for the new person's first several shifts to help, advise and encourage them.

Here are 10 steps to guide you when training your staff.

1. Start with orientation

Each bar, club or restaurant is unique. Not only in terms of objectives and goals, but also in service. It's important for your business, your brand and your culture that employees, both experienced and inexperienced in the industry, learn your way of doing things.

The first step in employee training is orientation. Orientation helps employees familiarize themselves with your business' practices, goals, history, philosophy and the facility. Orientation is made considerably easier if you have created an employee handbook for employees to refer to. If you don't have a handbook, contact the BCRFA for advice on creating one or to obtain a template.

2. Create and upgrade your training plan

A bar, pub or restaurant owner or manager's main objective is to ensure the business thrives and becomes a popular place in their community. An important part of being a success is to have well trained, efficient and confident employees. For this to become the reality, you must create a training plan. It won't just happen. Throwing a bunch of information at the new employee and hoping much of it will stick won't usually work. You need to write out a training plan and ensure it is being followed.

Your training plan should cover the different departments in your business. They include the bar, dining, kitchen, hosting and serving departments among others. Every

employee should have a complete idea of what happens in every area. To be effective, your employees should know the whole picture, not just their small part of the picture.

The best people to help train your new employee are your experienced employees. Assign your new employee to different individuals in each area. Have your experienced person make introductions to the people in each area and explain what they do.

Some of the areas your experienced staff should focus on include hosting, greeting customers, serving customers, bartending, food preparation, dishwashing and cashier, among others. New employees should know who is in charge of each department, who they should ask if they have a question and what the flow of the business is – from reservation to satisfied guest going out the door – and the role every employee has in the process.

For example: At the start of a new server's first shift, welcome them in person and thank them for choosing to join the team. Give them a small notebook and a pen and tell them to jot down things like names and titles to jog their memory and to make note of any questions they might have.

Walk the employee through all the departments. Give them a brief explanation of the role of each department. It may be obvious the kitchen prepares the food, but how the kitchen operates may differ from place to place. Introduce the new employee – this is Ali. He is joining our team as a server. Ali, meet Maya. Maya is our dishwasher. When tables are bussed, the dirty dishes go onto this trolley and are delivered to Maya – the trolley goes on Maya's right side and she organizes the dishes to go into the washers. Maya is also in charge of the laundry hampers which are located here. Always give Ali and Maya a minute to shake hands and share some information about themselves. Remember, you're building a team of people who respect and work well with each other.

Do the same with each department: the bar, the office, accounting, etc.

Once the new employee has been given an introductory walk through, it's time to turn them over to their mentor. This is a trusted employee who the new employee will shadow for as many shifts as seems necessary. Usually 2 or 3 shifts will allow the mentor sufficient time to be sure the new employee can do the job on their own. The mentor should be available to help the new employee for several weeks in case they run into a situation they aren't sure how to handle.

3. Guidance and observation

It is important to know that training your staff does not end with the provision of instructions and orientation. Restaurant managers are advised to ensure the experienced staff, especially department heads, continue guiding and observing the actions of both the new and current staff. Guidance and observation help to ensure the employees are practicing what they have been taught.

4. External training

There are many courses available in BC to help restaurant employees enhance existing skills and obtain new skills. go2HR, the hospitality industry HR resource, has all the information you need to provide low cost, high impact training to your staff. (See go2HR.ca)

Many courses are available online and employees may take them at their own speed. It's required that anyone handling food have a [FOODSAFE certificate](#) and anyone serving liquor have a [Serving It Right certificate](#).

Not all training needs to be work related. Employees may appreciate and receive value from having a speaker on topics such as financial planning, investing, personal insurance, etc. There are always people willing to come to speak about these topics free of charge.



5. Implement cross training

Cross training means training employees to do more than one job in the business. This benefits both the employee who learns new skills and the employer who can call on a trained employee to perform a different job. Ideally the position the employee will be cross trained for will be at a higher level....train the dishwasher to be a kitchen helper, a server to be a supervisor, a busser or host to be a server, a server to be a bartender, etc. You could also ask employees to tell you what other position they might like to learn.

It is important to understand that cross training makes your employees feel they are progressing and are challenged. As a result, they will be motivated and become valuable employees. Remember to accompany cross training with an incentive – for example a bonus or pay raise.

6. Train your staff to use the latest technology

Technology helps make work easier and plays an important role in all industries and establishments. A restaurant, bar or tasting room is no exception. Hospitality has advanced past touch screen point of sale systems. Customers can make orders on mobile apps and request delivery right to their homes or offices without speaking to anyone, kitchen staff is able to fill orders using technology, inventory can be kept online, supplies ordered online, scheduling can be done in a special app..... there are endless tasks that technology can make easier. Teach your staff to use the latest technology gadgets in your restaurants. If you don't have the skills, the providers of the technology will usually come to the business to train your employees.

7. Recognize your employees

Appreciation and recognition motivates your employees to be more efficient and productive.

A good method for recognizing top employees is by implementing the "Employee of the Month" reward program. It sounds cliché, but it's nice to be told you're the top employee.

To make the program more rewarding, a small cash bonus, gift certificate or a gift would be appreciated.

Recognizing the employees at regular meetings and on the restaurant's social media pages is always a good idea.

Keep some cards in a drawer and if you catch an employee doing something good, give them a card saying thank you.

If you catch an employee doing something well, comment on it.

PERFORMANCE REVIEWS

A performance review is an important exercise. A performance review evaluates the employee's attitude, efficiency, strengths and weaknesses.

A performance review should be done before the employee's 3-month probation period ends.

At minimum, a review should be done at least once a year, and preferably twice a year. By three months you should know if the employee is turning into a good team member. You cannot, by law, extend the probation period. If you keep the employee past three months, you must give them notice or compensation if you decide to let them go later.

The best way to measure an employee's performance is by observation. Have managers keep notes of observations of their team's performance. Review these notes regularly. Comment on good performance with praise. "You handled that late group really nicely, Ali, I noticed that you moved the service along quickly without ever once appearing hurried". Also comment on poor performance to adjust the behaviour before it becomes a bad habit. "When you bus the tables, Ali, please remember to scrape the organic waste into the green bin. It helps Maya get the dishes into the washer faster. It would be a disaster to run out of clean dishes, so scraping the dishes benefits the whole team."

The performance review should be done in a quiet place where there will be some privacy and no interruptions. This is the time to focus on the employee, not the phone or what is happening elsewhere in the bar.

Don't allow the review to be open ended. Have a list of specific questions you want to ask and comments you want to make. Take some notes. This review should form part of the employee's personnel file. It's important to allow the employee time to talk about their experience as an employee. Do they have any challenges or do they need more training in any area? Are they getting along well with the rest of the team? What are their goals for the future? How can you, their employer, help them reach those goals?

TEAM BUILDING EXERCISES

Motivate employees by implementing team building exercises. Include team building in training plans for employees. It helps to create opportunities for the employees to socialize outside the work environment.

There are many activities employees can do during team building exercises. Some of these include volunteering as a group for a community event, participating in community competitions, supporting a charity, supporting or sponsoring a refugee family, going on a wine tasting trip as a group, and going to a farm producer to see where ingredients come from.



TIP

Retreats and parties that involve a lot of alcohol are a bad idea. A restaurant chain hosted a retreat trip. The employer was liberal with free drinks. A few employees got drunk, sexually harassed a coworker and one drove to the nearby town and was arrested for impaired driving. Parties and retreats should not involve employer sponsored drinking. As the employer and host, the employer will be held legally liable if something goes wrong.

EMPLOYEE FILES

For every employee, a file should be maintained. This file should contain, at minimum, up to date information about the employee's Social Insurance Number, tax information, current address, phone numbers and email address.

In the employee's file, it is important to keep copies of any certificates the employee is required to have such as FOODSAFE and Serving it Right, and any educational certificates they have earned. There should also be notes of any meeting you have had with the employee to discuss their performance, both the good and the not so good. Copies of any formal written notices should be kept, as well as any complimentary notes or comments from guests and co-workers.

Sometimes, an employee will ask to see a copy of their file. Employers aren't required to show the file, but it's a reasonable request and employers should be transparent and allow them to see it if they want.



TIP

It's a really good idea to send out a memo at least every couple of months asking employees to verify their email address, phone number and physical address. People often forget to tell their employer they have moved, changed phone numbers or have a new email address.

Employers may ask for information about social media accounts, but employees can't be required to give that information.

TRAINING, ADVANCEMENT AND PROMOTION

To be a preferred employer and to keep employees engaged and interested, offer them a career path. This means providing any employee who shows interest in moving upwards with cross training, off-site training such as schooling and promotion from within.

This means you need to know your employees. You need to know their dreams and career goals. An open door policy so employees know they can come and talk about training needs is vital to having happy employees. A kid you hired as a kitchen helper who was going to college in the fall may decide she's fallen in love with kitchen life and surprise you with a request for a full-time job and red seal training. Don't disappoint her. You may be training the next celebrity chef.

Whenever you have a job vacancy make sure all your employees know about the vacancy. Make it clear from the time you hire new people that you prefer to promote people from within. Show this is true by doing it. It may be more cost effective to promote a server to a supervisory position and train her or take a promising kitchen helper and make her sous chef; some training will likely be needed, but you will find the training much less expensive than searching in the unknown for a new person.

Spend some time every month engaging employees in cross training so they can be exposed to other positions. This serves you well as employees will be able to cover for an absent worker if necessary and it gives your employees opportunities to learn the various positions within the industry.

Have regular (PAID) staff meetings to talk about training and training needs.

Not all training needs to be directly job-related. There are people more than happy to come to talk to employees about a variety of topics.

WorkSafeBC will come to talk about safety.

Speakers from a bank or credit union will probably come to talk about investment and money management.

Representatives from life and property insurance companies would be pleased to talk about making insurance part of their investments.

People from government are often available to talk about how their department works.

Liquor manufacturers love to talk about how they make the liquor, wine and beer they sell you.

Most of these people will come for free. The employees will learn from this training and it can make their lives better.

PREDICTIVE SCHEDULING

One of the biggest challenges facing bars and restaurants is the erratic scheduling that causes potential employees to look elsewhere for a job. Not many people like the idea of not knowing from day to day whether they will need to go to work or not, and if they do, how long they will have to stay there.

It is imperative for businesses that need to compete with each other and with other industries to adopt predictive scheduling. This isn't difficult. Businesses track or should track their peak and low periods – they can read weather reports. Big events that get people out on the town and into bars and restaurants aren't suddenly dropped on the unsuspecting businesses by surprise. It is not rocket science to predict, usually weeks in advance, when a restaurant or a bar is likely to need employees.

Many of these points will seem obvious. It is always surprising, however, how many employers believe the shift schedule can be erratic, posted with almost no notice and subject to change on a whim. Employers can do this of course, but the result will be a revolving door of employees who will work for a short time then leave for a more reasonable place to work.

- Make up schedules well in advance.
- Once they are created, stick to them.
- Create schedules that are reasonably consistent for each employee. If Monday is usually Zach's day off, keep Monday as Zach's day off.
- Be aware of employee needs when creating schedules. If Peter picks up his daughter at day care at 5:30 p.m., don't schedule Peter to work until 6:00 p.m.
- NEVER let employees change and swap schedules amongst themselves. That is the employer or Manager's job. Allowing employees to change the schedule can also cause unexpected overtime expenses.
- Keep day shift employees on day shift and evening shift workers on evening shifts so employees aren't having to adjust their inner clock every few weeks.
- Try to give employees their preferred shifts. If Dale goes to school in the daytime, don't schedule Dale to work lunch shifts.

BUDGET FRIENDLY PERKS

Some tips for keeping employees happy on a very small budget:

Pay them more and treat them better is a mantra you're going to hear a lot as the labour pool declines and wage expectations go up. However, higher wages aren't the only way to attract and keep valuable employees.

Here are a few low and zero cost perks to offer employees that will make them feel great and make you an employer of choice.

1. Compressed work weeks

These are legal under BC law. Employees can agree to work longer daily hours in exchange for longer stretches of time off. For example, three twelve-hour days followed by 4 days off, or 4 ten-hour days followed by three days off. Under BC law, these are called averaging agreements. (please refer to [Employment Standards Enforcement Complaints, Investigations, Mediation and Adjudication](#)). Contact the [BCRFA](#) for help setting this up.

2. Charity

Support your employees' charities. Ask employees what charities they like and support. Support and like that charity too. Have a day every month when you honour the employee by donating a percentage of the sale of salads or desserts to the charity they support. Give every employee a paid day, once a year, so they can volunteer to help the charity they support. Make charity and giving a part of your company's culture.

3. Love their children

Many of your employees have children of their own or kids in their life. If you are a family style restaurant, you will please your employees and your customers by creating a feature wall displaying employees' kids artwork. Pick up some inexpensive frames at the dollar store or thrift store to frame kids' art. Have an after school event so employees and kids can see their art displayed. Free ice cream for all. You will spend maybe \$75, but the employees and their children will think it was a million bucks.

4. Spa day

Restaurant work is hard on the body. Make a deal with a local spa so employees can have massages, steam treatments, manicures and pedicures at a reduced rate. Most spas will be thrilled to negotiate a great deal for your employees. If your budget can be stretched just a bit, pay for employees' spa treatments. They will be healthier and happier without sore backs and feet.

5. Celebrate

Find out about important events and cause for joy in your employees' lives. Find a way to celebrate accomplishments. Graduation, a child's graduation, birthdays, marriages, etc. are all cause for a cake and a card or a small gift, some flowers or a gift certificate. It's the thought that counts. It is also important to support employees who have had sorrow. Allow time and space for grieving. To be aware of your employees' lives, however, you need to talk to them often and get to know them. Try, at least once a week, to invite an employee to coffee and engage with them like you would a friend.

6. Field trips

Most of your farm suppliers, local wineries and breweries are proud of their products and want to show off. Rent a minivan and send some employees off regularly to places where good food and drink are grown, distilled and brewed. The employees will come back refreshed and knowledgeable about items you serve. If you can offer them a nice lunch out, even better.

7. Safe rides home

Many restaurants offer a staff drink at the end of a shift. This practice can be a problem if it leads to drinking and driving. It is a much cheaper and safer option to let employees leave in time to catch their bus or train home. If that isn't possible, make sure every worker has a safe way home, even if you have to pay a bit for it. Better a few bucks spent on getting an employee home safe than hearing about their horrific accident in the news.

8. Reward creativity

Let your cooks create new menu items. If it ends up on your menu permanently, name the dish after the employee. "Brad's beet salad" "Kulwinder's vegetable soup". Give the dish's creators a bonus if the dish is popular. Find out what your staffs' other talents are. They all have them. Sally likes flowers. Put her in charge of flower arrangements and caring for any plants you have. Manny is a computer geek. Let him help you set up more efficient systems. Ping is addicted to social media. She can be valuable getting your restaurant and your values buzzed about on social media sites. Your employees get a break from their routine, and you get access to skills that help make your restaurant stand out.

9. Staff appreciation

You can't operate without them. They are your team. Paycheques pay their bills, but appreciation feeds their souls. Let them know how much you appreciate them. This can be as simple as a comment from the heart at the start of a shift when you tell them collectively

how grateful you are that they are on your team. Any expression of gratitude from you for a job well done, a customer well served, a hectic evening in the kitchen handled with grace and efficiency, is going to make your employees feel good about their job and themselves.

10. A day off

Everyone deserves a mental health day. Build a free day off into your annual plan so every employee gets a paid day off in addition to their annual vacation. This costs very little but gives employees the option of a paid day off in which they can do whatever they want without having to make up excuses or pretend to be sick.

11. Never close the door

Employees move around. The young ones, especially, do inconvenient things like going off backpacking in Asia or skiing in Banff. A lot of businesses consider these people as quit and gone. But they usually come home. If they were good workers, wouldn't you rather they come back to work for you instead of going to work for your competitor? Make sure employees who leave you to pursue other interests are welcome back. This bit of understanding costs nothing and benefits the business.

Final Thoughts

Employees are the face of any business. Not only do they come into contact with the customers during serving or hosting, but they market their employer's business through other means – through their friends and families, through the community and in their volunteer or social life. It is important to have a clear idea of each employee's strengths and weaknesses, how they are interacting with guests and each other, how well or poorly they are performing their work. Failure to pay attention to your employees is as fatal to your bar or restaurant's success as is failure to pay attention to your inventory and guests

Make sure your employees are able to lead a healthy and balanced life. People don't want to work long hours in environments where people are stressed out, angry and shouting. They want to work in happier and more relaxed atmospheres. There will always be a level of stress in busy kitchens. However, if employees have regular time off, are leading healthy lives, getting sufficient sleep and exercise and spending time with the people they care for, your employees will be able to handle stress better and even contribute to a calmer and more controlled work environment.

POSITIVE RECRUITMENT OF UNDERREPRESENTED PEOPLE

There are untapped pools of labour, expertise and knowledge out there. People who are not usually found in great numbers in the hospitality industry. Wise employers will seek out these folks and invest in them. It's good for business and good for the community.

WOMEN

Yes, there are lots of women working in hospitality. Few make serving or kitchen work their career, however. Most women we speak to who are leaving the industry say the long or erratic hours and the overtly sexist atmosphere in kitchens and bars don't make these jobs desirable for women, women with family responsibilities or women with ambition.

Here are a few pointers to recruit women who will stay in your business.

Create a working environment that is not tainted by toxic sexism. Kitchens can be a highly charged and hectic environment. They are made worse and dysfunctional if the atmosphere is also charged with sexist jokes and attitudes.

Insults masquerading as jokes

This is the most frequently encountered form of everyday sexism, experienced by women and men, and consists of sexist remarks or jokes, and insulting terms based on gender.

For example:

"Make sure you wear your tight pants to meet with that client!"

"You won't want to work on that machine...you might break a fingernail!"

"You've got to let her know who wears the pants around here!"

Devaluing women's views or voice

This includes men interrupting or talking over women, men over-explaining things as if women have no knowledge of the issue ('mansplaining'), and women feeling like their views are not heard or supported until re-stated by a man. Good employers make sure all the employees' voices are heard. Good employers seek the opinions of all the employees. Good employers don't allow one group of employees to dominate discussions.

Role stereotyping

This includes making assumptions about suitability for roles and tasks on the basis of gender.

For example:

“As the only female at the wine tasting, I watched the men wait for me to take the plastic wrap off the sandwiches. And take the notes.”

“We won’t rotate you to that part of the kitchen...there is too much heavy lifting for a woman.”

Preoccupation with physical appearance

This includes comments made about body shape, size, physical characteristics or dress over skill and competence. This form of everyday sexism is especially a problem for women with a public profile, or who are in the media.

For example:

“I couldn’t take her seriously as a manager— did you see what she was wearing?”

“She won’t work out as a sous chef, she’s too petite.”

“Customers want curvy women bringing their cocktails, they do not want men serving their drinks.”

Assumptions that caring and careers don’t mix

These assumptions affect both women and men when it comes to parenting. Women may be subjected to comments that imply poor parenting if they prioritize work equally to family, or may have their commitment to work questioned, due to flexibility. Women may also find they’re expected to explain why they don’t have children. Meanwhile, men may feel discouraged (or even denied) access to flexible work due to assumptions that caring for a child or dependent is a ‘women’s role’.

For example:

“When I became pregnant with my second child, I was told that I was probably going to want to stop being a chef.”

“When I said I wanted to leave to pick up my kids I was asked why my wife couldn’t do it.”

Creating a gender equal and women friendly workplace

Do not validate humour that is explicitly or implicitly sexist or offensive by laughing, staying silent, or making excuses.

Call out the joke, for example, saying “what did you mean by that comment?”

If you miss the moment to call it out, don’t let it pass — ensure both the joker and those who heard it are aware of your stance.

Ensure equal share of voice at meetings you lead or attend.

Before closing a meeting or agenda item, ensure everyone has been provided with the opportunity to comment or contribute.

Ensure all contributions/contributors to a discussion or initiative are acknowledged — beyond the most senior or vocal.

Question assumptions about the type of work, especially physical, that men and women can and cannot do.

Be vigilant when introducing women, for example, as speakers or at meetings, ensuring that they are treated with respect.

Check whether you are making assumptions about, or choices for, women or men regarding how they value or prioritize their career.

Ensure equal access to flexible work arrangements for women and men within your organization.

Recognize where gender stereotypes are being applied to assess performance or leadership capability.

Reframe a discussion any time an employee or candidate is assessed as ‘too’ anything — ‘too bossy’, ‘too soft’, or ‘too emotional’.

To recruit women:

Make yourself known at the local high school, college or university as an employer keen to recruit women into non-traditional roles (having a reputation as a good employer with the local educational facilities is an effective tool for any recruitment).

Whenever a position is posted, make it clear applications from women are welcome. Instead of saying “Kitchen Manager in high end restaurant, competitive salary” say “Looking for a woman or man to serve as Kitchen Manager. High end restaurant with predictive work schedule, flexible hours, competitive salary and benefits.

Have a benefit package available (more on this later in this chapter).

Have a zero-tolerance bullying and harassment policy. Show you mean it. The zero tolerance should extend to outside suppliers and customers.

For example: A delivery person had a habit of telling sexist jokes. When Chez Fabulous hired a woman line cook, the delivery guy aimed his sexist comments at her. The restaurant owner and the chef both have a responsibility to tell the delivery guy to stop or they will take it up with his employer. In some cases, the restaurant should tell the supplier to send a different delivery person.

Never expect women to wear clothing that sexualizes them – clothing for all staff, servers, bartenders and kitchen should emphasize comfort and safety.

Promote from within. To ready employees for promotion, make sure they are supported in taking any training they need. Don't assume women will leave. They are more likely to stay if they are offered opportunity for advancement.

Be aware that women with young children or older family members are often the principal caregivers. Make sure you offer flexibility so these employees aren't stressed out by conflicting work and caregiver responsibilities.

Cross train all your employees, regardless of sex. Put women in the kitchen, men at the host station, women behind the bar and men serving drinks. The more you challenge all employees, regardless of their gender, the more likely they will be to meet the challenge.

PEOPLE WITH DISABILITIES

According to WorkBC, in 2021 there are currently approximately 334,000 British Columbians age 15 to 64 who self-identify as having a disability.

According to the 2012 Canadian Survey on Disability, only half of working-age people with disabilities were employed. With a forecast of 903,000 job openings in B.C. between 2018 and 2028, British Columbians with disabilities are an important, and largely underutilized, talent pool.

Almost 90 per cent of consumers prefer companies that employ people with disabilities, according to a study cited in a 2012 Conference Board report.

Inclusive hiring by employers in BC supports Accessibility 2024, government's vision of becoming the most accessible province in Canada for people with disabilities—including having the highest labour participation rate. People with disabilities may possess the skills you're looking for in an employee, yet they are often overlooked. It's important to consider how your organization can access and nurture this potential sources of talent.

There are a variety of both government and private agencies eager to assist in recruiting and making businesses accessible to people who require some modifications or accommodations. [WorkBC](#) is the best place to start your search to add people with disabilities to your team. They have all the contacts and tools you need.

Many modifications can be simple and inexpensive. Most workplace accommodations for a person with a disability cost \$500 or less, with many accommodations having no cost.

Look first at the individual's skills, attitude, and potential. Look at the job. Now, look at the job from the perspective of how the workstation can be adjusted and the job description adapted to make it possible for the individual with disabilities to succeed in the position.

For example: Lower the cocktail bar or the work surface, such as the prep counter, for a person who uses a wheelchair or who is unable to stand for extended periods of time.

Job descriptions can be modified to make it possible for a skilled bartender to do the job, but not have to climb the stairs from the basement to carry up cases of liquor.

The entrance to the restaurant and the location of the tables already make it accessible for guests with mobility challenges. It's an easy jump to a front of house manager who uses a scooter or wheelchair.

People with limited vision can perform a variety of tasks in a bar, a restaurant or a craft brewery. There are astounding technologies available to assist people who are blind or partially sighted to perform a wide variety of jobs. Just about any tool such as a cash register, oven, cooler, POS machine, etc., can be made to talk. Much of this technology is available at minimal cost to businesses willing to hire people requiring workplace adjustments. Guide dogs that provide assistance are not prohibited from being in bars, restaurants or craft breweries. This is true of the guide dogs for both customers and employees.

People who are deaf or hard of hearing can perform wide varieties of jobs in hospitality.

Employers who hire and train workers with disabilities may be eligible for tax incentives and grants to offset some of the cost of workplace modification and training.

In the hospitality industry, the rate of turnover is crippling. Workers with disabilities who have had their mobility requirements accommodated by an employer with a welcoming culture are much less likely to quit.



For example: One restaurant had an inexpensive set of lights installed to assist the hard of hearing baker, alerting her to things going on around her. The employer was delighted and proud when he discovered several employees were learning American Sign Language in order to communicate better with their coworker. A tablet at her workstation makes it easy for the hard of hearing employee to receive instructions and report on her progress and requirements throughout the workday. If the chef needs a special cake or more baguettes, the information is messaged to the tablet. If the baker needs some assistance, a tablet message is sent to the chef, who assigns help to the baker. She is, by all accounts, a genius baker. Her fresh breads and gorgeous pastries are legendary in town. She is fiercely loyal to her employer. She says he gave her a chance to fulfill her dream of becoming a pastry chef when other businesses thought a deaf baker would be too difficult to work with.

For example: People who are profoundly restricted in mobility are still highly capable of performing many complex tasks. A mid-sized BC restaurant chain decided to centralize all their payroll and accounting into their Fraser Valley office. They were growing larger and wanted a centralized accounting system. The man they hired had a strong financial comptroller background. He had been the CFO of a big resource company until an industrial accident took most of his mobility. With the use of a mouth stick, a voice activated computer and a few widened doorways at head office, the small restaurant chain has an incredibly skilled number cruncher. The owners of the chain confided “he’s far better than we deserve – he’s done miracles for our financial picture.”

Employers who decide to hire an employee with disability should ensure their employees are aware of the plan. It’s key to make the workplace not only accessible, but also welcoming. Employers will generally find their employees are excited by the idea of diversity and will be welcoming and helpful. When the worker with disability starts, they should be treated in the same manner as any new hire – by being introduced to all the team, given an opportunity to exchange some pleasantries, told about the location of washrooms, break and meal times, expected hours, and given the employee handbook. The new hire should also have a mentor to help them see the whole picture of the way the workplace functions.

HIRING EMPLOYEES WITH DEVELOPMENTAL DISABILITIES

Most business aren’t used to thinking about hiring an employee with a developmental disability. There are many jobs in the hospitality industry that could be filled by people with developmental disabilities, jobs where they will be successful and flourish with just a little effort on your part. Many people with developmental disabilities have a support worker who can assist the business owner in orienting and training the new employee.

Employers value working with them

These workers often have a talent for winning over employers’ (and customers’) hearts with their sincere smiles, willingness to help and eagerness to learn. Employers report that their employees with developmental disabilities have a great propensity to remain open to new ideas and listen.

Increased profits

The majority of employers who have hired an employee with a developmental disability have seen a positive impact on productivity which, in turn, increases profits.

They have staying power

Unlike some of their peers, people with developmental disabilities often do not regularly seek new employment opportunities. Lower turnover and higher retention save you money by avoiding yet another hiring and training process.

People with developmental disabilities:

Want to succeed in their job and become a trusted part of a team. Employers discover these employees are committed to their work and dedicated to the company, exhibit a very strong desire to succeed and regularly seek more responsibility.

Are reliable

People with developmental disabilities were rated higher on taking fewer sick days, arriving on time for work, and returning on time from breaks than their co-workers. People who work with people with developmental disabilities say their customers understand they are part of a team and are reluctant to let their team down.

Are productive

Employers who have hired people with developmental disabilities often report they continually meet or exceed the performance of their peers, increasing company profitability. They tend to regard their responsibilities seriously.

Continue to improve

As workers with developmental disabilities become familiar with their job and responsibilities, they grow more confident and productive and are significant contributors to the workplace culture and positive atmosphere.

Are happy to be at work

No bad attitudes here! Employers say they are extremely satisfied with their employees with developmental disabilities because they truly love their jobs, embrace the opportunity to help the company grow, and listen to their managers and supervisors.

Inspire others

Employers have witnessed camaraderie and a positive effect on their entire staff. Co-workers seem much more open to teamwork when an employee with a developmental disability is on their team. They have also witnessed other employees enthusiastically helping employees with developmental disabilities be successful.

Customers like them

Employees with developmental disabilities not only provide good customer service, but they also promote a positive corporate image that increases customer base and loyalty. One survey revealed that 93 per cent of customers said they preferred to purchase from a company that employed individuals with disabilities.

They inspire a change for the better

It takes action to beget action. If more companies would hire employees with developmental disabilities, others would be inspired to do the same when they witness first-hand what an incredible asset they can be.

There are financial benefits

No-cost consultation and technical assistance is available to help employers hire people with developmental disabilities and provide on the job training. [WorkBC](#) is the best place to start your recruitment for people with disabilities.

Promote workforce diversity

Hiring individuals with developmental disabilities promotes diversity in your workforce and is good for the employee, the business, and the community in general.

For examples: A coffee shop hired a young man with Down's syndrome to serve customers. His sweet nature, willingness to help out and dedication to the job made him a favourite of the customers and attracted new customers. People like a smile and some enthusiasm served with the morning coffee and muffin. The coffee shop has grown in success, largely attributed to their beloved counter guy.

A popular Victoria restaurant has employed a woman with a developmental disability as a dishwasher for 17 years. She is on time, every shift. She loves her job, loves her co-workers who love her back. Her work is impeccable. She takes great pride in sparkling dishes. Any other restaurant you know have the same top performing dishwasher for 17 years?

A small chain of sandwich shops goes out of their way to find and employ people with developmental disabilities to be their sandwich artists. They have found them to be hard working, popular with customers, loyal to their employer and a lot of fun to be around, due to their positive attitudes and work ethic.

Interested? WorkBC is located in most communities and will help match your restaurant, bar or brewery with a candidate with a developmental disability and provide your business with the support and tools for the relationship to succeed.

SENIORS

They say 60 is the new 40. There is a lot of truth that older people are more active and involved with their life and community now than in previous generations. This includes a reluctance to walk away from the workforce. Either due to economic necessity or to a simple desire to remain relevant, more people over 50 are changing careers, seeking employment or re-entering the workforce after retirement.

These people bring decades of experience, a strong work ethic and wisdom to a business that chooses to hire them.

For example: Mitchell was an account executive with financial groups for most of his working life. He was successful but bored. He took early retirement at 55, got a tattoo and enrolled in culinary school. He loves being a chef. He loves the challenge, the culture, the creativity and the fast pace. He is a great asset to the restaurant that hired him and he is grateful his boss took a chance on hiring the “old guy”.

Sylvia is a single mother who struggled for years in clerical jobs. Now her children are grown, she can work in the evening. She always wanted to be a bartender. Now she can be. She is the stereotypical ideal bartender, dispensing drinks and wisdom to her guests.

Employers who hire older people starting a second career report these employees have strong work ethic, are punctual, don't get involved in petty squabbles and disputes and frequently bring skills from other jobs with them; skills that younger employees haven't yet acquired.



INDIGENOUS PEOPLES

Indigenous peoples have a strong tradition of hospitality going back generations, long before Europeans arrived. They are a natural fit in the hospitality industry but are often overlooked when there is a job to fill.

One of the reasons is jobs are often not posted in a location or in ways that are attractive and welcoming to Indigenous people. Employers looking to recruit Indigenous workers should take the jobs to the people, not wait for the people to come through the door. Like everyone, Indigenous people don't want to apply for a job in a place that is not welcoming.

Employers who go to meet with and post their jobs in First Nations offices and Aboriginal Friendship Centres are already saying to Indigenous workers they are welcome to apply. Their application for a job will be treated seriously.

Indigenous workers want the same from a job as we all want:

- A welcoming and discrimination-free atmosphere
- Proper orientation including an employee handbook
- Training – both on the job and off-site training
- Advancement opportunities
- A living wage
- Predictable schedules
- Time off for family and Band responsibilities
- Sick pay is seen as a bonus

Employers who are fine with allowing an employee two weeks off to go to a wedding have been known to refuse an Indigenous person time off to travel to their Band lands to participate in an important cultural event. Willingness to accommodate Indigenous employees' cultural and community obligations is an important factor in building successful working relationships.

For example: An employer in a resort community was having a hard time employing people – the rents are expensive and young people don't stick around. They are there for a season or part of the season and then gone.

She would like to offer training and retain people for a few years. She realized constantly interviewing, hiring and training is costing her time and money she doesn't have unlimited amounts of. She looked north and south and saw there were Indigenous people living close by. None were working in her restaurants and bars, however.

These people live in the community, she thought. Housing isn't a problem for them. She went to the Band offices and started talking to the folks who worked there.

She obtained permission to post her jobs on their job boards. Some meetings were set up where she was given the opportunity to sell the idea of working for her to the Band Members.

She knew she would be held to promises she made, so she was careful to work on her plan for new employees. They would be paid better than minimum wage, tips would be shared, orientation would be thorough and inclusive. She also promised any employee who wanted extra training, such as Red Seal Chef, would be given that training. She promised the required two weeks' paid vacation for all employees, but in addition, two extra weeks a year for participating in family or band events. Employees would get 5 days a year paid sick leave. She also guaranteed no one would be left without a ride home at the end of their shift. She promised no employee would be compelled to hitchhike or walk home after dark. Contracts with a local ride share group and a taxi company ensure no employee is ever without a safe ride home.

These plans were interesting to some people and she had several applications for jobs. Of the ten applications, she ended up hiring 8. She has kept her promises. One Indigenous employee learned to be a baker and now prepares all the baked goods for the 5 stores. There are now two Indigenous Red Seal Chefs, 2 skilled bartenders, one front of house manager and a sous chef. An Indigenous woman ended up in the main office where she uses the skills she already had as bookkeeper. Her employer is sponsoring her training to become a human resources manager. In time, she will be in charge of all the hiring, training and human resource development for all the stores. The 8th employee was a successful server for a number of years. When he left to pursue other interests, his daughter was hired to fill the vacancy.



When this employer is looking for a new employee, the local Bands are her first stop. This took place over time. The employer worked hard to make her workplace welcoming. She says it has been worth every minute. She loves the diversity of her workplace and is proud of the accomplishments of her Indigenous employees.

LGBTQ+ EMPLOYEES

While the hospitality industry has attracted the LGBTQ+ communities, the relationships between the employer and the employee too often ends up being short term and casual. Employers may hire LGBTQ+ employees but often, don't spend time ensuring their workplace is welcoming, friendly and meeting the needs of the various communities that make up the LGBTQ+ rainbow.

LGBTQ+ employees want and need the same workplace conditions as everyone else:

- A safe, welcoming and harassment free workplace
- Predictive schedules
- A living wage
- Health, dental and pension benefits
- Opportunities to learn and receive training
- Opportunities for advancement
- Respect and appreciation for the work they do.

Some people choose not to be identified by gender or will let you know their pronouns (she/her, him/he, they/their). Respect their wishes. Really, what difference does gender make?

Starting a new job is challenging for any person. LGBTQ+ employee may have faced discrimination and bullying in previous jobs. Employers who hope to have a successful long-term working relationship with their LGBTQ+ employees must be vigilant in ensuring the new employee is made to feel welcome as part of the team. Choice of mentors is important. The mentor may be the LGBTQ+ employee's ally in dealing with any negative attitudes.

We cannot ignore the problem that there are still people who do not react favourably to LGBTQ+ co-workers. The employer is responsible for ensuring that negative attitudes are not acceptable or tolerated in their workplace and that LGBTQ+ employees are treated fairly and accepted with respect.

So let's recap:

- Finding good employees is tough.
- Good employees aren't located by sitting back and waiting for them to appear.
- Talented people are out there. Employers must go looking for them in the places where they are.
- Your workplace must have a culture of welcoming diversity and zero tolerance for bullying or discrimination of any kind.
- Employees must be properly oriented and trained from day 1.
- Every employee deserves a workplace mentor who will have their back.
- Have an employee manual or handbook that sets out the workplace rules and stick to the rules so every employee is treated equitably and fairly.
- Make workplace training available to all employees.
- Support employees' career goals with the training they need.
- Accommodate employees' needs for time off.
- Give employees predictive schedules and flexible schedules.
- Promote employees from within the organization.
- Give frequent praise for work well done.
- Have some personal knowledge of employees' lives – take the time to know them.

BENEFITS

The idea of giving benefits in the hospitality industry is a new one. However, if the industry is to attract workers and retain them, offering benefits is a key component.

EMPLOYEE BENEFITS

There are many reasons to consider offering an employee benefits package. Only about 1 in 5 Canadians say they would accept a job offer that did not include health benefits, so offering a benefits package can significantly increase the number and quality of candidates for job openings. Studies show an employee with a benefit package is less likely to leave a job.

BENEFITS PROGRAM OPTIONS

An employee benefits program can be offered to groups with as few as two full-time employees. Most small employers offering a benefits program provide a traditional package that consists of the same level of coverage for all eligible employees and may include some or all of the following:

- Basic Plan – basic life and accidental death and dismemberment (AD&D) insurance, health and dental benefits.
- Additional benefits – other common benefits that may be added to the program are short-term disability, long-term disability, critical illness, and employee and family assistance plan.
- A Health Care Spending Account may be offered as part of a complete benefits program or on a stand-alone basis. Under this type of arrangement, the employer provides an annual allotment to each employee (e.g., \$500), which can be used to reimburse eligible health and dental expenses for the employee and their dependents (e.g., prescription drugs, eyeglasses, massage therapy, and dental expenses). Any unused balances remaining at the end of the year may be carried forward for up to one year.

**TIP**

It's best to offer a lower level of coverage in the first year of a new benefits program (e.g., 70% or 80% health and dental) and consider increasing it later if you can afford it, rather than offering a high level of coverage in the first year and having to scale back.

**TIP**

Offering employee benefits can also be advantageous to small business owners, who can often get coverage for themselves like life, disability and health insurance for less money than purchasing individual insurance.

PREMIUM AND EMPLOYEE COST SHARING

Employee benefits insurance premiums are based on a number of factors including level of coverage, employee demographics (e.g., age, sex and family status), annual base pay and claims experience. In order to reduce the cost impact of benefits, it's common for employees to share the premium cost with their employer.

Insurers generally require the employer to contribute a minimum of 50% of the total premium cost of the group benefits program.

Premiums for a basic package of life and AD&D insurance, plus health and dental benefits, will cost approximately \$3,000 per year per employee depending on plan design, employee demographics, claims experience, etc.

Employer premium costs are a tax-deductible business expense. With 50% employee cost sharing, a basic group plan can cost an employer as little as \$1,500 per employee annually. Compare this to the approximate \$5,000 to \$10,000 it can cost to recruit a new employee.

EMPLOYEE ELIGIBILITY AND PARTICIPATION

Generally, all employees who meet the minimum eligibility requirements for coverage must participate in the benefits program. Typically, these requirements are that the employees work at least 20 hours a week and

have worked for the employer for 3 months. Employees who are covered through another benefits plan may be allowed to opt out of the health and dental benefits. Life, accidental death dismemberment are generally mandatory if offered regardless of other coverage the employee may have.

BENEFITS ADVISORS

Small employers should work with a benefits advisor or broker to find an employee benefits program. Benefits advisors are compensated through commissions paid to them directly by the insurance company. There is no upfront cost until an employer signs up. Researching and asking about benefits packages costs nothing.

There are many reputable benefits advisors in the marketplace that can help design, implement and manage employee benefits programs. The BCRFA recommends [Morneau Shepell Ltd.](#) Morneau Shepell Ltd. is Canadian owned and has a trusted reputation as a benefits provider to the hospitality industry. The BCRFA has partnered with Morneau Shepell Ltd. for many years to give BCRFA members access to expert advice, lower premium rates and higher coverage levels than a small employer can typically obtain on its own.

To talk to a Morneau Shepell Ltd. advisor or obtain a free no-obligation employee benefits quote, email: BCRFA@morneaushepell.com.





4

THE BC HUMAN RIGHTS CODE

The BC Human Rights Code protects people from discrimination and harassment.

The independent BC Human Rights Tribunal is responsible for dealing with complaints under the BC Human Rights Code.

The independent Office of the Human Rights Commissioner for BC promotes and protects human rights through education, research, policy development and public investigations into issues of systemic discrimination in the province.

The BC Human Rights Code prohibits discrimination on the basis of characteristics such as:

- Race
- Colour
- Ancestry
- Place of origin
- Age 19 or more
- Sex (gender)
- Sexual orientation and/or gender identity



TIP

In 2008, mandatory retirement ceased in BC. It cannot be assumed an employee will retire at age 65. An employer cannot require an employee to retire at age 65.



TIP

People over 19 cannot be refused employment due to their age.

And social positions including:

- Political beliefs
- Religion
- Marital status
- Family status (having children or child care responsibilities)
- People who have a physical or mental disability (usually defined as an actual or perceived permanent or ongoing condition which affects or restricts physical or mental activity) are protected from discrimination under the BC Human Rights Code and employers and service providers have a responsibility to accommodate people with disabilities
- Criminal conviction (unrelated to occupation – employment only)
- Lawful source of income

The Code does not permit businesses that are open to the public to discriminate against members of the public on any of the prohibited grounds.

Employers are not allowed to discriminate against employees or applicants for jobs.

The BC Human Rights Tribunal accepts, screens, mediates and adjudicates human rights complaints.

A business is required to comply with the BC Human Rights Code in its dealings with both its employees and its customers.

Here are some examples of common human rights complaints in the hospitality industry:

ACCESS MUST BE PROVIDED TO PEOPLE WITH DISABILITIES

For example: A group of people, including a woman who uses a walker to assist her mobility, arrived at the restaurant where they had reserved a table for a celebration. The doorway to the restaurant was too cluttered for her to pass. The whole group had to find another location to dine and the evening was spoiled for the party.

Access must be provided to people with disabilities unless it would be so expensive it would create significant hardship to the business and the employees. Every effort must be made to create a safe means for people with disabilities to enter and enjoy your restaurant.

For example: A blind man with a service dog was told to leave his dog outside a popular bar. When he declined, he was refused service and told to leave.

Guide and service dogs must be permitted in every place of business that provides any type of service. Business owners are told they cannot permit dogs where food is served. They often don't know they must admit service dogs, that these dogs are excluded from the "no dogs" regulations.

Not knowing the law is not a defense.

Accommodation of employees with disabilities

Employees with disabilities are entitled to have their job adjusted and physical barriers removed. This is called accommodation. The law requires employers to make reasonable efforts to accommodate and be able to show proof they did as much as they could to accommodate an employee with a disability.

Applicants for employment cannot be arbitrarily refused employment because of an actual or perceived disability. If they are otherwise qualified, the employer must consider ways in which the worksite can be modified to meet the employee's requirements.

For example: Jay is a trained sous chef who is also an amputee. An employer cannot arbitrarily refuse to employ Jay because they fear the lack of an arm will hinder Jay's performance. Jay must be given the opportunity to show their skills and the employer may need to make some work place modifications.





DISCRIMINATION ON THE BASIS OF PREGNANCY IS CONSIDERED SEX DISCRIMINATION

For example: A pregnant employee was told she would be terminated as soon as her pregnancy showed. Her manager thought the mostly male patrons of the bar where she worked wouldn't feel comfortable with a pregnant server.

An employer may not terminate an employee because they think her pregnancy may make customers uncomfortable. In BC, if a person is terminated because she is pregnant, she is not limited to claiming just the notice or compensation she is entitled to under the *Employment Standards Act*. She may claim compensation under the Act and also file a complaint with the Human Rights Commission. If discrimination is found, she may be awarded additional compensation such as lost wages or other remedies under the BC Human Rights Code.

For example: Advertisements for jobs that specify or suggest gender preference are not allowed.

A sign in the window "Waiter Wanted" suggests only men may apply. Use the neutral term server.

DISCRIMINATION ON THE BASIS OF FAMILY STATUS IS PROHIBITED

For example: Employees have rights to maternity and parental leaves.

Employees are entitled to these leaves under the *Employment Standards Act*. It's illegal to refuse to let the employee come back to work, or, when they come back, give them a different job, deny them a chance to be promoted or treat them differently in any way because they take the leave they're entitled to and/or because they have a child.

SEXUAL HARASSMENT IS GENDER-BASED SEX DISCRIMINATION

For example: Sexual harassment is sex discrimination. Sexual harassment is any unwelcome sexual comments, jokes, teasing, requests for dates or sex, touching, etc.,. The key word is unwelcome.

Sexual harassment by co-workers, managers and customers can cause real problems. Make it clear to employees and managers that sexual harassment is not acceptable and commit to acting quickly and decisively if sexual harassment is happening.

Do not encourage employees to confuse work with going to a party. The workplace can be friendly and upbeat without being disrespectful. Do not encourage after hours socializing and drinking.

The consequences and fallout from staff trips or parties can be harassment and excessive drinking.

For example: A long serving female employee quit her job immediately after an employer sanctioned and sponsored a camping trip. Three young male employees became very drunk; they came uninvited into her tent and made humiliating and offensive sexual gestures. When she told her manager, he told her to forget it; they were just kids who had too much to drink. Even though this incident occurred outside the workplace, it was an employer sponsored event. The employer had a responsibility to prevent this type of incident and failed. The woman complained and received over \$10,000 in compensation. The employer's name was in the news unfavourably referring to it as a workplace that failed in its legal obligations to provide harassment free employment.

For example: A group of customers were having a lot of fun at the restaurant. The fun was not so enjoyable for the server who was enduring comments about their clothing and physical appearance. The server was putting up with this and pretending it was okay. Until one of the guests grabbed a handful of the server's backside. The server went to the manager and said they did not want to deal with the table anymore and explained what had happened. The restaurant was committed to a harassment free environment. The manager took over serving the table for the remainder of the evening. The server who had been harassed was supported and thanked for standing up for herself. This is the way events like this should be handled. It is also important to know that in addition to harassment being a human rights violation, it can also trigger a WorkSafeBC investigation.

ACCOMMODATION OF RELIGIOUS BELIEFS AND CULTURAL PRACTICES

In BC, most statutory holidays are either Christian religion based (Christmas and Easter) or secular (not related to religion). However, there are many different religions and cultures in BC and people have a right to ask for time off to observe their holidays or cultural events. Employers must be willing to consider and grant reasonable requests for time off for these events.

For example:

- A Muslim employee asks not to be scheduled to work on the last night of Ramadan so they may celebrate the end of the fasting with their family.
- A Jewish employee asks to be off work for Hanukkah.
- An Indigenous employee requests a week off to go to his ancestral lands to participate in a traditional ceremony important to his family and his Nation.
- A Seventh Day Adventist asks not to be scheduled to work on her Sabbath.
- An employee who immigrated from China is a Dragon team member. He asks for Chinese New Year off so he can participate in the Chinatown parade with the rest of his Dragon team.
- An employee with African roots asks for a couple of days off during Kwanzaa (December 26 to January 1).
- An employee from Mexico asks for January 6th off work. This is the Day of the Three Kings when children in Mexico traditionally receive gifts. This often involves a party and a piñata. She would like to be home with her children on that day.

These are all legitimate religious and cultural requests. Employers don't need to pay for these days off. They can be without pay. However, employers must make every effort to allow this time off. These requests and the importance of them to the employees is an excellent bridge building opportunity. Wise employers don't grumble about the inconvenience. Wise employers learn about the importance of the event or holy day and may even consider acknowledging and incorporating them into their annual business plan.

Employees must be allowed to wear the articles of clothing required by their religious beliefs. This means Sikhs must be allowed to wear their turban, their bracelet and their dagger, and Muslim women must be allowed to wear the covering required by their beliefs. Again, wise employers use the opportunity to learn about different beliefs and cultures and incorporate respect for them into their workplace.

SEXUAL ORIENTATION AND GENDER IDENTIFICATION AND HUMAN RIGHTS

LGBTQ+ employees are a valuable and important part of the hospitality industry. Make sure they are welcomed and protected from bullying and harassment in your workplace and they are welcomed as guests in your business.

COVID-19 ALERT: MASKS AND HUMAN RIGHTS

On November 24, 2020, BC's Minister of Public Safety and Solicitor General ordered that all individuals must wear a face mask in all indoor public spaces, including restaurants, bars and craft brewery tasting room, unless seated at a table and eating or drinking

The order includes exemptions for:

- children under 12 years old;
- anyone who is unable to wear a mask because of a health condition or impairment; and
- anyone who is unable to put on or remove a mask without help from another person.



The order's medical exemption reflects the provisions of the BC Human Rights Code. When a person cannot wear a mask for medical reasons, but still wants to access a service normally available to the public, the service provider has a duty to accommodate that person to the point of undue hardship.

As service providers, a restaurant, bar or craft brewery has a duty to accommodate people with disabilities to the point of undue hardship. This means the business must take all reasonable and practical steps to remove barriers people with disabilities may face when trying to access their services.

The restaurant or bar or tasting room also has a duty to keep staff and customers reasonably safe from the threat of COVID-19 transmission. Therefore, it could be an undue hardship for the service provider to allow people to enter their premises without a mask.

Reasonable accommodation in these circumstances may be something short of providing full and unrestricted access. For example, instead of letting a customer enter without a mask on, the place may ask that you order ahead of time and pick up outside.

Customers cannot be required to provide medical information to the restaurant or bar or tasting room about the disability that prevents them from wearing a mask. However, they would have to provide that information to the Human Rights Tribunal if they decide to file a complaint against a business,

A disability covered by the Code must be something relatively serious or severe that interferes with your ability to function in some way. Conditions like asthma, COPD, and diagnosed mental health conditions like PTSD and anxiety disorders have all been recognized as disabilities under the Code.

A person who simply prefers not to wear a mask but does not have a disability must be refused service, in compliance with the Public Health Order.

When this was written, the B.C. Vaccine Card are mandatory. People without full vaccination may not be able to access specified public services. People who claim exemptions may be offered take out or delivery of meals. These vaccine cards may be with us for some time.

Human rights legislation in BC is enforced by a tribunal which hears and adjudicates complaints. For more information or to contact the Human Rights Commission, or the Human Rights Tribunal go to bchrt.bc.ca.



5

**HIRING FOREIGN
WORKERS**

Labour markets never stay the same. When there are labour shortages many employers consider recruiting workers from outside Canada. The Federal Government, which decides if and when foreign workers may be allowed into Canada to work in your restaurant, is reviewing foreign worker programs at the time of writing (March 2021).

Reports of abuse of these workers has had an impact on the programs and made the permit process more expensive. Contrary to what you may have heard, the foreign worker programs have not been dismantled. However, the Federal Government is looking at various models that will balance the needs of resident employers and workers, the overall good of the country and the responsibility to the international community.

As the Federal Government reviews and adjusts the foreign worker programs, information about fees and application processes may quickly become obsolete. Therefore, we are not providing specific details about foreign worker programs due to the risk the information will be inaccurate by the time you read this. If you are looking for information about hiring foreign workers, we recommend you contact:

go2HR
910-850 West Hastings Street
Vancouver, BC V6C 1E1
Ph: (604) 633-9787
go2hr.ca

go2HR is a government funded resource agency for the BC tourism and hospitality industry. The helpful people there have up to date information about foreign worker programs and can help you determine your eligibility and advise you regarding the most current application process.

It is important to note that foreign workers are entitled to all the same legal rights as Canadian resident workers.

The following programs are relatively unchanged:

PROVINCIAL NOMINEE PROGRAM (BC PNP)

It is important to point out that this program is usually only applicable to employees who are currently residing and studying or working legally in Canada, on one of several types of permits. It is not a program designed to assist you in recruiting workers from outside Canada.

This program allows you and your qualified foreign worker to jointly apply for them to remain in Canada as a permanent resident.

HOW IT WORKS

You and your foreign employee apply, jointly, to the BC Government, asking the BC Government to nominate your employee to become a permanent resident. The application must show that your foreign employee has the ability to become economically established in BC and will provide significant economic benefits to the province.

If the BC Government agrees with the application, the employee, their spouse and dependent children, are eligible to apply for a permanent resident visa from Immigration, Refugees and Citizenship Canada (IRCC) in the Provincial Nominee Class. IRCC gives priority to processing permanent resident visa applications for Provincial Nominees. NOTE: The BC Government can only nominate the applicant. IRCC makes the final decision on these applications.

For detailed information, visit the [Provincial Nominee Program](#) website where eligibility and application steps are described. This is a well-organized and clear website that will tell you all you need to know about this program.

It is important to remember that once an employee becomes a permanent resident, they are free to change jobs. The program is not intended to create a permanent employee for the business that makes the joint application with the employee. The program is intended to enhance the overall economic benefit to BC and Canada, not the individual employer's staffing situation.



INTERNATIONAL STUDENTS

Students from other countries studying in Canada may be eligible to work off campus if they have received a work permit to do so. The student is responsible for getting that permit. Students may be restricted to work in an area related to their field of study. Contact local colleges and universities, especially those offering hospitality programs, to find these students.

International students are permitted to bring dependents to Canada while they study. These dependents may have work permits as well. Again, your local colleges and universities are where you find these potential employees.

Employers don't need any special permission to employ these students or their dependents. However, it's wise to take a photocopy of the work permit and keep it on the employee's file.

INTERNATIONAL EXPERIENCE CANADA PROGRAM (RECIPROCAL AGREEMENT)

Several countries have agreements with Canada allowing young people to visit each other's countries and work for a limited period of time (between 12 and 24 months, depending on the country of origin). Young people in Canada under the [International Experience Canada Program](#) are entitled to apply for work in any occupation. They are responsible for paying for their own permits. You will often find people use this program to work in resort areas. They make excellent temporary workers and are often good additions to your team.

EXPRESS ENTRY – DUAL INTENT PROGRAM

This is the most popular program by far. [Express Entry](#) is a selection system for Canadian immigration, which strives to make the process simpler and quicker for Canadian employers to hire skilled workers.

The Express Entry Dual Intent Program is a pathway to permanent immigration to Canada and allows foreign nationals to apply for a 24 month work permit while having their permanent residency application in process.

The Two-Step Express Entry Process:

Step 1: Potential candidates make an expression of interest in immigrating to Canada.

Candidates for Canadian permanent residence from around the world make an expression of interest in immigrating to Canada by creating an online profile. They provide information about their skills, work experience, language ability, education, and other personal information. If a candidate does not already have a valid job offer from a Canadian employer or a provincial nomination, they may register with Canada's Job Bank, which will connect them with Canadian employers. Eligible candidates may enter the Express Entry pool.

With the valid job offer, candidates can apply for their Canadian work permit which will allow them to enter Canada as workers to commence employment with the Canadian employer.

Step 2: The government selects candidates from the Express Entry pool.

Canadian employers are able to browse the profiles of potential candidates. Employers can link with candidates and offer them a qualifying job offer. Candidates who receive such an offer are awarded additional points, increasing their chances of receiving an Invitation to Apply (ITA) for Canadian permanent residence. If a candidate receives an ITA, they will then have 90 days to submit an electronic application for permanent residence. The Federal Government aims to process applications within six months of the date of submission. Candidates must ensure that they complete all necessary forms and submit all supporting documents within this timeframe. On completion of the process, successful candidates and their dependents (spouse or common-law partner and children) will be awarded Permanent resident status if residing in Canada on a temporary permit or land in Canada as permanent residents from abroad.

The profiles of candidates in the pool will be up to date, as each profile exists for only 12 months. Each candidate is a skilled worker who has gone through the effort to express an interest in immigrating to Canada.

The process of hiring foreign workers is complicated and time consuming. Many members of the BCRFA have used the services of a specific immigration consultant to access the Express Entry/Dual Intent program. [Brij Rathi Consultancy Ltd.](#) is licensed as an Immigration Consultant with both the federal and provincial governments and offers his services in partnership with the BCRFA. For an affordable fee, he will assist employers looking to employ foreign workers under the Express Entry/Dual Intent Program. You can reach him through the BCRFA at (604) 669-2239, brathi@brijrathi.com or (780) 953-9090.

TEMPORARY FOREIGN WORKERS

The Government of Canada believes that foreign workers can help employers meet their labour needs when Canadians and permanent residents are not available. As part of this process the government supports skilled foreign workers based on their potential to become economically established in Canada and to assist employers to meet their skilled labour shortages.

Employers who wish to hire skilled foreign workers and support their permanent resident visa application can make a job offer under Immigration, Refugees and Citizenship Canada (IRCC) Express Entry system.

Temporary Foreign Workers (TFWs) have all the same rights to wages, vacation, overtime, statutory holidays and discrimination free working conditions as their permanent resident coworkers. Employment Standards

law makes no distinction between Canadian residents and TFWs. Employers who do not provide appropriate working conditions to TFWs will be prohibited from employing foreign nationals under any program for up to 2 years. They will also face prosecution under any law they have broken.

The Director of the Employment Standards Branch is responsible for ensuring TFWs receive the same rights as permanent residents. If you are obtaining help to recruit TFWs, the recruitment agency must be licensed. Employers who want to hire temporary foreign workers must register with the [Temporary Foreign Workers Protection Unit](#). You can reach the Protection Unit by phone: (604) 660-2421, toll free: 1 (833) 236-3700 or by e mail at BCTFW.ProtectionUnit@gov.bc.ca.

You must [register](#) to employ TFWs. Registration may be denied or cancelled if the TFWs you employ are not treated in accordance with the laws of BC and Canada.





6

LABOUR RELATIONS BOARD AND THE LABOUR RELATIONS CODE

The BC Labour Relations Board is an independent, administrative tribunal with the mandate to mediate and adjudicate employment and labour relations matters related to *unionized* workplaces.

The Labour Relations Code governs all aspects of collective bargaining amongst provincially regulated employers and employees. This includes the acquisition of collective bargaining rights, the process of collective bargaining, the settlement and regulation of disputes in both the public and private sectors, and the regulation of the representation of people by their bargaining agents.

The Labour Relations Board (LRB) and the Labour Relations Code deal with the balance of the rights of employers, employees and unions.

In BC, employees have the right to join a union and to have unions represent them in bargaining with their employer. If a group of workers decide they want to have a union to represent them in dealing with their employer, the union is responsible for obtaining the support of a minimum of 45% of the employees willing to join the union. This is determined by the number of employees who join by signing union cards.





If the union has sufficient representation, they approach the LRB to request they be certified as the bargaining agent for the employees. The LRB will set a time and place for the employees to vote on the union's application. The vote is conducted in the workplace and is by secret ballot. The union is entitled to a list of all the employees, including those on leaves, such as maternity or parental leave, compassionate leave and vacation. The LRB will decide which employees are to be included in the vote. Certain employees may be excluded if they are managers or shareholders. There will be an opportunity for both the employer and the union to discuss, with the LRB, the names and positions of people who will be entitled to vote, to make up the voters list.

There are a few very important things for employers to be aware of if this application for certification process is underway:

1. The employer cannot interfere or attempt to discourage employees from joining a union.
2. Employers cannot discipline or terminate employees who they believe are interested in joining a union.
3. Employers cannot make significant changes to employees' jobs or job descriptions while the certification process is underway.



DON'T LET THIS HAPPEN TO YOU!

Unionizing

Bob, owner of Bob's Bar, heard some of his employees had been going to union meetings and talking among themselves about joining a union. Bob was unhappy about this, so he met with each of his employees on a one to one basis and demanded to know if they planned to join a union and who it was that had started the union talk. He was told that Fred, a newly hired bartender, had started the union discussions and that many of the employees thought it was a good idea because they would like better wages and benefits. Bob hadn't been happy with Fred's performance as a bartender anyway, so he fired Fred. He told the other employees they would be next if there was any more union talk.

Bob broke two major rules. He attempted to discourage his employees from joining a union and he terminated an employee who he believed was interested in joining a union. Bob was found to have contravened the Labour Code. He was ordered to allow the union to enter the bar at specified times and meet with the employees, on company time, to talk to them about joining a union. He was ordered not to interfere with the employees' right to join a union and was ordered to pay a significant amount of money to compensate Fred for terminating him.

Sally, the owner of Sally's Ocean Pub discovered some of her employees were signing union cards. She learned that managers were not, in some cases, eligible to become union members. She told her full-time bartender he was now the Bar Manager and he was going to get a small raise and be responsible

for scheduling the part time staff. She told her full-time cook that she was now going to be the Chef and Kitchen Manager. She made her most senior server Floor Manager. She decided the dishwasher could become the Janitorial and Security Manager. She figured that with those people not eligible to be in the union, the union could never get certified.

Sally broke a rule. She attempted to exclude some employees from joining a union by labelling them managers. They are not really managers, as their duties haven't changed significantly. Sure, the dishwasher did some cleaning up and because he is large and imposing, sometimes was called upon to deal with situations in the bar. However, neither he nor the other employees spend more than 50% of their time managing. Sally's attempts to get these employees classified as managers will fail. Her interference in the process may cause her problems.

If faced with the possibility of employees joining a union, wise employers will allow the process to proceed without trying to interfere. Unions aren't going to try to break employers. They want a decent working environment for their members. In many ways, unionization is good for employers because unionized employees tend to stay at the job longer. In an industry where turnover is a daily challenge, this is a benefit.

For more information about the union certification and bargaining process in BC, go to lrb.bc.ca.



7

SOME USEFUL FORMS

It is important that you keep the necessary records on file for each of your employees. It is in your best interest to keep all the forms, including appraisals, applications, requests, and authorizations, in a file. Put the employee's name on a file folder and keep the folder in a secure place. This can be either a paper copy or electronic.

Included in the following section is a set of forms that you can utilize for your employee records or use as a template to create your own documents for your business.

- Employee Appraisal Forms
- Authorization to Deduct from Wages Form(s)
- Direct Deposit Authorization Form
- Vacation Payment Authorization Form
- Vacation Request Form
- Authorization to Deduct Vacation Pay Overpayment



TIP

Every six months or so, check that you have your employee's current address and phone number(s). Employees may forget to tell you when their phone or address changes and you need this information to contact employees.



TIP

Few people use hard copy applications for employment forms anymore. Most people rely on résumés and online applications for employment to tell employers they are interested in working for them.



APPRAISALS

Once an employee is working for you, it's vital that you appraise them regularly as a tool for improvement and growth, and to address any performance issues. Appraisals should be done before the employee completes their three-month probation period and at a minimum, at least every year after that. We know everyone is busy and time flies, but it is important to set aside a couple of hours each year to tell an employee how they are doing. An employee who has performance problems should be assessed more frequently.

Appraisals should be kept on the employee's file for at least three (3) years if the individual is still employed. The older appraisals can be removed to make room for more recent ones. Employee files must be kept in storage for at least two (2) years after the employee leaves. These files can be maintained electronically or on paper. If you decide to do it electronically, be sure you either back it up or store it permanently on a storage device.

Reward excellent appraisals with pay raises, bonuses, perks, gifts, etc. as incentive to maintain excellent standards. Less than excellent performance should prompt agreements between the employer and the employee to work to improve the parts of the performance that require attention. If the employee shows no sign of noticeable improvements within an agreed period of time, progressive disciplinary actions may become necessary.

When an employee's performance is being monitored and there are incidents of poor performance or failure to meet standards, these incidents should ALWAYS be discussed with the employee and the discussion should be confirmed in writing, with a copy kept by the employer and a copy given to the employee for their records.

An appraisal form could look like this:

Employee Name _____

Position _____

Date of this appraisal _____

1. Is the employee usually on time for their shifts?
 2. Does the employee report ready to perform their work?
 3. Does the employee show good knowledge of their job and responsibilities?
 4. Does the employee cooperate and work well with other team members?
 5. Is the employee taking any work-related courses or training? If no, would they like to?
 6. What other positions within the workplace would this employee be interested in training for?
 7. How does the employee feel about the job they are doing? What positive experiences and/or negative experiences have they had on the job recently?
 8. Describe any positive feedback you've had with the employee regarding their work and attitude.
 9. Describe any negative feedback you've had with the employee regarding their work and attitude.
 10. What does the future looks like for the employee? Do they want to stay in hospitality and in what capacity? How can you help them reach their goals?
-

You get the general idea. This should be a guided discussion about how the job is going and how can you help the employee reach their career goals. This appraisal time should be reasonably positive. Discussions about serious problems should be held at the time the problem occurs.

AUTHORIZATION TO DEDUCT FROM WAGES

Employees may only authorize deductions made for their benefit. Employees may agree to authorize deductions for a loan or an advance, for a benefit plan, for a social fund, or for charitable donations. An employee cannot agree to allow deductions for such items as dine and dash, cash shortage, uniforms or breakage. An agreement to allow deductions for these things would be agreeing to pay part of the cost of doing business. This is not permitted under BC law and any agreement would be invalid.

AUTHORIZATION TO DEDUCT FROM WAGES

Advance Against Wages

I _____ (Employee Name) authorize _____ (Company Name) to deduct _____ from each of my next _____ paycheques to pay back the advance against wages my employer has given me.

_____ Employee signature

_____ Date

Charitable Donation

I _____ (Employee Name) authorize _____ (Company Name) to deduct _____ from each paycheque as a contribution to _____ (Charity Name). My employer agrees to deliver these funds to the charity in my name and provide me with a receipt for income tax purposes.

_____ Employee signature

_____ Date

Benefits Plan

I _____ (Employee Name) authorize _____ (Company Name) to deduct _____ from each paycheque to pay as my contribution to the Health and Dental plan provided by my employer.

_____ Employee signature

_____ Date

DIRECT DEPOSIT OR E-TRANSFER OF WAGES AUTHORIZATION

If you plan to direct deposit wages, you must receive the employee's permission to do so. You are still required to provide the employee with a pay statement, regardless of the method of payment.

The pay statement must include the following:

- The employer's name and address.
- The hours worked by the employee.
- The employee's wage rate, whether hourly, salary, flat rate, piece rate, commission or other incentive basis.
- The employee's overtime rate(s).
- The hours worked at the overtime rate(s).
- Any money, allowance, or other payment the employee is entitled to (this would include vacation pay or statutory holiday pay).
- The amount and purpose of each deduction.
- If the employee is paid other than by the hour or by salary, how the wages were calculated.
- The employee's gross and net wages.
- Any amounts withdrawn from the employee's time bank and how much time remains. Employees may opt to have overtime hours credited to a time bank rather than paid. The employee then can choose to take time off at a later date.

A wage statement must be a document separate from an employee's paycheque, so that it can be kept by the employee.

AUTHORIZATION FOR DIRECT DEPOSIT

I _____ (Employee Name) authorize _____ (Company Name) to deposit my pay directly into my bank account. I have attached a blank cheque, provided my account information or provided e-mail information and I understand this information will be kept confidential and used for no other purpose than depositing my wages to my account.

_____ Employee signature

_____ Date

For e deposit please provide e-mail _____

If you don't have a blank cheque please provide bank name, transit number and your account number

VACATION PAYMENT AUTHORIZATION

Employers may want to pay vacation pay on each paycheque. Employer must obtain employee's written permission to do this. If the employee wants to have their vacation held and to be paid out when they take their annual vacation, the employer must honour the request.

You may pay employees their vacation pay on each paycheque, provided they agree in writing. Employees have the right to refuse to be paid vacation on every cheque. Employees must still take vacation in increments of no less than one week or more unless the employee requests shorter periods, regardless of how they are paid vacation.

For example: Balwinder is entitled to two weeks' vacation annually. She asks the boss for two days of vacation to attend a wedding. Because Balwinder has made this request, it is legal for her to take 2 days of her annual vacation in this way.

For example: The employer knows Leslie is entitled to take two weeks' vacation next summer, but because they are so short staffed, they ask Leslie to take Mondays off over the course of the summer, to make up her vacation leave. This is illegal. Employers cannot require employees to take vacation in this manner. Vacation must be given in stretches of one week or more unless the EMPLOYEE requests something different.

For example: Jas is paid vacation pay on every cheque. He hasn't saved any money to take vacation so asks to work through and not take vacation this year. An employer cannot grant this request. The law requires employees be given their minimum vacation entitlement annually.

AUTHORIZATION TO PAY VACATION ON EACH PAY DAY

I _____ (Employee Name) authorize _____ (Company Name)
to pay my vacation pay of 4% of my gross earnings on each paycheque (6% after I complete 5 years of employment).

_____ Employee signature

_____ Date

VACATION REQUESTS

Every employee is required to receive at least two (2) weeks of annual vacation after they have worked for one year, and three (3) weeks annual vacation after they have worked for five (5) years. Rights to annual vacation may not be waived. Employees cannot be permitted to receive vacation pay and work through their vacation.

You should have a system in place for granting vacation. This will help you to avoid staff complaints, prevent you from being understaffed during busy times and help avoid other problems that may arise without a structured system in place. You are entitled to determine the times that employees may take vacation and you are not compelled to give the time off just because it has been requested.

Always require vacation requests to be made in writing. This helps to avoid confusion and also gives you a record of vacation time that has been taken.

Choose whatever system is appropriate – some employers use seniority while others employ a system of first come first served in terms of vacation requests.

Require employees to use a form to request vacation as it provides you with a paper trail of who has asked for which times.

VACATION REQUEST

I _____ (Employee Name) wish to take vacation between _____ (date)
and _____(date). I understand that this is a request and that the time I have requested as vacation is not guaranteed without approval.

_____ Employee signature

_____ Date

Approved:

_____ Employer signature

NEVER cancel an employee's vacation after you have approved it. It's unfair. Your employee has probably invested time and money on their vacation plans and made promises to their friends or family. Cancelling a vacation is a sure way to destroy an employee's morale and they may even quit.

VACATION OVERPAYMENT DEDUCTION AUTHORIZATION

Your employee may come to you and ask to take paid vacation in advance of earning it. You may allow an employee to take more paid vacation days than they are entitled to, allowing the employee to 'borrow' from future paid vacation. If the employee leaves before they actually earn all of the vacation time with pay that they have taken, you cannot take back the overpayment from the employee's final pay unless you have the employee's written agreement to deduct the vacation overpayment.

For example: Wei is a good employee who has been with you for 6 months. When you hired Wei, he told you he had a prepaid trip planned six months later. Wei isn't entitled to take paid vacation until he has been with you for a year, but you agree he can take his vacation 6 months early. This leaves Wei owing you a week of pay. If Wei leaves before he earns that additional week, you may want him to pay it back. You have to get his written authorization to do this

AUTHORIZATION TO DEDUCT VACATION PAY OVERPAYMENT

I _____ (Employee Name) agree that my employer _____
(Company Name) has allowed me to take _____ vacation days/hours in advance of earning them. This means that I have taken more vacation than I have earned to date. If I resign, am laid off or terminated or in any way cease to be employed before I have earned the vacation I have taken in advance, I authorize deduction of the vacation overpayment from my final paycheque.

_____ Employee signature

_____ Date



8

WORKSAFEBC

The Workers' Compensation Board of BC (operating as WorkSafeBC) is an agency created by the government to manage workplace health and safety in the province. This organization provides compensation to injured workers and helps them return to work. It also works with employers to help make workplaces safe. This system is funded by employers through the insurance premiums they pay to WorkSafeBC. In return, a worker cannot sue an employer for an injury at work.

Like many other insurance systems, WorkSafeBC insurance protects employers in the event of an accident. If there is an accident at your workplace, the medical and wage loss costs for your workers are covered by your WorkSafeBC premiums.

The fees also help to pay for extensive ongoing prevention programs and resources that help reduce the number of accidents and injuries and promote safety in all industries.

As an employer, your roles and responsibilities include:

- Registering with WorkSafeBC
- Reporting your payroll (premiums are based on the industry and payroll)
- Paying premiums
- Providing a safe workplace
- Complying with the *Workers Compensation Act* and the Occupational Health and Safety regulations
- Reporting all injuries, diseases and other incidents to WorkSafeBC
- If a worker is injured on the job, transporting them to the nearest location for medical treatment and paying for the transportation
- Understanding the claims process and what you can do to assist an injured worker to return to work safely.

You can find all of this information at [worksafebc.com](https://www.worksafebc.com).

REGISTER WITH WORKSAFEBC

WORKSAFEBC: REQUIREMENT TO ENROLL AND PAY PREMIUMS

Most businesses in BC must register with WorkSafeBC. It is mandatory you register if you:

- Employ and pay workers on a regular, casual, or contract basis.
- Hire someone to work in or around your home for a certain period of time (e.g., babysitting, lawn services).

- Come from another province or country to do work in B.C.
- You will also be required to register if you are a corporation, since anyone who works in a corporation is considered an employee (even if you own it).

BC law requires that you register with, and pay premiums to, WorkSafeBC. If you do not register, you are putting your business at serious risk. If an employee is injured at an unregistered workplace, the employee will still receive medical and wage loss compensation while they recover. Up to 100% of the compensation costs could be charged back directly to their unregistered employer. As well, the employer may also have to pay retroactive premiums as far back as five years in addition to penalties.

Register online on the [WorkSafeBC](https://www.worksafebc.com) website, you can also phone (604) 244-6181 in the Lower Mainland or call 1(888) 992-2768 toll-free to speak to someone at WorkSafeBC directly. You can also register in person at one of the [WorkSafeBC offices](https://www.worksafebc.com) that are located in most urban areas and throughout the province. Check online or your telephone directory for a location near you. Please note, during the COVID-19 pandemic, until distancing requirements are lifted, many government offices will be closed to the public. Be sure to check if in person meetings are available before making the trip.

WorkSafeBC also offers low cost insurance coverage for business owners. What will happen to your business if you are hurt in a workplace accident? This is a very worthwhile program for small business owners who are work alongside their employees.



TIP

Register with WorkSafeBC BEFORE you open your business. Your employees will be working before you open your doors to customers.

As of December 2021, the present rate averages \$0.79 per \$100.00 of payroll. Experience ratings are used to offer discounts to workplaces with few or no injuries. Businesses that have had higher numbers of injuries will consequently pay more. The hospitality industry is a lower risk industry with comparably fewer accidents.

NOTE: Employers are not allowed to deduct the cost of WorkSafeBC insurance from workers' wages in any way.

NOTE: If you are hiring another business or self-employed person to work for your business, check to make sure they are registered with WorkSafeBC. If they are not, you may be required to provide coverage for them. A “[clearance letter](#)” from WorkSafeBC will tell you if they are registered. These letters are free of charge and can be obtained by visiting [worksafebc.com](https://www.worksafebc.com) and selecting “clearance letter” or by calling (604) 244-6181 or 1 (888) 922-2768 toll-free.

For example: Madina’s Coffee House contracts cleaning services to Patrick’s Cleaners. Before Madina allows Patrick or his employees to start work at the restaurant, she must find out if the company is registered with WorkSafeBC by requesting a clearance letter. If she fails to do this and someone is injured, she may be held liable for the costs of the injury. It’s not wise to contract with a business or individual that isn’t registered with WorkSafeBC.



DON'T LET THIS HAPPEN TO YOU!

Registration

Molly and Mary are sisters who own and operate a coffee shop. At first, it was a family business with just the two of them. As a family business they were not required to register with WorkSafeBC. They became popular and busy over the next few years and it was necessary to hire a counter person. They were now an employer required to register with WorkSafeBC, but somehow, that slipped past them. One day, the

employee cut herself badly and had to go to Emergency for stitches and she couldn’t work for several days. She put in a claim for compensation from WorkSafeBC. It was discovered Molly and Mary weren’t registered and weren’t paying premiums. The coffee shop had to cover the costs of their employee’s care and wages, and were required to pay a fine and to register. It could have been worse. They were lucky.



COVID-19 SAFETY PLAN

COVID-19 ALERT: At the time of writing (March 2022) every workplace must have a COVID-19 Safety Plan in place.

Your COVID-19 Safety Plan creates a plan for minimizing the risk of COVID-19 in the workplace and helps ensure you comply with Public Health and Safety Guidelines and WorkSafeBC requirements. Your Safety Plan helps reassure your customers and staff that you are taking all the necessary steps to protect them from COVID-19.

Your COVID-19 Safety Plan needs to clearly document how you plan to minimize the risk of COVID-19 transmission in your workplace, including:

- How your workplace is organized and arranged, for example table spacing in the restaurant and removing or closing stools at the bar
- How you clean, sanitize, and manage physical distancing for staff and customers
- How changes and precautions will be communicated to everyone at the workplace, including customers and other non-staff

WorkSafeBC published comprehensive resources for businesses serving their customers and keeping their workplace safe. The WorkSafeBC Safety Plan app walks you through the main sections of a Safety Plan on your mobile device.

WorkSafeBC will not review or approve Safety Plans. However, it must be created and must be posted at the worksite.

CREATING YOUR COVID-19 SAFETY PLAN

Creating a safe work environment for employees

Consider work activities that could be done remotely (e.g., dispatch, customer service, administration) and change your work model accordingly.

Modify or eliminate in-person meetings and morning huddles; when in-person meetings are required, hold them outside where the risk of transmission is lower.

Eliminate hand-to-hand contact with customers and employees (handshakes, hugs, fist bumps, high-fives, etc.).

Manage break times and schedules (stagger) to support maintaining physical distances between employees.

Support workers with medical resource information that includes telephone numbers and website addresses for

key medical, mental health, and bullying resources, and approved sources for COVID-19 information.

Make sure every shift has an employee who assures protocols are being followed and understood.

Encourage reduced contact between delivery workers and employees.

If 2 metres distance cannot be maintained between staff and patrons at food service or payment counters, add a plexiglass type barrier. Position the tops and bottoms of the barrier so that it blocks the transmission of droplets produced by breathing, talking, coughing, or sneezing, in accordance with the physical barrier positioning guidance in the Provincial Health Officer's revised orders for Food and Liquor Serving Premises.

Controlling Customer Traffic

Rearrange waiting areas – consider things like removing chairs and benches, asking guests to wait outside for a table, posting signs, putting tape on the floor, etc.

Create separate take-out and dine-in protocols. Create a door or path separate from dine-in customers for payment and/or pick-up if possible. Introduce clear signage for take-out versus dine-in and in and dine outdoors.

Consider having customers seat themselves by displaying table numbers. Have a greeter behind plexiglass assign tables.

Maintain a 2 metre distance from other customers and employees wherever possible.

Your tables must be at least two metres apart.

Require all staff and guests to wear masks. Guests may remove their masks when they are seated at their table so they may eat and drink.

Provide hand sanitizer at the door for customers to use when they enter.

Consider adding a plexiglass barrier at the bar and payment areas.

Create and maintain a protocol for accessing and using washroom facilities where a 2 metre or 6 foot separation cannot be maintained. Many bars and restaurants are restricting the use of the washrooms to one person at a time, even though there may be several stalls.

Refer to the Provincial Health Officer's revised orders for Food and Liquor Serving Premises for requirements for table and seating configurations, including the use of barriers between tables and booth seating.

Have guests pour their own water by providing water in a bottle or jug at the table.

If you have a self-service station on your premises, the provincial health officer advises to provide hand washing facilities or alcohol-based sanitizers within easy reach; post signs to remind patrons to wash or sanitize their hands and maintain a 2 metre distance from one another; and frequently clean and sanitize high-touch surfaces at the station and utensils that are used for self-service.

Have servers leave food and drinks at the front of the table and let guests pass them after the server has stepped away.

Remove one chair per table and use that space as a designated place for the server to come to the table, similar to the open side on a booth. This ensures that servers don't have to squeeze between customers.

Remove salt and pepper shakers, sauce dispensers, candles, and other tabletop items. Provide these if requested and replace them with thoroughly cleaned and sanitized ones. Consider single-use options.

Avoid touching coffee cups when refilling them. Offer a thermos of coffee to tables.

If customers ask to take unfinished food with them, provide packaging and let the customer put the food into the container.

Use digital menu boards, large chalkboards, or online pre-ordering alternatives instead of traditional menus. If this is not possible, consider single-use disposable menus. Some restaurants are using QR codes to easily allow customers to bring the online menu up on their phones.

Try to limit the use of cash and handling of credit cards and loyalty cards whenever possible, by allowing customers to scan or tap their cards and handle the card readers themselves. Encourage tap payment over pin pad use.

Install floor decals to facilitate the flow of people during busy times.

Consider turning bars into service or pass through counters. In this scenario, the kitchen teams could deliver dishes to the bar area and the servers pick up from there. This reduces touches and reduces traffic into the kitchen.

Cleaning and hygiene

Develop and establish hand washing procedures for all staff. WorkSafeBC has hand washing signage available to communicate good hand washing practices. Post hand washing signs near all sinks.

Have hand sanitizer available to customers and staff. Install additional dispensers as needed.

Place hand sanitizer for customers and staff at entrance, after checkout, and throughout the establishment.

Increase cleaning between seatings. Tables, vinyl or laminated menus, and vinyl/leather/metal seats should be wiped in between seating customers. Remove all items when turning a table, for example, unused cutlery, children's colouring paper, and crayons.

Establish cleaning procedures for condiments and other items brought to the table or available for sharing. Ensure they are cleaned between uses.

Clarify procedures for cleaning staff areas and train accordingly.

Clean bathrooms thoroughly and on a more frequent basis. Install additional touch-free soap and paper towel dispensers if possible.

Enhance cleaning of all frequent touchpoints including walls, tables, chairs, barstools, coasters, condiments, coat hooks, restrooms, doors including front door, restroom door, staff doors to office, kitchen, and break room.

Establish hygiene practices that address the needs of the workplace that include the requirement to wash or sanitize hands after coming into contact with public items.

Develop a cleaning schedule and assign and train a person who is responsible for doing or overseeing cleaning tasks and ensuring these tasks are completed.

Create a process to track what has been cleaned, when, and by whom. Signing sheets are a simple way of doing this.



Safe Delivery Services

Stagger start times for food delivery drivers to prevent crowding at restaurant dispatch locations.

Drop off deliveries at the door or outside buildings; call ahead and/or text instructions so the deliverer is aware of any site requirements and the customer can be ready to accept the delivery.

Adjust practices for proof of delivery so that in-person signatures are avoided and online confirmation of receipt of delivery can be used instead.

If you are using a delivery service, ask to see their safety plans before you contract with them.

Masks

The wearing of masks by employees and customers in all indoor spaces was made mandatory on November 19, 2020 and is still required at time of writing (March 2022). This includes patio service.

All guests and employees must wear masks at all times. Guests may only remove masks when seated at their table. Some guests may refuse to wear masks and become verbally or even physically abusive. All employees should know to call the police immediately if this happens. Guests who claim they are medically exempt from wearing masks could endanger your staff and other customers. These guests should be told their meal will be prepared for them to take out and advised to stay in their car or outside the restaurant.

Update and Communicate Your COVID-19 Safety Plan

For your COVID-19 Safety Plan to be effective, it must be clearly communicated.

Ensure your staff receive training in how COVID-19 is spread and the new processes and measures you expect them to follow. Provide easy access to your Safety Plan and related policies. Your Safety Plan must be posted in the workplace.

Onboard customers: Although most of your customers will by now be familiar with physical distancing and good hygiene, you still need to effectively communicate any processes they need to follow in your restaurant, store, or other business. This can be done through signage and by training staff to help customers navigate the “New Normal” in your workplace.

Generate customer confidence: Publish your Safety Plan on your website, promote it through your social media channels, and/or summarize it in signage in your place of business. Consider your Safety Plan part of your marketing strategy.



Make the communication of your COVID-19 Safety Plan two-way. Provide an easy way for employees to quickly communicate concerns about elements of the plan that might not be working, as well as tell you what is working.

Invite feedback from customers. Ask them “How are we doing?” in person during or after a transaction, or via email, your website, and social media channels.

Keep in touch with your industry association for guidelines, tools, and templates. Update and tweak your plan as things change.

At the time this Manual was finalized, COVID restrictions were being eased. However, the disease is still lurking among us. The requirement for safety plans may be with us for a long time. It’s a good idea to make disease prevention a part of your ongoing business plan.

KEEPING YOUR WORKPLACE SAFE

Whether your business is big or small, BC law requires your place of business be a safe and healthy place to work.

As a business owner or operator you need to:

- Identify hazards and inform workers of any dangers in your workplace.
- Regularly check your workplace to make sure all equipment is working properly.
- Train and show workers how to do their work safely, and supervise them to make sure they understand.
- Report injuries that require medical attention to WorkSafeBC.
- Investigate accidents where workers were injured or equipment damaged.
- Fix problems that have been reported to you by your workers.

- Record activities such as training for workers, discussions about safety concerns, and if you have provided first aid.
- Prevent harassment and bullying of your employees by other employees, customers and suppliers.

For more information about your responsibilities as an employer, visit “[Health & Safety For Small Business: A Guide to WorkSafeBC](#)” and obtain a free copy.

Common hazards in the hospitality service industry (not limited to and in no particular order) include:

- Standing on things that aren’t safe to stand on – such as chairs and stools – to reach for items.
- Slippery surfaces – one of the major causes of accidents in the food and beverage service industries and in liquor manufacturing. All employees should be required to wear flat or low heeled comfortable shoes with non-slip soles.
- Tripping on carpets or linoleum that have curled up or items that haven’t been stored properly.
- Cuts – knives are involved in many accidents in the food industry, especially among chefs and cooks.
- Burns and scalds – a high percentage of accidents in restaurants result from burns and scalds. The most common causes are spilling or splashing of hot liquids and contact with hot surfaces.
- Back injuries from lifting incorrectly – a common problem in bars when employees move around heavy kegs and cases of liquor.
- Less common, but potentially more serious, are injuries sustained trying to prevent dine and dash and robbery.

PREVENTING ACCIDENTS

It is your responsibility to ensure each employee is familiar with the correct way to perform tasks so they don’t sustain any injuries on the job. WorkSafeBC has excellent training videos and posters that remind workers in food and beverage service of the safe ways to lift and store items and avoid cut and crush injuries.

Young and inexperienced workers are especially vulnerable to work related accidents, so special attention should be given to new and younger workers to ensure they are made aware of proper safety procedures. New employees should be given safety orientation using the checklist included at the end of this section.

WorkSafeBC has information, booklets and posters to show you and your employees ways in which to avoid

injuries and accidents. Most are free and available to print off the website at worksafebc.com selecting ‘forms and resources’. You may also phone WorkSafeBC for more information about health, safety and accident prevention at (604) 276-3100 or toll-free at 1 (888) 621-7233.

CRAFT BREWERIES

There are special safety concerns for workers in the craft brewing industry.

B.C.’s craft beer industry is flourishing, but the rapid growth has been accompanied by an increase in workplace accidents.

In the past decade the number of craft breweries has grown from a handful to nearly 200 throughout the province. With growth comes accidents, and there have been nearly 300 reported injuries in the last 10 years.

The most common types of injuries include falls, overexertion and exposure to heat and cold. A major concern is carbon dioxide exposure and accidents from being in a confined space. Injuries in confined spaces include drowning in vats of liquid, toxic gas from fermentation, carbon dioxide, falls, and lack of oxygen.

For example: In 2002, two winemakers died in a fermentation tank. One worker lost consciousness and fell into the tank after opening it and inhaling carbon dioxide gas, while a fellow worker died trying to rescue him.

WorkSafeBC has developed safety resources designed specifically for the brewery industry. The guide provides a safety template for brewery employers to pass on to their team, while the posters remind staff to do things like use a gas monitor when opening any confined space that may contain a toxic gas, and use a mirror or camera on an extension pole to look inside a confined space. Download WorkSafeBC safety resources for the craft brewing industry [here](#).

GO2HR

Working in partnership with WorkSafeBC, go2HR is the health and safety resource and the certifying partner for the Certificate of Recognition (COR) Program for BC’s tourism and hospitality industry.

The COR recognizes and rewards employers who go beyond the legal requirements of the Workers Compensation Act and the Occupational Health and Safety Regulation by taking a best practices approach to implementing health, safety, and return-to-work (RTW)

management systems. The program promotes equally the concept of managing health and safety with other components necessary for a successful business, such as profitability and productivity.

COR is designed to provide an opportunity for employers to take a proactive role in promoting occupational health and safety. Employers who implement health and safety management systems as well as injury management/RTW systems, are rewarded through the WorkSafe monetary incentive program.

Annual incentive payments are awarded to eligible employers who have earned a certificate of recognition (COR) in one or more of these areas:

- A health and safety management system ensures that there is a comprehensive health and safety program implemented and functioning to ensure workers and workplaces are safe and secure from injury, illness and disease. This is accomplished through identifying, assessing, and controlling risks to workers in all workplaces.
- Building on the health and safety management system, an injury management/return-to-work system is a process to help injured workers return to meaningful, productive work in a safe and timely manner. The options available vary according to the size and type of workplace and the nature of business.
- An employer's health and safety management system and injury management/RTW system are evaluated through a standardized audit. Successful completion of the audit is required for participation in the Certificate of Recognition Program.

In the hospitality industry, go2HR are the people to contact to find out about qualifying for the program and

receiving the certification. Visit [go2HR Certificate of Recognition program](#) or call at (604) 633-9787. You can also learn more through [WorkSafeBC Partners Program](#), or contact program staff at (604) 244-6164 (Lower Mainland), 1 (866) 644-6164 (toll-free), or partners.program@worksafebc.com.

OCCUPATIONAL HEALTH AND SAFETY PROGRAMS

All businesses large and small are required to set up an occupational health and safety program designed to prevent accidents in the workplace. A health and safety program is a process for managing health and safety in the workplace and is a written document that details health and safety policies, safe work procedures and training for your business.



TIP

All the information and assistance you need is available from WorkSafeBC.



TIP

Have your employees involved in writing a safety policy of practices and procedures for their own job. Ask them to identify possible hazards in their position and think about ways in which you can prevent a potential accident. Write it out and put it into your statement or manual.



SAFETY TIPS

Accidents at the workplace cost you money and time. Most of these can be prevented by being aware of potential hazards and understanding how to eliminate them. Have regular safety meetings with your employees and discuss a safety topic. Some real accidents can be used as examples for discussion. Here are some suggestions from WorkSafeBC's accident files:

CHASING THIEVES

What have you instructed your servers to do in case of a dine and dash? Ask your serving staff to think about what might happen if they tried to chase a dine and dash.

Some potential issues and hazards that may occur:

- The server could fall and be injured.
- The server may not notice traffic in the heat of the moment and be hit by a car.
- The server could potentially catch up to the dine and dash customer and be beaten or be shot as the customer attempts to get away.

Many workers have been injured, some severely, and some have lost their lives chasing thieves. While preventing theft is important, an employee's life and health are of far greater importance.

As good business practice, it should be acknowledged that thieves do not like attention. Make sure that all of your front of house staff are attentive to guests; servers should focus on their sections, looking directly at customers, and ensuring their guests have everything they need. Dine and dash customers do not operate well with attentive eyes on them, and the benefit is two-fold – customers will leave satisfied with the level of service they received!

You should also question whether the exit is continuously attended. If not, what changes could you make to the layout of the bar or restaurant to discourage a dine and dash situation?

Another aspect to consider is whether there is cash close to the front of the restaurant or bar as thieves look for anything that is easily accessible. If so, consider moving your cash to a more secure location. If a thief has to navigate through staff and customers to get to your cash drawer, they will usually be deterred.

OVEN EXPLOSION

It is important to consider the safety and maintenance of your appliances when operating a restaurant.

For example:

Some potential hazards with an oven that may arise include:

- The draft control of a gas fire baking oven was not set up properly.
- The oven was not adequately maintained and serviced.
- The oven components – such as the burner mountings and heat exchanger – overheated, cracked and deteriorated.

As a result, unburned gases were sucked into the baking chamber and caused an explosion that blew the door off the oven causing several workers in the vicinity to suffer cuts and burns.

It is important to ensure that all your appliances are regularly maintained by qualified trades people. Your appliance supplier or qualified repair person will be happy to provide you with a regular maintenance schedule that will lengthen the life of your appliances and keep your workers safe. Employees should also be encouraged to alert you to possible safety problems and issues with appliances and machinery.

WORKER TRAPPED IN A FREEZER

A bartender was finishing work for the evening and went to replace some items in the walk-in freezer. The door closed behind him and when he tried to get out, he was unable to move the 'mushroom cap' handle to open the door from the inside. Three hours later, the employer came back to collect something he had forgotten. He was tipped off by the presence of the bartender's car in the parking lot, so looked for him. The bartender was unconscious, suffering hypothermia and frostbite.

The push rod of the mushroom-cap handle was surrounded by ice as water had been dripping into the handle and freezing for weeks. It hadn't been noticed because the freezer door was usually open when someone was inside.



TIP

The last employee to leave should be placed in charge of assuring all employees have left at closing time and that no one has been trapped anywhere.

You must discuss with employees the importance of taking certain precautions to prevent accidents from occurring. Safety measures in place, such as proper training – learning how to check the workplace for safety hazards regularly, knowing who to report hazards to, understanding how to remove such hazards where possible, and knowing how to properly exit a freezer with a ‘mushroom cap’ handle – could all have helped prevent accidents like this example from happening. Have safety measures in place when employees are working alone and ask for further employee input.

IMPORTANT NOTE: While it isn’t always possible, it is a good idea to try and schedule employees to arrive and leave together. This can help to prevent many potential hazards, including the possibility of being locked in a freezer overnight, or the potential for an employee to be attacked or robbed before or after work if they happen to be leaving late or arriving early. In a craft brewery, there are hazards related to the brewing process. No brewer should be left alone to work.

WORKING ALONE AND IN ISOLATION

An employee working alone must be checked on regularly. If any of your employees regularly or occasionally work alone, you are required by law to have a written procedure that assures they are checked on frequently to prevent any accidents from occurring.

For example: Fergus comes in alone on Tuesday mornings to receive and stock the liquor order. He will be alone for about two hours until the bar opens and the other employees arrive. Fergus’ employer must set in place a system of checking on Fergus while he is alone. A good plan would be to phone Fergus every half hour. Fergus should be instructed to keep the doors locked while he is not receiving the liquor order.

An employee serving the public during late night hours – 11:00 p.m. to 6:00 a.m. – can only be scheduled to work alone if they are physically separated from the public by a secure and locked barrier. If this is not possible, a minimum of two (2) workers must be scheduled to work the shift. Employees must be protected from robbery by a system of safe money handling such as one that removes the cash from the employee’s control.

For example: The 24-hour sandwich shop has late night customers. Only one employee is on shift after 2 a.m. In order to keep the employee safe, the employer must build a lockable secure barricade that prevents the public from having access to the employee. As well, the employer must have a system (such as a drop box) that removes the cash and therefore reduces the risk of robbery. A

sign should announce ‘NO CASH KEPT ON PREMISES.’ Customers should also be encouraged to pay by credit or debit cards. Employees must be trained in safety procedures, such as keeping doors locked at all times and how to contact assistance if necessary.

SAFETY COMMITTEES

If there are more than twenty employees regularly employed at your business, WorkSafeBC requires that there be a joint health and safety committee. The committee must consist of at least two employees who are not managers, chosen by the employees. If a vote is needed, the employees must choose them by secret ballot.



TIP

If no one volunteers for the safety committee, consider a small perk such as a gym pass or a transit pass as an incentive.

The employer may be part of the committee or may appoint no more than an equal number of managers to non-managers to be on the committee.

In the hospitality industry, the work of the committee may not be any more demanding than a once a month walk through. A restaurant or bar inspection – front and back of house – would involve looking to see if there are obvious hazards like loose carpets or tiles which may cause someone to trip, or either wet areas or food on the floor which may cause someone to slip. The inspection of a bar is very similar to that of a restaurant. The walk through of a craft brewery is more complex as there is equipment and machines that pose safety hazards if not properly maintained.

The health and safety committee subsequently informs the employer about any hazard(s) they have identified so repairs can be completed to fix the potential problems.

WorkSafeBC provides excellent educational material. It’s the employer’s job to download and print off this material for their safety committee and to distribute to employees.

The time the committee members spend on this activity is considered to be work on behalf of the employer and they must receive their regular wages when they are doing committee work.

All joint committee members and health and safety representatives selected on or after April 3, 2017 must receive eight hours of training and instruction.

If there are less than twenty (20) employees, you are required to have a safety representative. This includes any workplace where there are 10 or more workers employed at the workplace for longer than a month. All worker health and safety representatives selected on or after April 3, 2017 must receive four hours of training.

Contact WorkSafeBC for information about providing this training to the committee and the representatives.

If there is no committee, there must be health and safety procedures posted at the worksite in a place that everyone can see them and use the information provided.

The type of information that must be posted includes:

- What to do in case of an accident or injury.
- Emergency phone numbers.
- The location of the first aid kit and the names of people in charge of that kit (every shift should have someone responsible for producing the first aid kit).
- Procedures to assure a worker who is there alone is checked on to monitor that they are okay during the time they are alone.
- How to identify the presence of hazardous materials and instructions for handling it.
- Information to help employees do their jobs without hurting themselves.

If there is no joint health and safety committee, employees must be encouraged to report potential hazards and to make suggestions to make the workplace safer.



TIP

It is worthwhile to have at least one employee each shift who has a first aid certificate.

BULLYING AND HARASSMENT

Under the *Workers Compensation Act*, employers are required to ensure the health and safety of their workers. That obligation includes a requirement to take steps to prevent or minimize workplace bullying and harassment. Under its policies, WorkSafeBC identifies the steps that an employer must take to satisfy this obligation, including:

1. Developing a policy statement with respect to workplace bullying and harassment not being acceptable or tolerated.

2. Taking steps to prevent or minimize workplace bullying and harassment.
3. Developing and implementing procedures for workers to report incidents or complaints of workplace bullying and harassment.
4. Developing and implementing procedures for how the employer will address incidents or complaints of workplace bullying and harassment.
5. Informing workers of the procedures.
6. Training supervisors and workers on recognizing the potential for bullying and harassment, responding to bullying and harassment, procedures for reporting, and how the employer will deal with complaints of bullying and harassment.
7. Annually reviewing the above steps.
8. Not engaging in bullying and harassment of workers and supervisors.
9. Applying and complying with the employer's policies and procedures on bullying and harassment.

For additional information about preventing workplace bullying and harassment, go to worksafebc.com/bullying.

In addition to ensuring the well-being of workers, having an anti-bullying policy that is understood and enforced makes good business sense. An employee who is bullied or harassed will be off sick more frequently, will be less productive and may leave the job, taking the training you invested with them. They may file a claim with [WorkSafeBC](https://worksafebc.com) or with [Human Rights Tribunal](https://www.humanrights.gov.bc.ca/), or both. The presence of bullies in your workplace is disruptive, interferes with everyone's performance and creates an unpleasant and inefficient working environment.

Every employer is required to have a written policy that specifies what bullying, harassment and discrimination are and that outlines a procedure for dealing with this behaviour if it occurs.

WorkSafeBC does not require your policy be complicated. You only need to state expectations and a mechanism for dealing with a problem should it ever arise; then share the policy and procedures with all your employees.

The "generic" policy provided here is for you to print off and share with all your employees. You may adjust this policy and procedure to fill your special circumstances. You may want to add your company name, have your CEO sign the bottom, and specify who will be responsible for investigating or otherwise dealing with questions of bullying, harassment and discrimination.

It is important that employees understand that the policy does not take away management rights to correct performance or discipline employees.

Here is a sample Bullying and Harassment Policy you can download and use.

This policy should be printed on company letterhead, preferably signed by the highest authority in the company and prominently placed where employees can see and read it. The policy also belongs in your employee handbook if you have one.

BULLYING AND HARASSMENT POLICY

We expect all our employees to treat their coworkers with dignity and respect. All our employees are entitled to work in an atmosphere free of harassment. Any form of harassment, including bullying, discrimination or intimidation, is prohibited in this workplace.

Harassment and bullying includes such behaviour as discrimination based on any grounds prohibited by the BC Human Rights Code (age, race or colour, sex, sexual orientation or identity, religious or political beliefs, family status or disability).

Harassment and bullying can also include behaviour that could reasonably cause emotional harm such as teasing, inappropriate nicknames, nonverbal gestures that could be seen as insulting, belittling, ignoring or isolating a person, spreading malicious gossip or rumours or treating a person badly. This excludes appropriate discipline for work related performance.

Harassment and bullying can also include threatening, insulting or intimidating a person. This includes shouting at coworkers, which is a form of verbal abuse.

Physical abuse or violence of any kind is absolutely unacceptable and an employee who physically abuses or assaults a co-worker will be terminated immediately for cause.

Use of any social media by an employee or group of employees to bully, harass or discriminate against any other employee affects the harmony of this workplace and will be treated as though it occurred in the workplace.

Legitimate work related instruction, correction, appraisal, performance management and discipline is not considered bullying, harassment or discrimination.

Any employee who believes that he or she has been or is being bullied, harassed or discriminated against is encouraged to tell the harasser(s) how they feel about the behaviour. If this is not something they can do or feel comfortable doing, they should talk to their immediate manager about the situation. The manager is required to deal with the matter quickly and in an appropriate way. This may include investigating the matter, talking to the harasser(s) about their behaviour and requiring that it stop, discipline up to and including termination of the harasser(s), or referring the matter to a more senior person for appropriate discipline.

Workplace bullying is counterproductive and damaging to all employees' well-being, safety and health. Your employer is committed to preventing bullying, discrimination and harassment and to stopping such behaviour. Your supervisor or manager is required to speak up and deal with obvious cases of bullying or harassment whether there has been a complaint or not.

Employees are not expected to tolerate harassment, bullying or discriminatory behaviour from contractors, service providers or guests. Inappropriate behaviour should be reported to management who will deal with the matter. Abusive guests, contractors and delivery people will be expected to cease the behaviour and in some cases will be told to leave the premises.

The employee complaining about bullying, harassment or discrimination may, in some circumstances, be asked to make a written report of their complaint and provide names of witnesses, to assist with an investigation. All complaints will be dealt with in confidence respecting the privacy of persons involved. Information will be shared only for the purpose of conducting a fair investigation. We are committed to operating a safe workplace, free of harassment, bullying and discrimination. The cooperation of all employees is crucial to meeting this goal.

**TIP**

Social media is a powerful tool for information sharing. It is also a favourite tool of bullies. Make sure your employees understand that using social media to bully coworkers will result in the same discipline as on site bullying.

**TIP**

Dealing with harassment and bullying in your workplace can be daunting. BCRFA has an expert available to help you with the investigation and resolution of harassment and bullying complaints. Contact the BCRFA at (604)-669-2239.

HAZARDOUS MATERIAL – WHMIS

WHMIS stands for Workplace Hazardous Materials Information Systems. Put simply, it is the required way to ensure that no hazardous materials are stored, used or disposed of unsafely.

There are numerous products and substances in a restaurant, bar or a brewery that are considered hazardous. Materials, such as bleach, lye, caustic soda, propane, and isopropyl alcohol to name just a few. They must be stored in containers that either carry the manufacturer or suppliers label, or if they have been transferred to another container, a label that includes the following:

- Contents
- Use for the products
- Safe handling procedures (rubber gloves, away from heat or flame, wear a face mask)
- First aid instructions if product is spilled on skin, swallowed or inhaled
- Safe disposal of the product
- Danger the product represents (flammable, explosive, poisonous, irritant to skin and eyes, toxic if inhaled)

Employers must make sure these products' information labels are in a language most easily understood by the people who will use them. If employees who will use the product only read Mandarin, Punjabi or French for example, then get the labels translated into those languages.

Hazardous materials must never be stored anywhere near food or cooking areas and must never be transferred into containers normally containing a food product. A bottle that once held a sauce or seasoning, which now contains a hazardous material, can cause serious illness or death.

Employees should be familiar with any hazardous material they use on the job and trained how to use the product safely.

Your goal in training workers is to ensure they can answer the four essential questions about the products they are required to work with or around.

1. What are the hazards of the controlled product you are using?
2. How do you protect yourself from these hazards?
3. What should you do in case of an emergency or spill?
4. Where can you get more information on the product?

Many hazardous products must be disposed of in a manner regulated by environmental protection agencies. Never pour toxic or hazardous products down the drain. The product label should always indicate the method of safe disposal.

WorkSafeBC has produced a detailed manual entitled “[WHMIS Basics](#)” available online, or you can contact WorkSafeBC by phone at (604) 276-3100 in the Lower Mainland or toll-free 1 (888) 621-7233 for more information. You can also visit one of the [WorkSafeBC offices](#) located throughout the province to learn more about WHMIS.

INJURED WORKERS

As an employer, your responsibilities when a worker is injured on the job include:

- Ensuring the worker receives treatment for the injury. You are not required to have a first aid attendant in small business; however, it is beneficial to have some employees trained in basic first aid and to have a well-stocked first aid kit available. If there is an employee trained in first aid, make sure the injured worker is attended to by the trained employee.
- If the injury is more serious, or if there is no first aid attendant, you must give the worker transportation to the nearest location where medical treatment can be obtained. You must pay for transportation.
- You must report the injury or accident to WorkSafeBC within three business days of the accident, or within three business days of becoming aware of the injury. Business days mean WorkSafeBC's business days, Monday to Friday. If an accident happened on Saturday, for example, you must report it no later than Wednesday of the following week.

Forms for reporting accidents and injuries are available at [worksafebc.com](https://www.worksafebc.com) or from any WorkSafeBC location. When filling out the Incident and Injury Report, it is important to supply the correct payroll information concerning the injured worker.

- Fatalities and serious injuries must be reported by phoning WorkSafeBC immediately. Call the Prevention Emergency Line at (604) 276-3300 in the Lower Mainland or toll-free at 1 (888) 621-SAFE (7233).
- Ensure that the employee completes and submits an application for compensation report to WorkSafeBC, also available online or from any [WorkSafeBC location](#).

Both the employer and the employee must report the accident or injury, even if the employee has no intention of making a claim.

WHAT TYPE OF INCIDENTS DO I NEED TO REPORT?

You will need to report any injury arising out of and in the course of employment, or which is claimed by the worker to have arisen out of and in the course of employment, where one of the following conditions is present or happens later. You must also report incidents that happen away from the workplace if the employee was performing work at the time of the accident.

Such incidents include:

- The injury is one that obviously requires medical treatment.
- The worker loses consciousness following the injury.

- The worker has received medical treatment for the injury.
- The worker is unable, or claims to be unable by reason of the injury, to return to their usual job function on any working day subsequent to the day of injury.
- The injury or accident resulted in, or is claimed to have resulted in, the breakage of an artificial limb or other appendage, eyeglasses, dentures or a hearing aid.
- The worker or WorkSafeBC has requested that an employer's report be sent.
- The worker is transported or directed by a first aid attendant or other employer representative to a hospital or other place of medical treatment, or is recommended by such persons to go to such place.

If none of the conditions listed above are present, an injury is a minor injury and not required to be reported to WorkSafeBC unless one of the conditions subsequently occurs.

You must report the following types of incidents to WorkSafeBC's Prevention Information [Line](#) immediately. Call (604) 276-3100 or toll-free 1 (888) 621-SAFE (7233), line available 24hrs, 7 days a week to:

- Report a fatality, serious incident or major chemical release.
- Report unsafe work conditions (see also [Refusing unsafe work](#)).
- Report any other urgent health and safety concern.



WORKER BENEFITS

When a worker's claim is accepted, they will receive benefits from WorkSafeBC. The type and duration of the benefits depend on the nature of the injury, the work and the medical opinions. Benefits can include:

- Wage-loss benefits
- Health care benefits
- Permanent disability and death benefits

WorkSafeBC benefits begin immediately.

The employer is responsible for a worker's wages on the day of injury. Wage-loss benefits from WorkSafeBC start the first scheduled shift lost after the day of a work-related injury or disease.

Health care costs are covered by WorkSafeBC on the day of injury.

Workers receive wage-loss benefits until the case manager concludes they are able to return to work or have recovered from the injury. If an employer can provide light or modified duties, and it is safe for the worker to complete such tasks, they can return to work to fulfill those duties.

WorkSafeBC benefits can be suspended or denied if:

- The worker does not attend or does not co-operate in a medical examination or program arranged by WorkSafeBC.
- The worker participates in any activity that might delay recovery.
- The worker refuses treatment recommended by WorkSafeBC.
- The claim is fraudulent.

WORK-RELATED INJURIES AND DISEASES

A work-related injury or disease is one that arises out of and in the course of employment, or is due to the nature of employment. To be covered by WorkSafeBC a worker must have been working when hurt, and the injury must have been caused by something to do with the job.

For a disease, this means that the disease contracted must be caused by the work or the work environment in order to be covered by WorkSafeBC. This can include communicable diseases. It is a good idea that your safety plan includes disease prevention protocols such

as frequent hand washing, masks when appropriate or required, rigorous cleaning procedures, and vaccinations when required by Public Health Orders. COVID-19 variants are considered disease covered by WorkSafeBC. The new BC law requiring employees have five days paid sick leave makes it easier to send employees home who are clearly sick with something contagious.

Who is required to report injuries to WorkSafeBC?

If a worker is injured on the job, the worker, employer, and the worker's treating physician all must report the injury to WorkSafeBC.

What happens after an injury is reported?

WorkSafeBC will adjudicate the claim based on the information provided by the employer, the injured worker, and the treating physician.

WorkSafeBC makes decisions on claims, assessments, and the enforcement of the Occupational Health and Safety (OHS) Regulation.

REVIEW AND APPEAL

If you disagree with a WorkSafeBC decision, you can ask WorkSafeBC's Review Division to review the decision. If you still disagree after the review, you can appeal the decision to the Workers' Compensation Appeal Tribunal (WCAT). Workers can also request a review or appeal a claim decision.

Employers can request an appeal or review of the following decisions:

- Claim decisions
- Assessment decisions
- Health and safety enforcement decisions

Workers, employers and authorized third parties can all request a claim file disclosure to find out what is in either your own or a worker's file; however, claim files are protected by the *Freedom of Information and Protection of Privacy Act*. For advice, information and assistance appealing or requesting a review, employers can go to the Employers' Advisers office, where they can receive independent advice, assistance, representation and education.

REHABILITATION AND RETURN TO WORK

The benefits of a return-to-work program include being able to retain workers and reduce accident and workplace costs, as well helping injured workers to maintain employment security.

You can also reduce your costs by participating in a return-to-work program. By helping injured workers return to work, you improve your experience rating. When it comes to your WorkSafeBC insurance costs – which are dependent upon the cost and duration of the claims and not the number of claims filed – a good return-to-work program can help lower your injury costs.



TIP

You may be interested in WorkSafeBC's free Hire a Worker Program, designed to assist previously injured workers in securing employment while saving you money on advertising, recruitment, and training. For the employee short hospitality industry, this is another potential pool of workers. For more information, please visit [worksafebc.com](https://www.worksafebc.com).



INVESTIGATIONS

WorkSafeBC investigates all workplace fatalities and certain other incidents involving serious injuries or near misses. An incident is defined as an accident or other occurrence which resulted in or had the potential for causing an injury or occupational disease.

WorkSafeBC investigates workplace incidents to achieve the following:

- Determine the causes and underlying factors.
- Identify associated compliance issues and help ensure compliance with law, regulation, and policy.
- Provide recommendations to industry to aid in the prevention of accidents.
- Gather information to help monitor and analyze industry trends on workplace fatalities, serious injuries, and diseases.
- Refer cases for prosecution or administrative penalties, when necessary.

The investigation generally involves:

- Securing and examining the incident site, including any equipment involved.
- Taking notes and photos.
- Interviewing workers, managers, and witnesses.
- Collecting pertinent documents, such as equipment operating manuals, written procedures and training records.
- Conducting tests on materials or equipment.
- Documenting a sequence of events.
- Examining each event for unsafe acts and unsafe conditions.
- Exploring the underlying factors that made the unsafe act or condition possible.
- Assessing the adequacy of defenses that normally protect workers from hazards.
- Identifying health and safety deficiencies.

RESOURCES AND ASSISTANCE

WORKERS' ADVISER OFFICE

The Workers' Advisers Office is a branch of the Provincial Government's Ministry of Labour. The Workers' Adviser provides education, advice, information and in some circumstances, represents workers who are appealing a decision made by WorkSafeBC.

For more information go to www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/personal-injury-and-workplace-safety.

EMPLOYERS' ADVISER OFFICE

Employers' Advisers Office provides independent advice, assistance, representation and education to employers, potential employers and employer associations concerning workers' compensation issues under section 94 of the *Workers Compensation Act*. In fulfilling this mandate, Employers' Advisers:

- Assist and advise employers, potential employers, and employer associations in understanding, working and complying with WorkSafeBC issues in claims, assessments and prevention.
- Respond to inquiries about workers' compensation legislation, decisions, appeals and related matters in claims, assessments and prevention.
- Prepare submissions on behalf of employers to WorkSafeBC, Review Division, Workers' Compensation Appeal Tribunal (WCAT) and assist employers in cases involving complex legal, medical or policy issues.
- Conduct seminars and public speaking engagements on occupational health and safety issues, prevention, claims management, assessments and appeals.
- Consult with WorkSafeBC officials to review and make recommendations to the Policy Department, Executive and Board of Directors.

This service is available to all employers or potential employers free of charge.

There are a number of educational seminars available:

- Accident Investigation
- Focus on Assessments
- Claims Management – Introduction
- Claims Management – Stay at Work-Return to Work
- Claims Management – Preparing a Written Submission
- Claims Management – Preparing for an Oral Hearing
- Due Diligence for Employers

- Emergency Preparedness
- Introduction to WCB
- Introduction to WCB, ESB, CRA
- Joint OSH Committee Workshop
- OSH Program Requirements
- Risk Assessment
- Small Business and WorkSafeBC
- Young/New Worker Orientation

Go to employers www2.gov.bc.ca/gov/content/employment-business/employers/employers-advisers-office for more information.

GO2HR – INDUSTRY HEALTH AND SAFETY

go2HR is the trusted source for human resources, occupational health and safety for the tourism sector, working in partnership with WorkSafeBC, and is the certifying partner for the Certificate of Recognition (COR) program for BC's tourism and hospitality industry.

In addition to providing resources on reducing injuries and improving workplace safety, a key component of the agreement includes implementing and administering a Partners in Injury and Disability Prevention Program for industry employers.

go2HR is designed to be a comprehensive source for all of your occupational health and safety information needs. Whether your business is large or small, you will find specific resources to help you implement an Occupational Health and Safety (OH&S) Program.

For more information contact go2HR at go2hr.ca or call (604) 633-9787.

The Health and Safety regulation requires certain standards be met to make the workplace safe. To read the full list of regulations applicable to the hospitality industry, WorkSafeBC has made available the "[Regulation and Guidelines for Tourism and Hospitality](#)" on their website worksafebc.com. Otherwise, contact WorkSafeBC by phone (604) 276-3100 in the Lower Mainland or call toll-free 1 (888) 621-7233. You can also visit one of the [WorkSafeBC offices](#) that are located throughout the province; they will be sure to send you all the information you need.

Craft breweries: WorkSafeBC has published an excellent guide for safety hazards in the craft brewing industry. This publication, entitled Health and Safety for Craft Breweries and Distilleries is available for download at the [WorkSafeBC website](#), or you may call to obtain a copy at (604) 232-9704 or toll-free 1 (866) 319-9704.

SAFETY ORIENTATION CHECKLIST

This checklist can be customized to suit your workplace:

SAFETY ORIENTATION CHECKLIST

Employee Name: _____

Date Hired: _____

Date of Orientation: _____

Position (tasks): _____

Supervisor (Trainer) Name: _____

Employee's Signature: _____

Trainer's Signature: _____

Topics to be covered	Initials	Comments
Told to report all injuries. Told how to do this		
Right to refuse unsafe work		
Shown how to use equipment		
Shown how to clean equipment		
Shown how to safely perform job		
Shown how to read labels on chemicals		
Told about WHMIS and right to know about hazardous materials		
How to read labels		
How to clean up spills		
Told about safety clothing		

A WorkSafe inspector may show up at your business at any time to inspect. If you are busy, it would be reasonable to ask them to come back later. The WorkSafe representative is genuinely there to help you. Neither you nor they want any hazardous conditions in your restaurant, bar, or brewery. It is worth your while to develop a good relationship with the WorkSafe representative.



9

LIQUOR AND CANNABIS CONTROL, LICENSING, SALES AND DISTRIBUTION

COVID-19 AND LIQUOR SERVICE AND MANUFACTURING

COVID-19 has created many challenges for food and liquor services and liquor manufacturers, both those that serve food and samples and those that just brew. Please visit the Provincial [and Regional Restrictions](#) website for the most recent public health orders and guidelines.

INSPECTIONS

Inspections during the pandemic may be more frequent and teams may come without notice. The teams may include a public health inspector, a police officer and liquor inspector. They will be looking for any pandemic safety violations, appropriate and lawful liquor service and the police may issue tickets to patrons not complying with public health orders. The Public Health enforcer has the power to close the bar or restaurant if serious violations are discovered. Normally they will issue warning and expect compliance within a short period of time.

MASKS

At the time of publication of this manual (March 2022), masks mandates remained in place in BC in all interior public places.

Masks must be worn by all staff when in contact with each other and in contact with patrons. Staff must wear masks that are properly fitted and worn to cover the nose and mouth. Employees should be instructed to wash their hands after touching their mask.

Masks must be worn by all patrons at all times except when seated at their table or at the bar. Patrons who decline to wear a mask should be refused entry. If the patron becomes belligerent, contact the police. Employees must be protected from abuse by customers.

While mask mandates are in place, there may still be people who ask for service but are not wearing a mask. It is the right of the business to refuse service. Take out or delivery service may be offered.

It is a good idea to require employees who are preparing food, even when alone, to wear a mask.

PATIOS

In response to the COVID-19 pandemic, many cities and municipal governments closed all or part of streets and

lanes to allow restaurants and bars to increase safe seating. If you wish to add outside tables, covers and heating, talk to your City Hall. They will let you know if the extended outside seating will work at your address. Exterior seating is very popular and it is possible that some municipalities will allow these patios to become permanent fixtures.

As these patios are popular, each City Hall has developed a way of licensing or permitting them. Check with City Hall to find out what you need to do. If you plan to serve liquor on the patio you also need to talk to the Liquor and Cannabis Regulation Branch.

TAKE OUT LIQUOR

Due to COVID-19, restaurants and bars known for their food, experienced massive increase in takeout and delivery orders. It became apparent that this business model was a lifeline for both bars and restaurants. However, without liquor sales, the survival of many of these businesses was still uncertain.

Allowing take out of cocktails, wine and beer was the answer. In BC it is now legal to sell single serving liquor – wine, beer and mixed drinks can be sold, with the meal, by the can or glass.

The take out drink must be in a sealed container and must be sold by an employee who has received Serving it Right training. If the bar or restaurant uses a delivery service, the delivery person must have [Serving it Right Certification](#).

WHOLESALE LIQUOR PRICING

Wholesale pricing was made available for *licensed restaurants, pubs and bars* on July 20, 2020. This was to help these businesses struggling due to COVID-19 restrictions. On Feb 23, 2021, the BC Government announced that wholesale pricing will now be available to licensed restaurant, bars and pubs on a *permanent* basis. This is the biggest change in a generation for restaurant and bar operators in our province. This move by government will mean an approximately 20% savings on liquor and wine and be a big boost to the bottom line.

To register for wholesale pricing go to wholesale.bcladb.com.

Be sure to sign up for the BCRFA and Alliance of Beverage Licensees (ABLE) regular bulletins to keep up to date with any new requirements related to COVID-19.

OBTAINING A LIQUOR LICENCE

There are seven classes of liquor licences, and you must hold at least one to manufacture or serve any type of alcoholic beverage, including beer and wine. For the purposes of this manual we are only including the three licences that are most likely to be needed by your business.

MANUFACTURER LICENCE: BREWERIES AND WINERIES

Craft breweries must obtain a liquor manufacturer licence.

In BC, any business that intends to produce liquor in the province must be licensed by the Liquor & Cannabis Regulation Branch (LCRB). The LCRB authorizes production of liquor products in BC, as well as on-site sales of the products at the brewery, through endorsements to the manufacturer licences. A potential liquor manufacturer must obtain a manufacturer liquor licence from the LCRB before producing any liquor in BC.

In addition, as the Liquor Distribution Branch (LDB) is the sole wholesaler in the province, BC liquor manufacturers may only sell and distribute their products in BC if they are authorized by the LDB. All authorized BC liquor manufacturers must have a signed sales agreement with the LDB. Before manufacturing any beer for sale you must have received a manufacturer licence.

Find out more on how to obtain a manufacturer liquor licence by visiting the LCRB website at (www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-licence-permits). At this location you will find all the information you need to apply for licensing and on-site sales for your craft brewery.

It is important to know that before even thinking about applying for a manufacturer licence, the business must apply to the city or municipality where the craft brewery is to be located for permission to locate their brewery in that location. The liquor manufacturer licence will not be considered unless the city or municipality has approved the location.

There will be an application fee and an annual fee to maintain the licence:

- Brewery: \$550 application fee + first year licensing fee (prorated up to \$1100).
- Be prepared for a 4-6 month processing time (manufacturer licence and on-site store endorsement).

- You may have a dedicated sampling area to provide samples to the public.
- You may provide guided tours to patrons and serve them samples on the tour.
- You may apply for one on-site retail store at your winery, brewery or distillery.
- You may serve simple snacks in your tasting room. You may not need a full kitchen.

Endorsements (additional facilities) can be added to a manufacturer licence for an additional cost and will also increase the renewal fee.

Lounge

A lounge is an indoor or patio area where customers can purchase and consume product made on-site and a limited number of products purchased from the Liquor Distribution Branch. This endorsement is subject to local government/First Nation consultation and requires an additional 7-12 months to process. You may operate your manufacturing site (once the licence is issued) while this endorsement application is ongoing.

Special Event Area

Special event areas are indoor or outdoor on-site areas where patrons can purchase and consume liquor during special events such as weddings – they are event driven and not an extension or alternative to a lounge. This endorsement is subject to local government/First Nation consultation and requires an additional 7-12 months to process. You may operate your manufacturing site (once the licence is issued) while this endorsement application is ongoing.

Picnic Area

In a picnic area, liquor is restricted to that served or sold from the on-site store or other endorsements (if applicable). This endorsement will require local government/First Nation sign-off and 1-4 months to process.

Additional Requirements

The licence fee for the first year for a licence is prorated (the amount you pay depends on how many months remain from the time your licence is issued until March 31).

The annual renewal fee for breweries is a minimum of \$1,100 and is based on the amount of liquor produced or shipped each calendar year.

If you are applying to open a brewery, distillery, or winery, you will also need a federal excise tax licence and tax number (in the same name as the one you supply on your

liquor licence application). **Apply for this licence early to avoid unnecessary delays.** Go to the [Canada Revenue Agency](#) website for more information.

The owner of a craft brewery will want to be able to sell their product through liquor stores.

This is done via a sales agreement with the LDB. The sales authorization process can only be started once a manufacturer has applied for a manufacturer licence with the LCRB.

The LDB uses an established set of criteria, including manufacturing type, manufacturer inputs and manufacturer output product types, to determine the classification of an applicant. Some agreements may require an on-site inspection to confirm compliance with the agreement terms.

Once the information is collected and verified, the LDB provides a sales agreement to successful applicants. The sales agreement regulates how the manufacturer may sell and distribute its products, and provides requirements relating to reporting sales, making payments and maintaining records.

Licensed liquor manufacturers may be subject to audits by the LDB to ensure they are in compliance with their sales agreement.

Craft breweries may sell their product from their own location and/or through BC Liquor Stores and agencies. There may be some limitations on which products may be sold in which locations. Generally, these agreements are to allow local liquor stores to sell local craft brewery products.

Craft breweries are permitted to deliver their own product to BC Liquor stores with which they have a sales agreement.

LIQUOR PRIMARY LICENCES

These are the licences issued to businesses where the primary purpose of the business is to sell alcoholic drinks to customers.

Bars, nightclubs, and cocktail lounges where the primary business is serving liquor, including beer and wine, must have a liquor primary licence. There are no beer and wine only licences. It's an all-in licence. The choice of what liquor you wish to sell is up to you. You are not required to offer a full range of alcoholic drinks.

There is a steep \$4,400 application fee and first-year licensing fee. Renewal fees are based on annual liquor sales.

Apply early as there is at least a 7 to 12 month processing time.

Any business may apply for a liquor primary licence except for businesses directed at minors or businesses operating in a motor vehicle. Bars, pubs, and nightclubs are common examples of establishments needing liquor primary licences.

Any business wanting to offer liquor service as an additional service to patrons or have a liquor focused service area (e.g. spa, art gallery and retail store) must apply for a liquor primary licence. Cooking schools must apply for a liquor primary licence if they want to licence the kitchen or hold a cooking class inside the dining room.

Private clubs may apply for a liquor primary club licence, which is a sub-class of the liquor primary licence with terms and conditions regarding membership. If liquor service is not the primary focus of the business, the LCRB may allow minors in the service area(s) subject to certain restrictions.

Liquor primary and food primary licences may be located in the same service area provided both licences are held by the same owner. Each licence must have different hours of liquor service, but occupy the exact same space, so that only one licence is operating at a time.

Liquor Primary Licence Endorsements

Family Food Service

This term and condition permits minors accompanied by a parent or guardian into the establishment until 10:00pm for the purposes of family dining. There is no charge for this term and condition if applied for with the initial liquor primary licence.

Minors in a Recreation Facility

This endorsement permits unaccompanied minors into liquor-primary and liquor-primary club licensed areas located in a separate lounge area of a curling club, bowling alley, golf course facility, recreation facility or stadium (not including banquet rooms or multi-purpose rooms), provided specific terms and conditions are met. There is no charge for this endorsement if applied for with the initial liquor primary licence.

Catering

This endorsement permits the sale of liquor at catered events where a liquor primary establishment has been hired to provide food service. There is no charge for this endorsement if applied for with the initial liquor primary licence.

Off-Premises Sales

This endorsement permits liquor primary establishments to sell bottled beer, wine, cider and coolers for patrons to take home provided there are no liquor retailers within 30 km, or the liquor primary establishment is a brew-pub. There is no charge for this endorsement if applied for with the initial liquor primary licence.

Temporary Use Area

This endorsement permits ski hills or golf courses only to extend their licensed activities to outdoor areas on their property up to 26 times a year.



TIP

It is important to note that some municipalities, cities and First Nations require you obtain their permission to apply for a liquor licence for your liquor primary establishment. Many will not allow liquor primary businesses in certain areas. Before you start work on your dream bar, make sure the community will permit a liquor primary business where you want it.

Signs

Before you order your coasters and stationary, make sure the name of your business has been approved by the LCRB. All business names and signage must comply with advertising terms and conditions and not mislead the public as to the class of liquor licence you hold. Your signs must also comply with local government bylaws.

This means you must submit your name to both City Hall and LCRB.

Entertainment

Any entertainment you offer must comply with local bylaws. It must also comply with any restrictions imposed regarding hours or type of entertainment allowed (these restrictions, if any, will be specified on your licence).

You can offer:

- Television and movies, provided movies are shown in accordance with the Motion Picture Act and its regulations, and are not restricted, adult-rated or unrated
- Live or recorded music
- Live radio/television broadcasts (as long as the purpose of the broadcast is not the promotion of liquor)
- Computers with internet access
- Video games
- Card games/games of chance and board games, for amusement only
- Dancing
- Games of skill (such as darts, pool and video games)
- Live prize-fighting, kick-boxing, and similar contact sport events, provided you apply to the LCRB for approval in advance, do not involve patrons, and take steps to protect both patrons and staff
- Adult entertainment, provided you post a sign at your entrance notifying patrons that your establishment offers adult entertainment (see additional rules for adult entertainment in this manual)

IMPORTANT NOTE: Public health orders change regularly. Before deciding on any entertainment in your business, make sure it is permitted by public health orders.

You cannot Offer, at anytime, activities that are primarily associated with the consumption of liquor, such as drinking games. No beer pong!

Liquor (including beer and wine) manufacturer-sponsored tournaments are only allowed in establishments that are located at a sports stadium, recreation centre, ski hill, racquet club, bowling alley, concert hall, or university/cultural centre.

Gaming You must have a [Gambling Event Permit](#) if you allow gambling, and yes, this includes bingo. If minors are allowed to be in your bar or pub, there can be no gambling events at times minors are allowed, except for licensed ticket raffles and bingo.

Lottery sales If you have BC Lottery Corporation products for sale, you must ensure that minors are restricted from purchasing age-restricted self-serve lottery products (pull tab machines, etc.).

Unlicensed gaming pools, including those associated with major sporting events, are prohibited under the Criminal Code of Canada.

Adult Entertainment

Adult entertainment includes:

- Exotic dancers – entertainers who remove clothing during a performance and/or perform in a sexually suggestive manner
- Adult-oriented performers – entertainers who present performances not suitable for minors (nudity, sexual content, violence, obscene language)
- Adult-oriented activities – activities not suitable for viewing by minors (full or partial nudity, sexual content, violence, degradation or abuse)

Belly dancers are not considered adult-oriented performers.

If you are offering adult entertainment:

- The entertainers must be at least 19
- Minors cannot be permitted while adult entertainment is being offered

Relations with Manufacturers, Agents and Sales Representatives

There are strict rules regarding how you can work with liquor manufacturers and agents to promote liquor products.

The *Liquor Control and Licensing Act* prohibits you from asking for or receiving benefits for selling a particular liquor product. You cannot, for example, demand that a manufacturer or agent supply additional product at either no cost or at a reduced cost in return for purchasing their product. You cannot ask the manufacturer to pay for the cost of advertising their product in your bar.

You must sell a representative selection of brands of liquor products from a variety of suppliers that are not associated with or connected with each other.

Activities Permitted With Approval: Tied Houses

A tied house is a business that has an association (financial or otherwise) with a liquor manufacturer through personal interest or interest of any family member, officer or director of the corporation or of a business partner.

To assure this manufacturer's product is not favoured, a tied house cannot sell the product. The existence of the relationship must be declared at the time the licence is applied for. For example, if your brother owns a winery, you may not sell his wine at your bar, unless you have also applied for and received an exemption.

There are two exemptions:

1. If you are owned by a manufacturer and located at that manufacturer's site, you may carry and sell that manufacturer's product with no restrictions. In this case, you aren't required to carry the products of any other manufacturer, but may do so if you choose. This exemption allows wineries and craft brew pubs to favour their own products.
2. If you are in a tied house relationship with a small or medium-volume manufacturer but are located elsewhere, you may apply to the LCRB to allow you to carry and sell that manufacturer's products. The number of exemptions you may apply for is not restricted, but the manufacturer may only have ties with up to three offsite licensed establishments and must agree to this arrangement during the application

process. If approved, you may sell that manufacturer's products but must also sell products from other manufacturers in that product category.

You may accept promotional items of little value (such as coasters, tent cards, signs and posters) from liquor manufacturers and agents, as long as:

- Your menu already lists the brand of liquor identified in the promotional materials.
- It does not appear that you are promoting a particular liquor product or the products of a particular manufacturer (brand-identified or corporately identified items of a particular liquor manufacturer must not predominate).

You may use brand-identified glassware, as long as you purchase it at fair market value and retain proof of purchase for two years.

You may purchase clothing and novelties (such as shirts, caps, key chains, etc.) with the name or brand of a particular liquor or liquor manufacturer and re-sell them to clients or employees. These items may display the name of your business. If you require employees to wear these items, you must provide them free of charge.

You may accept promotional clothing items with a manufacturer's name or brand on them to give away to patrons. You cannot take any promotional items for personal use or future promotions, and you cannot sell them (you may only sell items you have purchased).

A liquor manufacturer or agent may loan you more expensive promotional items (signs, patio umbrellas, menu boards, etc.) or temporary display structures. These items will remain the property of the manufacturer.

You cannot place bottles of liquor on tables as a promotional or point-of-sale device.

Samples

As a way of introducing their products, a manufacturer or agent may give you product samples. The amount you receive must not be more than one bottle of the smallest available size per product in any one year, and must not exceed these size limits:

- Distilled spirits: One bottle of the smallest available size per product (750 ml).
- Wine: The smallest available size per product per vintage (not exceeding two litres).
- Beer, cider, coolers: One dozen of the smallest available size bottles or cans (total not exceeding four litres).

You must keep a record in your liquor register of all samples received, including the date, name of the

manufacturer or agent, name of the product and volume of the product. You or your staff only, in a private place outside the service area, may consume this product. The samples must not be sold or offered to customers. The consumption should be for tasting purposes so you and your staff are familiar with the product.

Promotions

Liquor manufacturers may come to your business to promote their products. They may buy drinks for customers and provide inexpensive promotional products such as t-shirts, coasters, pens, etc. However, there are considerable restrictions on what they may offer and how they must pay.

It is recommended elsewhere in this manual that as an employer, sponsoring a community event or kids sports team attracts both new employees and customers. Liquor primary licensees may only sponsor activities involving minors if their establishment is open to minors. This would include a pub that serves full meals.

For example: The Sunny Beach Pub serves a full range of “pub food” meals like burgers, fish and chips, salads and sandwiches. The place is popular with locals and tourists and people bring their kids, who are served meals almost everywhere in the pub and on the outside deck. Sunny Beach sponsors a local juvenile soccer team. This is allowed.

Number 3 Green Street is a bar featuring adult entertainment. Minors are not permitted at any time. This bar would not be permitted to sponsor a family or kids’

event or team. The owner and employees as individuals may sponsor such events but it cannot be used in any way to promote the bar.

You may attend educational events or activities, such as an all-day “wine school,” put on by a liquor manufacturer or agent. These make good staff perks too. You may accept payment from the liquor manufacturer or agent for legitimate travel, meal, accommodation and entertainment expenses associated with the educational event, up to \$1,500 per year per licensee location.

Load Occupancy

Before you open your bar, you must receive a load occupancy permit. In some municipalities, this is provided by the fire department. Check with City Hall to find out who will issue this permit.



TIP

It is always a good idea to ask your local fire department to do a walk-through of your bar or pub to point out any potential fire hazards and to ensure your exits are well marked, not blocked, and can be easily accessed in case of a fire. This is especially important in nightclubs where there may be noise, lights and fog machines that could prevent smoke from being detected. Talk to your local fire department to get advice on fast and calm evacuation in case of fire or another emergency.



Off-premises Sales (off-licence sales)

If you have an endorsement for off-premises sales, you may sell packaged beer, draught beer in kegs, wine, cider and coolers. Under some circumstances, off-premises sales are restricted to beer manufactured under a brewery licence located at the same establishment (for example, a brewpub). Your licence will indicate what you can sell.

The hours of sale are your licence's hours of operation, except that no off-premises sales are permitted after 11:00 p.m. This means even if you sell liquor until 1:00 a.m., you cannot sell liquor to go after 11:00 p.m. After purchasing liquor to go, customers must leave.

Liquor licensing sets the minimum prices you must sell the product for.

Off licence liquor may also be delivered if the delivery meets the LCRB requirements (the delivery person must have Serving It Right certification).

New regulations permit the sale of sealed drinks with take out or delivery meals. This is not the same as off premises sales.

FOOD PRIMARY LICENCES

Restaurants where the primary business is serving food, must, if they wish to serve alcohol, including beer and wine, have a Food Primary Liquor Licence.

A Food Primary licence allows a restaurant to:

- Serve distilled liquor, beer and wine with food (only full-service liquor licences are given. How large a variety of alcohol you serve is up to you. There is no such thing as a beer and wine only licence).
- Serve distilled liquor, beer and wine when no food is ordered. The kitchen must be open, however and a full menu must be offered.
- Have a lounge area separate from the dining room.
- Serve liquor when children are present, as long as no liquor is served to children.

Some types of food service operations are not eligible for a food primary liquor licence:

- Restaurants in mall food fairs.
- Restaurants specializing in takeout and/or delivery, where seating is for customers waiting for orders only. Offering takeout and delivery does not mean a restaurant is not able to obtain a liquor licence; however, the restaurant must also offer full service, and seating for customers who dine in.

**TIP**

The main purpose of a business with a Food Primary Liquor Licence must be to serve food. You may serve drinks to people who aren't eating, but the kitchen must be open and a full range of food must be available. An inspector from LCRB may want to inspect your books to assure the majority of your sales involve food, not just liquor.

- Stand-alone banquet rooms without fully equipped kitchens.
- Mobile food stalls and trucks.

The name and signage you choose for your restaurant must, like that of a bar, be approved by LCRB. Don't order signs until you know your name is approved.

The Liquor and Cannabis Regulation Branch has excellent publications outlining the rights, responsibilities and procedures for opening and running a craft brewery, a Liquor Primary business and a Food Primary business where liquor will be served. Go to [Liquor licences and permits – Province of British Columbia \(gov.bc.ca\)](http://Liquor%20licences%20and%20permits%20-%20Province%20of%20British%20Columbia%20(gov.bc.ca)) and search the type of licence you are interested in and the publications will be available for you to read, copy, download or print.

APPLYING FOR A LIQUOR LICENCE

You may apply for a liquor licence if you:

- ✓ Are at least 19 years old.
- ✓ Obtain a criminal record search to be viewed by the LCRB. You and all shareholders and partners must produce a criminal record check. Having a criminal record doesn't mean the licence will be denied. The nature of the crime and the circumstances will be considered in relation to the responsibilities of serving liquor.
- ✓ Are the owner of the business.
- ✓ Have a good record if you have previously held a liquor licence.
- ✓ Either own the property where the business will be operated or have a lease that will not expire for at least 12 months from the date the licence is granted. As it can take up to 12 months to grant a licence, this means you will need to have a lease of at least 24 months.
- Are not personally tied to a liquor manufacturer, unless you are part of a winery, craft brewery and have disclosed all this information to LCRB.

Organize the documents you need:

- Application form, criminal record check and Personal History Summary Form. This form is available on the LCRB web site.
- A sketch of your proposed signs (your establishment name and signage are subject to LCRB approval).
- If you are a restaurant, a photocopy of your proposed food menu(s).
- A list of all your kitchen equipment including china and cutlery.
- One copy (on standard paper size – 8 1/2 x 11 inches) of your business' floor plan, including kitchen, food service area, washrooms, entry area, etc., drawn to scale with the scale clearly marked. The plan should also show any special-use areas such as a patio or banquet room, as well as the layout of your tables, chairs and bar stools.

The floor plan must have the occupant-load, the number of people allowed in the establishment, determined and stamped by your local fire or building officials (a separate occupant-load certificate is not sufficient).

If a restaurant wishes to remain open after midnight or offer patron-participation entertainment – such as dine and dance or karaoke – you will need a City Hall resolution supporting your application.

For a restaurant on a boat, you must attach floor plans showing public access areas, kitchen/food service area and washroom facilities, as well as captain accreditation certificates, copies of current registration and safety certificates and proof of a moorage contract that will not expire for at least 12 months from the date the licence is issued.

If you are a private corporation, you must attach copies of your current Register of Members (shareholders) or Central Securities Register noting voting or non-voting shares.

If not made clear by the documents from the Central Securities Register, you must include Special Rights and Restrictions within the articles which detail the classes and types of shares and whether or not each class or type of share has voting privileges (if the information is not already included in the Memorandum or Register of Members).

If any “holding” or “parent” companies have an interest in your application, you will need to provide copies of each company's registry.

If you are a public corporation, you must state the stock exchange where your shares are traded, your stock exchange company's initials, and attach copies of your:

- Notice of Directors (voting and non-voting), and your list of executive directors.

If you are part of a registered partnership or joint venture, you will need to attach copies of your:

- Partnership Agreement or Joint Venture Agreement.

If you are a society, you will need to attach copies of your:

- Certificate of Incorporation under the Society Act.
- Constitution and By-Laws.
- Current List of Officers and Directors.
- Membership List.

MAKE SURE you include EVERYTHING required with your application. Include your nonrefundable application fee. If you omit any of the documents or the fee, your application will be delayed or even denied. Contact LCRB or go to their [website](#) to find out the current fees, as these can change periodically.



TIP

Be sure to start the application process early. Profit from liquor service is a significant source of revenue in some restaurants. You can't even open the doors of your bar or start brewing your beer until your licence is approved.

The majority of delays in processing applications are caused by the applications being incomplete. Be sure your application is fully complete and be prepared to wait 2 to 3 months for your restaurant application to be processed, your bar from 7 to 12 months and for your brewery manufacturer licence, up to 6 months.

Application forms are revised frequently, so we have not provided forms in case they become outdated. The LCRB website offers an excellent and easy to follow guide to the application process. You will be able to download all the forms you need from this site.



TIP

Applying for a liquor licence can be daunting. There are private companies that specialize in assisting businesses to obtain their licence. In BC, the BCRFA recommends Rising Tide Consultants. They are located in Vancouver and you can reach them at 604-669-2928. They have many years of experience and expertise.

RULES FOR SERVING LIQUOR

When you receive your liquor licence, you are permitted to serve liquor to customers IF you comply with regulations. If you don't obey the rules, you may lose the right to serve liquor, have your licence suspended or cancelled and/or pay a fine.

Here are a few of the important rules.

YOU MUST BUY YOUR LIQUOR FROM AN APPROVED SOURCE

The liquor you sell must be bought from one of the following:

- A BC government liquor store
- A rural agency store in BC
- An approved independent winery or brewery in BC

You are not permitted to purchase or import liquor independently or to buy liquor at an independent liquor store.

PRICING YOUR DRINKS

You cannot sell liquor for less than you paid for it. If a bottle of wine costs you \$15, you cannot sell it for any less than \$15.

Both Food Primary and Liquor Primary licence holders may now offer a "happy hour" to their customers. This can be at the time of day they choose. There is minimum drink pricing for Happy Hour. Government will announce minimum price updates from time to time. You may charge what you wish as long as it is over this price. You must not over-serve.

DRINK SIZES & QUANTITY

Drink serving sizes are regulated. You cannot serve more than the regulated amount in one serving.

Beer – the maximum service to a single customer is 24 ounces (680 ml) of draft beer OR two regular bottles OR one large size bottle of beer at one time. This means a guest cannot order two large bottles of beer or three regular beers to be served at once. The first must be consumed before a second may be served and the server must be aware of and watch for signs of intoxication before serving a second (or third).

Wine – a serving of wine can contain no more than 10 liquid ounces or 285 ml of wine. Wine may be sold by the 750 ml bottle, a measured litre or measured half

litre PROVIDED these are served with food and are to be consumed by at least 2 people. A single serving of wine may be ordered without food. The first must be consumed before a second may be served and the server must be aware of and watch for signs of intoxication before serving a second (or third).

Distilled liquor – a distilled liquor drink can contain no more than 3 fluid ounces (85 ml) of distilled liquor. The maximum amount of distilled liquor that can be served at one time is 3 ounces (a double whisky and a two-ounce shooter served to one customer at the same time totals 4 ounces and is illegal over-service). If the drink is intended to serve two or more people, the rule requires the beverage contain no more than 3 liquid ounces of liquor per person. The first must be consumed before a second may be served and the server must be aware of and watch for signs of intoxication before serving a second (or third).

Drinks must be poured from the original container and mixed drinks must be made where the guest may watch. Certain blended drinks, such as Bellini's can be made in advance and served from the container they were mixed in.

OVERSERVING

Serving it Right training will assist you and your employees in assessing whether or not a patron has consumed too much liquor. In general, it is a violation of liquor laws (and your licence conditions) to:

- Allow customers to become intoxicated.
- Serve intoxicated customers.
- Allow intoxicated customers to remain in your bar, restaurant or tasting room.

As well, you have a legal responsibility to make sure the intoxicated customer is not driving. If there is no sober driver with the intoxicated customer, you must make every effort to ensure a safe ride. The courts have found businesses that allow customers to become intoxicated and don't exercise "duty of care" to be up to 50% liable if the intoxicated customer is involved in an accident. Make sure all your staff knows you will support their decision to stop service to customers.

It is mandatory for any person serving liquor to hold a Serving it Right Certification.

To take the course and obtain the certificate, go to Responsible Service BC at responsibleservicebc.gov.bc.ca. Phone 1 (888) 461-9080 Monday to Friday: 8:30 a.m. to 5:00 p.m.

CLOSING TIME

Restaurants must stop serving liquor at midnight. If you want to serve liquor later than this, you must get the written approval of City Hall. Only then you may apply to LCRB to extend your liquor service hours.

The municipality where you have your restaurant may allow liquor service past midnight OR they may require liquor service to stop earlier than midnight. If LCRB allows you to serve liquor until midnight, but your municipality requires that liquor service stop at 10 p.m., you must obey the municipality's requirements.

Bars and nightclubs, especially those in entertainment areas, are usually permitted to close later.

There are usually special dispensations to allow both bars and restaurants to serve liquor until 4 a.m. on New Year's Eve.

COVID-19 ALERT: Check with your local health authority to find out what closing times are in effect in your area.

WINE MAY BE BROUGHT IN (BYOB)

Guests may bring their own bottle of wine to restaurants. This wine must be given to the server who will open and serve it in the same manner as the restaurant's wine. Restaurants may decide not to allow this service or may choose to charge a corkage fee. If customers plan to take their own wine to a restaurant, they should check first if this is allowed and how much the restaurant will charge. Restaurants may choose to offer corkage free nights, may choose to charge a corkage fee or not permit wine to be brought in at all.

UNCONSUMED WINE MAY BE TAKEN AWAY

Guests may take away partially consumed bottles of wine if the bottles are re-sealed.

FULL MENU MUST BE AVAILABLE

The principal business of the holder of a "food primary" licence must be serving food. A range of meals must be available at all times liquor is being served, not just a few token dishes. Advertising for the restaurant can't suggest it's a place to come for drinks; food service must be the main focus of the business.

Bars and tasting rooms must offer food to customers. The selection need not be extensive or be full meals. However, more than pre packaged food must be available. Some bars and tasting rooms invite food trucks to park outside and provide food to their customers.

AGE REQUIREMENTS

In establishments that hold a Liquor Primary licence, employees who serve liquor must be at least 19.

In establishments that have a Food Primary licence, servers over the age of 16 but under 19 may transport liquor, but they are not permitted to pour, mix or open any alcoholic products.

UNIFORMS

Employees cannot wear clothing that promotes any type or brand of liquor (those cute shirts handed out by a brewery must be worn on days off). In bars, on special promotion nights, staff may be permitted to wear the shirts.

Restaurants and bars are reminded that servers should not be compelled to wear clothing that suggests they are sexually available. A bar or restaurant can expect servers to wear a uniform or follow a simple dress code (see section [uniforms](#) under Chapter 2 of this Manual). The uniform or dress code cannot be sexualized or demeaning. Servers should wear low heeled shoes with no slip soles. High heels are dangerous and can lead to serious accidents.

When considering dress codes or uniforms, employers in our industry should consider the safety and wellbeing of their employees. The clothing should be easy to wash and dry.

IDENTIFICATION REQUIREMENTS

Guests who could be underage must be asked to produce two pieces of identification to show they are 19 or older. One piece of ID must be picture ID. Unless the customer is CLEARLY over 25, ask for ID.

Serving minors is a serious offence and you could have your licence suspended or cancelled if you serve liquor to customers under 19.

Acceptable picture ID can include passport, BC ID or driver licence.

Secondary ID can be credit card, BC Services Card or student card.

EMPLOYEES MAY NOT DRINK LIQUOR

Employees on shift cannot drink any alcohol while the restaurant is open for business. This regulation applies to owners as well. If you are working in your restaurant, you may not consume alcohol. It must be made clear to staff both in practice and by example that liquor consumption at work is not only bad for business but illegal and can lead to loss of your liquor licence.

**TIP**

For their safety and your peace of mind, it is wise to not allow employees to drink alcohol at work at all, even after closing. You want your employees to get home safely! The practice of providing a “staff drink” at the end of an employee’s shift can cause serious problems. Employees should be told to leave when their shift ends, not hang about consuming liquor. It is your legal right as an employer to require employees to leave when their shift is over and not serve employees liquor.

STORING AND MOVING LIQUOR

When you purchase liquor for your business, you may store it off site in a secure location or at your place of business. If you own two or more licensed businesses, you may take liquor from one location and sell it at the other.

For example: Rudi owns a wine bar in White Rock and a restaurant in Delta. He notes he is out of stock in a popular wine at his wine bar, but has several cases at his restaurant. He may take the wine from the restaurant to his wine bar, provided he keeps the required records for this transfer and does not do this with more than \$10,000.00 worth of product annually.

The records you are required to keep to transfer product from one location to the other are:

- Quantity.
- Brand.
- Type of liquor.
- Value.
- Date of transfer.
- Liquor licence numbers of the locations involved.

For a full set of the requirements you must meet to keep your liquor licence and serve your customers safely, you can download the manuals specific to your type of liquor licence. To find the manuals, please visit [Liquor licences and permits – Province of British Columbia \(gov.bc.ca\)](http://www.gov.bc.ca).

ENTERTAINMENT IN FOOD PRIMARY

Your Food Primary Liquor licence allows you to offer some limited entertainment. Remember the primary purpose of your business is the service of food.

TYPES OF ENTERTAINMENT YOU CAN OFFER

There are some types of entertainment you may offer in conjunction with food and liquor service without obtaining additional licences from LCRB. It is best to check with City Hall, however, to make sure you will not violate any local bylaws. Types of entertainment permitted by your Food Primary licence are:

- Recorded music
- Radio
- Television
- Computers with internet access
- Card and board games such as cribbage and chess, provided they don’t alter the focus of the restaurant from food service and can be played while the customers are seated
- Movies, provided they are not adult or restricted*

You may offer contests and draws if:

- You don’t charge an entry fee for the contest.
- Anyone can enter the contest even if they don’t order food or drink.
- Liquor is not offered as a prize.
- Winners don’t have to be present to collect their prize.
- The contest does not involve consuming liquor.
- The focus of your business remains food service.

You may apply to LCRB to offer customer participation such as karaoke, dining and dancing or live entertainment such as comedians, dancers (including belly dancers) and musicians. City Hall must support your application to offer this type of entertainment.

TYPES OF ENTERTAINMENT YOU CANNOT OFFER

You are not permitted to offer any kind of games that require customers to get up from their table to participate. Depending on the layout of your establishment, these games may be offered in an unlicensed area. If you are located in a bowling alley, for example, the bowling is in an unlicensed area and customers who are eating in your restaurant may bowl.

Gambling of any kind is not permitted. Games of chance such as cards and bingo are allowed, but only for amusement. No prizes or pots may be offered or awarded.

Any type of live prize fighting or similar contact sports are not allowed.

Any entertainment where minors cannot be admitted is not allowed. This includes strippers, pole dancers, and performers such as comedians who present sexually suggestive material. Don't even consider allowing material that could be considered racist or violent. Before you book an act, ask yourself if it would be okay for your 8-year-old child to watch. If you have any doubts, don't book the act.

Entertainers may drink alcohol, but must not be over served. A performer who is intoxicated must be treated like any customer – no more liquor can be served; the entertainer must be told to leave and you must ensure they leave safely. Under no circumstances can you allow an intoxicated entertainer to perform.

ENTERTAINMENT IN LIQUOR PRIMARY

Any entertainment you offer must comply with local bylaws. It must also comply with any restrictions imposed regarding hours or type of entertainment allowed (these restrictions, if any, will be specified on your licence).

Permitted entertainment includes the following:

- Television and movies, provided movies are shown in accordance with the Motion Picture Act and its regulations, and are not restricted, adult-rated or unrated.

- Live or recorded music.
- Live radio/television broadcasts (as long as the purpose of the broadcast is not the promotion of liquor).
- Computers with internet access.
- Video games.
- Card games/games of chance and board games, for amusement only.
- Dancing.
- Games of skill (such as darts, pool and video games).
- Live prizefighting, kick-boxing, and similar contact sport events, provided you apply to the LCRB for approval in advance, do not involve patrons, and take steps to protect both patrons and staff.
- Adult entertainment, provided you post a sign at your entrance notifying patrons that your establishment offers adult entertainment.

What You Must Not Offer

Licensees must not provide or allow entertainment activities that are primarily associated with the consumption of liquor. This includes “drinking games” (e.g. beer pong).



DON'T LET THIS HAPPEN TO YOU!

Entertainment

The small restaurant in the sleepy tourist area didn't have a lot of business in the winter. The permanent residents didn't have a lot to do at night either.

The owner of the restaurant thought it would be fun for the locals and give her business a bit of a boost to put on bingo nights.

Bingo nights were popular. 15 to 20 people, mostly seniors, would come to have a meal and a drink and play bingo. Everyone playing paid a dollar for each card they played. The pot was seldom more than \$20.

One evening, the Liquor Licensing and the Gaming inspectors arrived and shut the bingo down. Since the Bingo was essentially an innocent activity in an isolated rural area, the owner of the restaurant was ordered to cease and desist by both Liquor Licensing and Gaming inspectors. She was not prosecuted.

While in this circumstance the LCRB was reasonable, they could have suspended the restaurant's liquor licence. The owner could also have been charged criminally with keeping a common gaming house.

The restaurant owner was lucky the government inspectors chose to be lenient. She suffered a lot of sleepless nights while the inspectors pondered what to do about her illegal bingo.

If you want to offer **entertainment** of any kind, make sure what you wish to offer is legal. That means Gaming, Liquor and City Hall have all approved. Being legal also means you have obtained permission, permits and paid the royalties or fees.

TRANSFERRING A LIQUOR LICENCE

Here are things you need to know if you are buying or selling a restaurant with a liquor licence:

- The liquor licence is not usually an asset of the business and cannot be bought or sold along with the business. There are some isolated incidents of historical and unusual endorsements that may make the business attractive. Normally, however, a liquor licence does not have value to be added to the asking price to suggest the purchaser can buy the liquor licence for the additional price.
- A current, unexpired licence must be transferred to a new owner. Until the transfer takes effect, the previous holder of the licence is responsible for assuring the liquor laws are complied with.
- Transfers of liquor licences only take place through the LCRB. Only that government agency can approve a licence transfer.
- The holder of the licence can be held liable for any violation of liquor laws that occur after they have sold the restaurant if LCRB has not approved transfer of the licence to the new owner or the licence has been relinquished.
- If the licence has not been officially transferred, the holder of the licence can be held liable in a civil action (for example, damages if a customer becomes intoxicated and causes an accident after leaving the restaurant) even after they have sold the restaurant.
- A new owner does not have a valid liquor licence if it has not been properly transferred.
- A new owner must also complete a transfer of licence form to apply for a liquor licence to be transferred into their name in a way that is almost identical to an application for a new licence. They must submit an application, a criminal record check and Personal History Summary Form along with the present licence holder's transfer request and specified fees.
- The transfer a licence should be completed before the existing licence expires, otherwise there will be additional fees.
- If you are selling your business, you must complete a transfer of licence form that tells LCRB that you are transferring your licence and the name of the person the licence is to be transferred to (the person buying the business or the designated shareholder of the corporation buying the business). The purchaser is responsible for obtaining a liquor licence in their name or the corporate name.

If you fail to notify LCRB of the transfer at the time of the sale of the business, you will continue to be responsible for any liquor licence violations that happen at the restaurant, even if you no longer own the business and have nothing to do with the violation.

The forms to apply to have the liquor licence registered in your name are available at Liquor and Cannabis Regulation Branch.

In Victoria: (250) 952-5787

Outside Victoria: Toll free within BC: 1 (866) 209-2111

Most forms you will need can be printed from the LCRB website: gov.bc.ca/lcrb

Email: LCRBLiquor@gov.bc.ca



DON'T LET THIS HAPPEN TO YOU!

Transferring a Liquor Licence

Bob bought Julie's restaurant. He was told by the realtor he automatically became responsible for the liquor licence and it would expire after a year.

Bob paid no attention to the liquor licence. He assumed the year the realtor meant started with his ownership. It stayed in Julie's name. It expired 6 months later, but Bob thought he had a year to renew.

A Liquor Inspector came to the restaurant for a routine inspection. When it was discovered Bob hadn't had the licence transferred into his name and it had expired under the previous owner's name, Bob had to start the

application process and he was unable to sell liquor for several months. The loss of revenue was devastating. Bob had an upscale restaurant and guests expected to be able to have drinks and wine with meals. While this was no longer possible, Bob lost many customers.

Do not believe everything a realtor tells you. They do not always know all the regulations. If you purchase a restaurant, make sure the liquor licence is properly transferred. If the ability to serve liquor is an important part of your business plan, make receipt of the licence in your name a condition of completion of the sale.

INSPECTIONS AND ENFORCEMENT

LIQUOR INSPECTIONS

A liquor inspector may arrive at any time to check books and records, to ensure liquor purchase and sales are in compliance with the law. You must be able to produce records showing receipts for every bottle of liquor in your inventory and be able to show the liquor came from an approved source.

The inspector may check liquor to assure it isn't adulterated or watered down, liquor is in the original bottle and there is no illicit liquor (purchased from sources that aren't approved or homemade).

They may also spend time observing service. Things they might look for include:

- Are young people asked to produce identification? Are intoxicated people given more drinks?
- Does liquor service end when it's supposed to?
- Are employees drinking liquor?
- Is alcohol being purchased for consumption elsewhere (off sales) and if so, is it being done in accordance with the licence?
- If the licence is Food Primary, are most customers eating meals, not just having drinks?
- The inspector may also ask to see customer bills for evidence of over serving or of excessive numbers of guests drinking without eating.

You must allow inspectors free access to any information they require and allow them to interview employees if they ask. The inspectors are knowledgeable about your business and the hours of operation. They will not arrive at busy times and make disruptive demands unless they are investigating a very serious issue.



TIP

Inspectors who are observing service may not always identify themselves.



TIP

LCRB employs people who are under 19 to go to bars and restaurants to see if they will be served alcohol. If these people are served, you have a problem.

THE POLICE

The local police are involved in the enforcement of liquor laws. It is a public safety measure to ensure no establishment is causing problems in the community. People involved in car accidents who are impaired and people who are drunk in public are asked where they have been drinking. Police attend disturbances at your restaurant or bar (frequently caused by intoxication). The information the police obtain is provided to LCRB. Police may receive complaints from the parents of intoxicated minors and pass that information along as well.

THE GENERAL PUBLIC

Don't assume what happens in your restaurant or bar stays in your restaurant or bar. A customer, a competitor or an off-duty government employee may pick up the phone and call LCRB. They may allege they saw staff drinking, that only drinks were available and minimal food, or they may claim they witnessed off sales that weren't permitted.

This call can trigger an inspection.



ENFORCEMENT

If a liquor inspector has reason to believe the law has been broken, you will receive a notice telling you the enforcement action that has been recommended and the facts and evidence supporting the recommendation. If you agree with the enforcement decision (usually a fine or penalty) you can choose to pay, or you may dispute the evidence and the enforcement decision before a hearing.

The person conducting the hearing is a neutral person who will decide to uphold, vary or cancel the enforcement recommendation. They will make this decision by listening to the facts presented by both the LCRB and the person who has the licence (or their representative), hearing what witnesses say, and looking at any documents or records that help show what happened. A decision will be made by applying the law to the facts that are presented at the hearing.

SERVING IT RIGHT

Serving It Right is BC's responsible service program. The course educates licensees, managers and servers about their legal responsibilities when serving alcohol and provides effective techniques to prevent problems related to over-service. The program was developed by the hospitality industry in consultation with the provincial

government. To access information about the mandatory courses, go to the Responsible [Service BC](#) website.

All licensees, managers, sales staff and servers in a licensed establishment are **required** to have their Serving It Right (SIR).



TIP

Serving it Right training helps prevent enforcement problems. Over service (serving drinks to patrons who appear to have had too much or serving drinks in rapid succession) is serious and must not be permitted. It may be awkward for a server to tell a customer they can't have more drinks, and there should always be a senior person on staff who will reinforce and back up the server's decision. Servers should never have their decisions undermined by a supervisor.



TIP

It is good for business and good for customers to have a designated driver program or an account with a cab or ride share company to ensure patrons get home safely and don't hurt anyone in the process.



DON'T LET THIS HAPPEN TO YOU!

Overservice

Two guys came into the bar and ordered shooters. If the bartender had been paying attention, he would have realized they were already a little intoxicated. He didn't pay attention though, and he continued to serve them shooters until they were obviously intoxicated. The bartender realized he'd overserved and became concerned about how they were getting home. They told him they might get a cab, but the car was in the parking lot and they weren't far from home. They paid the bill, left a large tip and left the bar. Not much later, they were

pulled over by the police who asked where they had been drinking. They named the bar and a subsequent enforcement suspended the bar's licence for 7 days.

Your employees must be trained to pay very close attention to the level of intoxication of customers and the transportation they plan to use. In this case, the bartender should have drawn a manager's attention to the situation. The manager should have escorted them to a taxi.

The quickest and easiest way to get your SIR certificate is online. The online program is convenient and offers quizzes and demonstration videos to help your employees learn the materials. The cost is \$35.00 and once you submit your exam, you will receive your test results immediately. When you pass the exam, you can print out your SIR certificate right away.



TIP

If you are planning to open a business where liquor will be served, it's wise to take the Serving it Right course before you even apply for a liquor licence.

NAMING YOUR BAR, RESTAURANT OR CRAFT BREWERY

The name must be approved by BC Registries and Online Services, City Hall, and the LCRB. Each of these government departments have different reasons for approving or denying names. Make sure that the name you have chosen has been approved by all three governing departments.



TIP

These agencies know a lot, but not everything. It is up to you to do your own due diligence about copyright and if your name is too close for comfort to a similar business name.

For example: The craft brewery was all set to go under the name Gull Landing. The labels looked great, the name had been approved and opening was scheduled for next month. Then they had a visit from a representative of a BC distillery. They were called Seagull's Landing and had been in business for 5 years. Just too close to be acceptable. The brewery had to change its name to something that didn't cause confusion between the two businesses.

Signs and Awnings

Your exterior signs and awnings must meet the requirements of City Hall in the municipality where you have your restaurant, bar or brewery. They may also have requirements that names be appropriate. When you apply for your signage and awnings permits, be sure the name you have chosen is considered suitable in the community; this may include not being considered obscene or insulting to any group or class of people. Using the name of a local celebrity is only acceptable if the celebrity or their estate has approved the use.

ADVERTISING YOUR BAR, PUB OR RESTAURANT

You are permitted to advertise that your restaurant or bar serves liquor, including the type of liquor you offer and the prices you charge for it (including special or premium liquors). For example, if you sell premium or aged whiskies, you are allowed to market the product as one of your offerings.

You are also permitted to put up signs that advertise your restaurant or bar (provided they meet the City Hall requirements) and place advertisements in newspapers, magazines and periodicals, or on television, radio or the internet. You can also publish pamphlets and brochures to market your establishment.

However, how you advertise your bar or restaurant is important. You are not permitted to advertise in the following ways:

- Advertisements cannot encourage people to drink liquor, or to drink excessively.
- Your drink prices cannot encourage over-consumption by suggesting a lot of liquor can be consumed for low prices.
- Advertising material cannot show people drinking liquor.
- Advertisements cannot show people who appear to be intoxicated or behaving irresponsibly or illegally. This includes cartoons.
- Your advertisements cannot associate liquor with driving.
- Your marketing materials cannot be directed at minors or placed in locations used or visited mostly by minors (such as playgrounds).

- Your advertisements must not depict liquor as a necessity.
- You cannot show consumption of liquor as important to a social event or a way to be popular or successful.

RENEWING A LIQUOR LICENCE

Here is a list of some things to keep in mind when it is time to renew your liquor licence:

- Once you have a liquor licence, you must renew it each and every year and pay your annual licence fee.
- The annual renewal fees for most licence types like food primary and liquor primary are calculated based on the amount of liquor the licensee has purchased from the Liquor Distribution Branch in the 12-month period that ends 6 months before the expiry of the licence.
- Winery and brewery licences are renewed based on the amount of liquor produced each year.
- To qualify for renewal, you must continue to meet the same criteria that was required for your initial licence.
- If the Liquor and Cannabis Regulation Branch decides not to renew your licence, they will contact you to explain the decision and provide you with their reasons for the rejection of the renewal.
- If you plan to sell your business, your liquor licence must be current if you wish to transfer it to a new owner. Expired licences cannot be transferred.
- Do not allow your licence to expire while you continue to serve liquor, as this could have a negative effect on your renewal.
- The LCRB does not automatically renew your licence. Any reports from your local liquor inspector or the police involving your establishment will be reviewed as part of the renewal process.
- You can renew your licence online through the [Liquor and Cannabis Regulation Branch](#).

To speak to someone from the Liquor and Cannabis Regulation Branch directly, contact:

By phone: (250) 952-5787

Toll-free outside Victoria: 1 (888) 209-2111

By email: LCRBLiquor@gov.bc.ca.

If you are buying a restaurant with a liquor licence, you must apply for the licence to be registered in your name within six (6) weeks. If you fail to do so, the licence to serve or sell liquor will be suspended automatically. The forms to apply to have the liquor licence registered in your name are available through the LCRB.

MAKING CHANGES TO YOUR LIQUOR LICENCE

If you plan on making changes to your business, keep in mind that some of these adjustments may affect your liquor licence and you must apply to the LCRB for approval. Many of the changes listed here will also require City Hall approval.

PERMANENT CHANGES

You must apply to the LCRB for a permanent change if you do any of the following:

- Move to a new location.
- Want to extend your hours of liquor service.
- Are a restaurant and want to add patron-participation entertainment such as dancing or karaoke.

City Hall must also approve any extension to liquor service hours and any patron-participation events to be hosted at a public establishment. If you want to change your location, be sure to check the zoning of the new location is such that it would allow you to operate the type of business you have, or hope to have in that new location.

NAME CHANGES

If you wish to change any names on record at the LCRB, or if the names they have are not current, you must apply for approval to:

- Change the name of your business.
- Change your name as it appears on the licence.
- Change any other name, such as a company or shareholder, receiver or executor, or if you transfer shares.
- Lease your business so it will be managed or operated by another person or company.

RENOVATIONS AND EXPANSIONS

You must apply for a permanent change to your licence if you want to complete any of the following:

- Change your floor plan.
- Add on to or alter the structure of your restaurant, bar or pub (you will require a building permit to make any structural changes).
- Increase your seating capacity (the fire marshal must be informed about any increase in occupancy and you must receive their approval).
- Add an outdoor patio (you must first apply to City Hall for permission to operate a patio).



TEMPORARY CHANGES

You must apply for a temporary change to your licence if you want to:

- Extend your hours of liquor sales for a special event.

CITY HALL'S INVOLVEMENT

City Hall must be given an opportunity to comment on both permanent and temporary changes. Take your liquor licence application for change (permanent or temporary) to City Hall and ask them to complete the following:

- Sign and date your application for a change.
- City Hall will make a resolution and comment on the application and send it to LCRB. The applicant will not know what City Hall resolves or says.

The forms you will need to apply for your permanent or temporary changes are available to download from the LCRB website.

BC LIQUOR DISTRIBUTION BRANCH: WHOLESALE CUSTOMER CENTRE

The BC Liquor Distribution Branch (LDB) is one of the largest distributors and retailers of beverage alcohol in Canada. The LDB is responsible for the importation, distribution, wholesaling and retailing of beverage alcohol in British Columbia and operates government liquor stores and distribution centres across the province. The LDB strives to provide exceptional customer service in the ordering and distribution of beverage alcohol products.

It is important to know that any liquor that is sold through bars and restaurants must have passed through the hands of the LDB, with the exception of brew pubs and wineries that are able to offer their products directly to customers.

Wholesale prices are offered to bars and restaurants. This change is one of the most significant changes to liquor laws in BC in decades. During the COVID-19 pandemic, wholesale prices were offered temporarily as a way to assist the industry, hit so hard by the pandemic. On February 23, 2021, the government of BC announced that wholesale pricing was here to stay. Restaurants and bars may now use wholesale pricing as part of their business model.

Wholesale Customer Centre

To contact the Liquor Distribution Branch centres – wholesale.bclddb.com/contact

Hours: Monday to Friday 8:00 a.m. – 4:00 p.m.
Saturday, Sunday & Holidays Closed

Address: 3383 Gilmore Way Burnaby, B.C. V5G 4S1

Vendor Relations: (604) 252-8700

Imports: (604) 252-8705

Pricing: (604) 252-8701

Wholesale Operations: wholesale.bclddb.com

Vendor Website: vendor.bclddb.com

For up to date information, go to wholesale.bclddb.com

A WORD ABOUT FOOD SERVICE WITH LIQUOR SERVICE

LCRB makes it clear that whenever liquor is served in BC, food must be available. This is because it is well known that food lessens the impact of alcohol and mitigates the effect of alcohol consumption.

A restaurant that is in the business of selling meals will clearly have a full menu available for guests when liquor is being served. However, food must be available and easy to obtain in any situation where liquor is being served. How extensive that food service must be is not specified in any policy or regulation at this time. However, there are general guidelines.

When a liquor primary licensee is serving liquor, food must be available that goes beyond prepackaged items that could be available in a vending machine. This means a bar or other liquor primary licence holder must serve some kind of food or make food available for delivery to customers at any time liquor is being served. How elaborate the food offerings are is largely a matter of choice of the business owner. The reality is the line between what is a bar and what is a restaurant is blurring with restaurants able to serve drinks without requiring food be purchased and bars are becoming known for the excellence of their food. However, the distinction still exists – a restaurant’s primary business must be the sale of meals, whereas a bar can focus on serving drinks.

Here are some examples of acceptable food service to customers in a bar:

- A selection of hot and cold snack items.
- A selection of appetizer type items or finger food.
- A delivery service from a nearby restaurant or food truck that allows customers to place their order with the server in the bar and have it brought directly to their seat.

It is important to know that any food served in a bar must be prepared and served in accordance with public health guidelines. If you have a bar, you must serve some food. Be aware of the safe food preparations and kitchen requirements your establishment must meet for the kind of food you will be serving. If you use a neighbouring restaurant or food truck, make sure they have met public health requirements.

Craft breweries will want to serve samples of their product in their tasting room. If liquor or beer is being offered to customers, food must be available. This can be simple food.

A craft brewery can serve, for example:

- Quesadillas cooked up on a hot plate.
- Hot or cold finger food.
- A delivery service from a nearby restaurant or food truck that allows customers to place their order in the tasting room and have it brought directly to their seat.

It is acceptable for liquor primary licensees and liquor manufacturer licensees to have an exclusive relationship with a nearby food outlet. It must be nearby because food must be easily available to customers. They cannot be made to wait more time for food to be delivered to them than if the food was prepared on site.

Some liquor primary licence holders want to have a full kitchen and serve a selection of food, just as if they were a restaurant. Pubs often fall into this category. Even though they are not a restaurant, the liquor primary licence holder must treat their kitchen as though it were a restaurant kitchen, their employees must have food safe certification and they must meet all the food safety requirements of a commercial kitchen.

Any food served in a liquor primary or manufacturer’s tasting room must meet food safety requirements outlined in the Public Health Section of this manual. People preparing and serving the food must have FOODSAFE certification.





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PUBLIC HEALTH

The Ministry of Health shares the responsibility for food safety in BC with the Ministry of Agriculture, Food and Fisheries, BC Centre for Disease Control (BCCDC), health authorities and Canadian Food Inspection Agency. The Ministry of Health also issues Provincial Health Orders (PHOs) related to the COVID-19 pandemic.

The *Public Health Act's* Food Premises Regulation outlines food safety requirements for businesses processing or preparing food and selling food to the public. The health authorities are responsible for approving, permitting, inspecting and responding to complaints about food premises under this regulation. For a full copy of the law, please visit bclaws.gov.bc.ca/civix/document/id/complete/statreg/11_210_99.

The Food Premises Regulation must be complied with by any business that cooks and serves food to the public.

HEALTH ORDERS RELATED TO COVID-19 PANDEMIC

In the time of the COVID-19 pandemic, in addition to all the regular health and safety requirements that apply to food and beverage service, PHOs are issued periodically to protect the public and hospitality workers from exposure to threat to their health.

Many of these requirements will be relaxed once the COVID-19 threat has been greatly reduced or eliminated. The BCRFA regularly posts PHOs to let the industry know what is expected of them. You don't need to be a member of the BCRFA to receive these bulletins. To sign up to receive them, contact info@bcdfa.com.

During the pandemic, the Ministry of Health may issue orders that restrict service hours on certain days. On occasions such as New Year's Eve, Super Bowl, St. Patrick's Day, Cinco de Mayo, etc., when people may gather, the Ministry may close service early or suspend it all together. This may be done to attempt to reduce transmission of COVID-19 that can occur when people gather to drink alcohol and celebrate the day or the sporting event. The Ministry has assured the Hospitality Industry will be given advance warning if changes will be ordered.

INSPECTIONS

Inspections during the pandemic may be more frequent and teams may come without notice. The teams may include a public health inspector, a police officer and liquor inspector. They will be looking for any pandemic safety violations, appropriate and lawful liquor service

and the police may issue tickets to patrons not complying with public health orders. The Public health enforcer has the power to close the bar or restaurant if serious violations are discovered. Normally they will issue warning and expect compliance within a short period of time.

MASKS

When this manual was published in 2022, mask mandates were still in force.

Masks must be worn by all employees of bars, restaurants and liquor manufacturers.

Patrons are required to wear a mask while entering and leaving or using the washroom in a restaurant, bar or tasting room. Patrons may remove their masks only when seated at their table.

Maskless guests may not wander about in the bar, restaurant or tasting room. They should be told to leave the premises. It is unreasonable to allow these people to potentially infect other guests and employees.

As the pandemic winds its way along, we can expect mask wearing to be with us for a long time.

It is a good idea to require masks been worn by all employees, at all times, even when no one else is present, particularly when they are preparing food.

FOOD SAFETY

The Health Protection Branch is responsible for the Health Inspectors who will visit your restaurant periodically to ensure compliance with the *Food Safety Act* and the Food Premises Regulation. These Inspectors work for the provincial health authorities. For more information about the provincial health authorities, FOODSAFE, and the BC Food Service Regulation, refer to the Kitchen Construction and Renovation section of this manual.

The goal of the Ministry of Health is to make certain that the public's health is protected; this includes ensuring the food and beverages consumed in foodservice establishments are not a threat to customers' immediate (and, in some instances, long term) health.

HEALTH OPERATING PERMIT

If you plan to serve ANY KIND of food, before you open for business you must obtain a [Health Operating Permit](#) from the health authority. This is issued to show the renovations have been done according to approved plans and with approved materials.

If you have bought an operating business with a kitchen, and you plan to use that kitchen, you must apply for your own permit; the previous owner cannot transfer theirs to you.

Elements to take into account when applying for a Health Operating Permit:

WATER

Your kitchen must either be connected to local public water supply or a well. If you use a well, the well must have been tested and approved by a Health Authority representative.

PLUMBING & SEWAGE DISPOSAL

Plumbing, drains and sewers must be connected according to local plumbing regulations or bylaws.

Rural sewage disposal, such as septic tanks must be approved. Before building or repairing sewage systems, contact the Health Authority to ask what you will need to have to pass inspection.

You must have an approved grease trap installed in every kitchen drain.

GARBAGE DISPOSAL

Keep garbage outside in containers that scavengers (raccoons, rats, bears, etc.) can't open.

Have an approved way of disposing of your garbage (this usually means a collection service provided by City Hall or a private waste disposal company). In rural areas, check with the Health Authority inspector responsible for the area for waste disposal advice and information.

KITCHEN LAYOUT & EQUIPMENT REQUIREMENTS

- Surfaces that food is prepared on should be non-porous and easy to sanitize.
- There must be a place to keep dirty dishes separate from clean dishes and food.

- Refrigerators must be large enough to store all food requiring refrigeration.
- Living quarters must be separate from the kitchen and access to living quarters cannot be through a commercial kitchen.
- The light available must be 50 foot-candle strength (bright light) where food is prepared, stored and processed.
- Ventilation to prevent a build-up of odours, smoke and condensation. In some urban areas, your ventilation must not be a nuisance to the neighbours and must be higher than any adjoining roof level.

A restaurant that has more than 50 seats must have a commercial dish washing machine large enough for the number of seats for the restaurant. A Liquor Primary or Craft Brewery with more than 50 sets may not be required to have this, depending on the style and amount of food served to customers.

WASHROOMS

In most areas you are required to provide separate washrooms for your employees and your customers. There are a number of things that affect this requirement, including: local by-laws and Building Code (contact City Hall) the number of seats, and whether the building has a heritage designation (and therefore can't be altered significantly). Washrooms must be accessible for people with disabilities. Customers cannot pass through a kitchen to get to the washrooms.

HAND WASHING

This is one of the most important things food handlers must do, and do constantly. Washing hands frequently prevents the spread of bacteria and viruses. You must provide sinks with hot and cold running water, soap and clean towels (disposable are best) or air dryers, to allow employees to wash their hands while they work. Access to hand washing sinks in the food preparation area must be provided.

JANITORIAL FACILITIES

You must allow adequate space to store cleaners and cleaning equipment and have a utility sink for filling/emptying pails, cleaning mops, etc. Do not use the same sink that is used for washing dishes. Keep cleaning supplies as far from food preparation and food storage as possible. Never pour toxic cleaning materials down drains.

INSPECTIONS BY A HEALTH AUTHORITY INSPECTOR

You must allow the health authority Inspector to inspect the business at any reasonable time and:

- Take samples of any food or drink
- Swab dishes, glasses, cutlery or utensils
- Take samples of the water supply
- Hold food or drink for further investigation
- Check the premises for any pest infestation.
- Perform any tests and examinations considered necessary
- If you are instructed to close by an Inspector, you must do so immediately and you cannot re-open until you have been given permission to do so (after re-inspection)

WHAT YOU BUY

- Do not buy unapproved home cooked items
- Deal only with food suppliers who are government-inspected and have a reputation for providing good-quality products
- Buy meat from inspected sources only
- Buy fish and shellfish from inspected sources only
- Buy only milk or milk products that meet approved standards defined by *Milk Industry Act* regulations.
- Buy ice only from a source approved by the Health Authority
- Buy food only in quantities that can be used within the shelf life



DON'T LET THIS HAPPEN TO YOU!

Food Products

The small community was famous for its blackberries and the annual contests at the community centre for homemade blackberry products. A local inn bought 100 jars of blackberry jams and jellies from the year's contest winner. This was to be served to breakfast guests in the dining room. The owner of the inn thought the guests would like the product and liked the idea of supporting the community. Unfortunately, the jams and jellies had not been made in a commercial or inspected kitchen. There was no way of being sure the product

was untainted. The local health Inspector told the inn they could not serve the product to guests.

The salmon in the trunk of the car looked and smelled good. The price it was being offered for was incredibly low. The restaurant owner knew it was probably illegally caught but it would be so great to offer his guests fresh salmon that night. He decided he could get away with it and bought the entire lot. He didn't get away with it. The Health Inspector found out about it. He now faces a substantial fine.



BUILDING OR RENOVATING YOUR KITCHEN

Before you build or renovate your restaurant, your kitchen design must be approved by a Health Inspector. Find your Health Authority by contacting City Hall or a quick online search.

ELEMENTS OF A GOOD KITCHEN DESIGN

Before you apply for a permit to build or renovate a commercial kitchen, plan your menu. The type of food and the size of the menu will help the Health Authority decide if the design is suitable for the type of food service you have planned. Be sure to attach your menu to your applications for permits.

Here is a sample of details to keep in mind when designing a kitchen and preparing a diagram of your proposed layout. Be sure to include the style, brand and model of the appliances you will be using and the surfaces you have or will install.

Overall Design

- Have a good flow pattern for handling food – from receiving supplies through to serving and dispensing food.
- Plan to keep dirty dishes and raw food separate from clean dishes and cooked or ready-to-eat food.
- No customer foot traffic must come through the kitchen.
- Meats and fish should not be prepared on the same surface as produce.
- The surfaces food contacts should be non-porous and easy to sterilize.
- Have adequate storage, holding and refrigeration space to handle expected volumes of food.
- There must be a separate storage area for cleaning supplies and chemicals.
- Living quarters must be completely separate from rooms where food is prepared, stored or served.

Lighting

- Lighting must be bright; the required intensity is 50 foot-candles where food is prepared, stored and processed. The person installing your lighting can measure the light. Any good lighting store or restaurant supply store will show you lighting systems that will be bright enough.
- Provide a minimum lighting intensity of 30 foot-candles in all other areas.

Ventilation

There must be sufficient ventilation to prevent a build-up of odours, smoke and condensation. Ventilation must vent odours away from neighbouring businesses and homes and must be installed according to the Building Code. The Health Officer may require:

- Equipment to provide eight complete changes of air per hour where food and drink is prepared or utensils are washed.
- Four complete changes of air per hour in all other rooms.
- Forced-discharge exhaust systems (of metal or other approved material) installed over stoves, grills, fryers, dishwashers or other sources of smoke, fumes, odours or steam (plus a system to replace air being exhausted).
- Special installations to prevent nuisances to adjoining premises.
- Venting that is higher than any adjoining roof level.

Equipment

- On your plan be sure to show the location, size, type and finish of major equipment.
- Equipment that is easily cleaned and sanitized should be selected. The best choices are equipment with removable parts for easy cleaning and inspection.
- Choose equipment made of materials that are smooth, non-absorbent and non-corrosive and can withstand high temperatures or sanitizers.

Dishwashing

- Plan to have a 2-compartment sink large enough to wash and rinse the biggest pots and utensils.
- Provide a suitably-sized drain board.
- You must have a commercial dishwasher if your seating capacity exceeds fifty. A commercial dishwasher may consist of a single tank, for a small premises, a double tank (a separate wash and rinse tank) and triple tank (separate wash, rinse and sanitizing tanks, or a pre-flush tank, followed by a wash tank and a rinse tank).

Janitorial Facilities

- Show the janitorial storage space and janitorial sink. Make sure you have allowed adequate space to store cleaners and cleaning equipment.
- There must be a utility sink for filling and emptying pails, cleaning mops, etc. that is apart from sinks used for food preparation and dish washing.

Sanitation Facilities

- Show public and staff washroom facilities, staff dressing rooms and additional hand washing sinks on your diagram.
- You must provide hand washing sinks in the food preparation area; these sinks must have hot and cold running water, soap dispensers and warm-air hand dryers or disposable towels.
- Plan to put the sinks where it will be convenient for staff to wash their hands frequently.
- Toilets must have self-closing, tight-fitting doors that do not open directly into any room where food is served, handled, prepared or stored.
- Toilets must vent directly to the outside.
- Provide at least one sink for every two toilets or urinals.
- Public washrooms must be located so that patrons do not pass through food preparation or storage areas.

The BC Centre for Disease Control publishes an excellent manual that outlines all the requirements necessary to obtain approval for your kitchen building or renovation plans and your Health Operating Permit.

The wonderfully useful manual “[Food Protection – Vital to Your Business](#)” is highly recommended reading for anyone considering offering food for sale to the public.

For Information about health or disease control in food handling contact:

Northern Health serves communities and surrounding areas including:

Chetwynd, Dawson Creek, Pouce Coupe, Hudson’s Hope, Fort Nelson, Fort St. John, Tumbler Ridge Burns Lake, Fort St. James, Fraser Lake, Granisle, Mackenzie, McBride, Prince George, Quesnel, Valemount, Vanderhoof, Atlin, Dease Lake, Houston, Hazelton, Masset, Kitimat, Port Clements, Prince Rupert, Smithers, Stewart, Terrace, the Village of Queen Charlotte.

Northern Health – Regional Office
Suite 600, 299 Victoria St.
Prince George, BC, V2L 5B8
Phone: (250) 565-2649
Toll Free: 1 (866) 565-2999
Fax: (250) 565-2640
Website: northernhealth.ca

The Interior Health office serves areas including:

Williams Lake and South to the USA border and east to the Alberta Border, including Kelowna, Kamloops, Trail, Nelson, Cranbrook and West to Princeton totaling 59 incorporated municipalities.

Interior Health Corporate Office
505 Doyle Ave
Kelowna, BC, V1Y 6V8
Phone: (250) 469-7070
Fax: (250) 469-7068
Website: interiorhealth.ca

Vancouver Island Health authority serves areas including:

Vancouver Island, Southern and North Gulf Islands and Mainland communities north of Powell River and south of Rivers Inlet.

Vancouver Island Health Authority
1952 Bay Street
Victoria, BC V8R 1J8
Phone: (250) 370-8699
Toll-free: 1 (877) 370-8699
Fax: (250) 370-8750
Website: islandhealth.ca

Vancouver Coastal Health serves areas including:

Vancouver, Richmond, North and West Vancouver and along the Sea-to-Sky Highway, Sunshine Coast to Powell River

Vancouver Coastal Health Corporate Office 11th Floor, 601 West Broadway
Vancouver, BC V5Z 4C2
Phone: (604) 736-2033
Toll-free: 1(866) 884-0888
Website: vch.ca

Fraser Health Authority serves communities including:

Agassiz, Abbotsford, Burnaby, Chilliwack, Coquitlam, Delta, Harrison, Hope, Langley, Maple Ridge, Mission, New Westminster and Surrey

Fraser Health Corporate Office
Suite 400, Central City Tower
13450 – 102nd Avenue
Surrey, B.C. V3T 0H1
Phone: (604) 587-4600
Toll-free: 1(877) 935-5669
Fax: (604) 587-4666
Website: fraserhealth.ca

While COVID 19 is still a health threat, many government offices are not open to the public. If you want to speak to someone in your Health region, be sure to phone first to find out if you may come in person.

FOOD SAFETY PERMIT

Environmental Health Inspectors will often ask to see the kitchen's Food Safety Plan.

This is an important document as it formalizes, in writing, the chain of safe handling of food in your kitchen.

As a new food service provider in a bar, restaurant or tasting room, you should complete [FOODSAFE Training](#). This will give you valuable information to assist you in writing your own Food Safety Plan.

For further assistance, go to BC Centre for Disease Control [bccdc.ca](#). They have a well organized publication to help you write your food safety plan, entitled "[Ensuring Food Safety – Writing Your Own Food Safety Plan](#)".

This publication is free of charge and is available in English, Punjabi and Chinese.

Contact this helpful agency at:

BC Centre for Disease Control
655 West 12th Avenue
Vancouver, B.C. V5Z 4R4
Phone: (604) 707-2400
Email: admininfo@bccdc.ca
Website: bccdc.ca



TIP

If you have employed a chef to manage your kitchen, you and the chef should work together to prepare a Food Safety Plan.

TRANS FATS

In BC, there is a law restricting and regulating the amount of trans fat that can be included in food servings in BC restaurants.

This law was implemented as a result of findings that suggest the number of Canadians experiencing health complications related to poor diet and sedentary lifestyles is on the rise.

It has been determined by health and nutrition specialists that trans fat (consumed in excess) can cause serious health issues and can lead to premature death. As consumers of fast food – where much of the trans fat is found – children are becoming increasingly at risk of

developing such conditions as childhood obesity and heart disease.

The regulations limit the amount of trans fat you can serve to customers, while requiring that you retain nutrition labels for all products and meals. You must be able produce the nutritional information and labels for the Health Inspector on demand.

People who serve food to the public, restaurants, bars that serve food and liquor manufacturers who serve food should understand the terms and conditions outlined in this regulation. It is important that you are familiar with the three regulatory requirements for all food located on the premises, either in storage, used in preparation, or served to customers.

1. Documentation for food must be kept on site and provided to the Health Officer upon request. This includes ingredient lists, a nutrition facts table or a product specification sheet for all the food in your establishment.
2. All soft spreadable margarine and oil must meet the restriction of 2% trans fat or less of total fat content.
3. All other food must meet the restriction of 5% trans fat or less of total fat content.

Food exempt from the 2% and 5% trans fat restriction include the following:

- Food that's only source of trans-fat comes from dairy products and ruminated meats (that is, naturally occurring trans-fats).
- Pre-packaged food with a nutrition facts table required under Canada's *Food and Drugs Act*, sold or offered directly to the consumer without any alteration to the nutritional contents.
- **IMPORTANT NOTE:** Fines and penalties may be applied if your food contains more than the permissible limit of trans-fat. Be sure to understand the terms and conditions outlined in the regulation and stay informed.

For more information, visit the Facts on Trans Fat section of the [BC Yukon Heart and Stroke Foundation](#).

BC Yukon Heart and Stroke Foundation
200-885 Dunsmuir Street
Vancouver, B.C. V6C 1N5
Ph: (778) 372-8000
Toll-free: 1 (888) 473-4636
Fax: (604) 736-8732
Website: heartandstroke.ca

FOOD PURCHASING

Some smaller businesses shop for their own food at retail locations, and farmer markets. Many municipalities prohibit the use of plastic bags to take your products to your place of business. There is an expectation the customer will bring their own reusable bag to the market or store. This is a good plan for householders, but the interior of these reusable bags can easily become tainted. In order to ensure the products you purchase are untainted, carry your own clean plastic or cloth bag to place each purchase in (keeping each item separate) and ensure the reusable bag has been washed in hot water and bleach between each use. Alternately, buy your own plastic bags to carry the purchases in.

FOOD STORAGE

Proper food storage prevents products from becoming spoiled and/or contaminated. The following is a list of some tips and requirements for proper food storage.

Storage and Display Time

- When new food stock is delivered, rotate the stock; this means that you place the older stock at the front so it will be used before the newer stock. Always use older stock first. Remember the “First-In First-Out (FIFO)” principle.
- Check the items that have been delivered; if anything is stale or spoiled, or if frozen items have started to thaw, refuse to accept delivery of the item.
- Check labels for expiry dates; throw away any food that has passed its expiry date.
- Keep potentially hazardous food – such as meat, shellfish, eggs, dairy and sauces – for short periods only. Purchase fresh more frequently rather than buy in quantities that won't be used immediately.
- Throw away any food you suspect has spoiled or been contaminated; if you have any doubt, throw it out.

Storage Temperatures (As required by the Health Authority)

- Keep potentially hazardous food such as meat, fish, shellfish, eggs, dairy, and vegetables prepared in dressings or sauces below 4 °C (40 °F) or above 60 °C (140 °F) and keep them only in quantities that will be used immediately.
- Keep frozen food below -18 °C (0 °F).
- Use reliable thermometers to check temperatures.

Storage In Refrigerators and Freezers

- Keep a thermometer near the door of the refrigerator and freezer (the warmest part of the appliance) to make sure the food is being maintained at the acceptable temperature or slightly below.
- Make sure employees close the refrigerator and freezer doors; leaving them open, even for a few minutes, raises the temperature and wastes energy.
- Make sure that the cold isn't leaking out. While the refrigerator or freezer is closed, slowly run the palm of your hand along the places that open. Do not actually touch the appliance; keep your hand about 3 centimetres or 3/4 inch from the (closed) opening. If anywhere along the door seal you can feel cool air, the insulation strips may need to be replaced.
- If your appliances are not frost-free, make sure you defrost them often. An appliance with a layer of frost is not efficient and does not keep food cold enough. Frost-free appliances should be cleaned frequently; spills frozen to the surface can raise the temperature to an unacceptable level as well as being unsanitary.
- Refrigerated and frozen food should be stored on shelves that allow air to circulate (e.g. wire or metal open shelves). If the shelves are covered with any substance, the air flow inside the appliance will be impaired causing the food kept on one shelf to freeze while food on another shelf may not be cold enough.
- Don't place cooked food in the fridge where raw food could drip onto it and contaminate the product.
- Have a plan for storage of refrigerated food – a requirement for certain foods to be placed in specified areas. This way the chance of contamination will be reduced.
- Wash fruit and vegetables before refrigerating.
- Do not crowd food into the freezer and refrigerator; air circulation will be impeded and foods could cross contaminate.
- Never store food on the floor of a walk-in cooler or a storage room.
- Do not stack food in open containers; the underside of one may contaminate food in the container below.
- Never refreeze partially thawed food. Vegetables and fruit lose moisture, flavour and colour; meat and fish may grow dangerous and poisonous bacteria and microbes.
- Use frozen food quickly. Freezing extends shelf life, but not indefinitely.
- Keep food covered at all times when not being prepared or served.

- Clear plastic wrapped tightly or clear plastic containers are suitable for food storage. Tempered glass containers that have been sterilized in the dishwasher are an excellent choice of storage containers.

Dry Food and Canned Goods Storage

Store dry food in tightly sealed metal or tempered glass containers to protect from insects, rats and mice. Never store dry food items such as flour, sugar, rice, pasta, etc. in their original container. You are offering a free meal to rodents and insects if these items are not sealed in a pest-proof container.

- The food storage areas must be dry, cool and out of direct sunlight.
- Never store food items in the same area as chemicals and cleaning supplies.
- Never store food where people congregate, such as a staff lunch room.
- Never store food near the place where you keep garbage to be disposed.
- Never store food items in a washroom.
- Inspect canned goods frequently to assure there are no expired items. Discard any expired canned goods or damaged cans.
- Never leave food in the original can after the can has been opened. Always transfer the food to a safe container.



TIP

Clear tempered glass containers with well fitted lids are always the safest choice for food storage.

Some Types of Containers Can Poison Food and Drinks

- Do not keep food or drinks in containers made of copper, tin, brass or cadmium (found in zinc, copper and lead surfaces as well as electroplated surfaces).
- Do not keep food in containers that are galvanized (zinc-coated).
- Do not keep food in containers made of gray enamelware (cadmium or antimony) with a lead glaze.
- Make sure to only buy pottery dishes or storage containers that are high fired and glazed and that have been labeled as suitable for serving and storing food.

WASTE DISPOSAL

In order to successfully obtain a Health Operating Permit, you must ensure that your method of waste disposal is in accordance with both community and environmental standards.

Controlling Garbage

- Use water-tight garbage cans made of non-absorbing material such as heavy plastic or metal.
- Make sure garbage cans have tight-fitting lids.
- Line garbage cans with plastic bags.
- Remove filled garbage cans frequently from washrooms and from any room where food is prepared, stored or served.

Placement of Garbage Cans

- Place garbage cans on a cement slab that is suitably secured to keep scavengers out.
- Be aware of the local pests. In most urban areas, raccoons, crows, rats and seagulls are the major problems. Bears and cougars are a growing concern in some urban and rural areas. Mice and skunks are also looking for easy access snacks. Make sure your garbage bins cannot be opened or tipped by any of these animals.
- Place garbage in a separate room, preferably one with ventilation, washable walls, a sloping concrete floor, a floor drain and a hose for frequent washing. In BC, keeping garbage in a room is good insurance against having to clean up after animals when and if they get into your garbage.



TIP

If you dispose of recyclables or garbage in a dumpster, make sure it is closed and locked at all times you aren't using it. Open dumpsters attract animals and other people's refuse. An open dumpster is also unsafe as people may reach or climb into it looking for food or refundable items, or a warm place to sleep. People have been killed or seriously injured doing this. Don't leave the hazard open.

Remove All Garbage at Least Twice a Week

- Wash garbage cans after emptying them.
- Keep the back of your business as clean as the front; customers don't want to see garbage containers that are spilling over and looking messy around the back. You may be surprised how many potential customers look at the back door before they walk in the front door.
- If you allow staff to smoke, require them to place cigarette butts in a container placed for that purpose; prevent them from throwing cigarette butts on the ground and making an unsightly mess of an area.



TIP

It is legal and acceptable to prohibit employees from smoking while on shift; employees are not entitled to receive smoke breaks. Inform all staff that if they must smoke, they are not to smoke nearby the entrance or exit to the building, where they can easily be seen by customers, where the smoke may drift inside, or where their cigarette butts may potentially lead to an unsightly mess.

If there are no garbage collection services available in your area, contact the Environmental Health Officer for advice about garbage disposal.



TIP

Bears and cougars are becoming bolder and more dangerous. Keep your garbage inside in a separate room whenever possible so as not to attract these predators. In some areas employees should be instructed to exercise caution if predators have been seen in the area. The garbage area should be brightly lit so predators will be easily seen. Keeping animals away from your trash is kinder to the animals. If a bear or cougar becomes reliant on trash for food they become acclimated to people. This could lead to them being shot by Conservation officers.



TIP

Several places in BC now require all compostable waste be separated. It is collected separately and composted to soil. This trend will spread, so you are encouraged to consider better ways of utilizing your organic waste before you are required to do so. It is always better to be ahead of the pack!

Plumbing & Sewage Disposal

- Plumbing, drains and sewers must be connected according to local plumbing regulations or bylaws.
- Rural sewage disposal, such as septic tanks must be at least 30 metres (100 feet) away from wells, lakes, rivers and/or streams
- You must have an approved grease trap installed in every kitchen drain.

Janitorial Facilities

- You must allow adequate space to store cleaners and cleaning equipment in addition to having a utility sink for filling and emptying pails, cleaning mops, etc. Do not use the same sink that is used for washing dishes. Keep cleaning supplies as far from food preparation and food storage as possible. NEVER pour toxic chemicals down the drain.

WASHROOMS

In most areas, you are required to provide separate washrooms for your employees and your customers. One washroom may be shared by male, female and non-binary patrons if your restaurant is small. There are a number of factors that affect these requirements: local bylaws and Building Code (contact City Hall), the number of seats in the restaurant, or whether the building has a heritage designation (and therefore can't be altered significantly). The Building Inspector is your best advisor. They can tell you exactly what you will be required to provide in the way of washrooms.

Washrooms must be accessible for people with disabilities. The accessible washroom does not have to be a separate washroom, but the facility must be large enough that a person using a standard wheelchair can enter and exit easily. The wash basin and towels must also adequately accommodate people with disabilities, placed low enough that they can be reached by a person sitting in a wheelchair.

In heritage buildings that can't be altered, the requirement to provide an accessible washroom may be modified.

Customers cannot be required to pass through the kitchen to get to the washrooms.

KEEPING WASHROOMS CLEAN AND MAINTAINED

It is very important that you maintain the state of your washrooms – not only does this prevent the spread of bacteria and viruses by maintaining functional sinks, adequate soap and clean towels to wash and dry hands, but it also provides the guest with a better overall dining experience.

The condition of the washroom is an indicator of the cleanliness of the bar or restaurant. Here is a list that outlines what you should be aware of when considering the standards of your washrooms:

- Check washrooms frequently throughout the day and post a schedule of washroom inspections to make sure this is done.
- Wash and sanitize washrooms, sinks and toilets at least daily (more frequently during COVID-19).
- Staff who serve or prepare food should not clean washrooms; it is unsanitary.
- Keep plumbing in good operating condition.
- Provide toilet paper, disposable hand towels or warm-air hand dryers and soap; when the regular checks of the washroom are done, check these supplies and replace what is needed.
- The water for hand washing in food service places must be hot.
- Never use washrooms to store equipment or supplies such as wet mops or cleaners.
- Never store canned or dried food in washrooms.



TIP

Be thoughtful – no one wants to put their coat, handbag or briefcase on a washroom floor; consider providing guests with a hook to hang personal items.

The number of public washrooms required by a food service operation is regulated by the BC Building Code. Contact your local Building Department for the number required for your operation. Local building authorities can also provide advice as to whether your public washrooms must be accessible to persons with disabilities.

WorkSafeBC will be able to tell you how many staff washrooms will be required in your restaurant. Contact WorkSafeBC at toll-free 1 (888) 621-7233 should you require this information.



TIP

Have signs in staff washrooms reminding food workers to wash their hands after using the toilet or urinal.



TIP

Make your public washrooms clean and attractive. Nothing says “I don’t care” like a grungy washroom. A clean and attractively decorated washroom facility, well stocked with toilet paper, soap and towels, impresses your customers.

BC INFORMED DINING PROGRAM

Many people are watching what they eat for nutrition, calories and sodium content.

BC’s Informed Dining program is there to help these guests make informed decisions.

Informed Dining is a voluntary nutritional information program for restaurants in British Columbia. Participating restaurants display the Informed Dining logo. This means the restaurant is committed to provide calorie and nutrient information for menu items. You may provide this information on your guest’s request or have it written on the menu. The information must highlight calories and sodium content.

The Informed Dining Program was created by the BC Ministry of Health in partnership with the Heart and Stroke Foundation of Canada (BC & Yukon). It is endorsed by the Canadian Restaurant Association, the BC Restaurant and Foodservices Association and the Heart and Stroke Foundation of Canada.

This program is popular with consumers. Over 400 restaurants currently participate in the Informed Dining Program across BC.

Why calories and sodium?

These are the two main issues that concern our guests. We need both calories and sodium, but many foods provide more than some people are comfortable with or than is healthy for them.

How do I figure out nutritional information?

The Ministry of Health and the Heart and Stroke Foundation will lead you to calculation methods to help you accurately determine the nutritional value of your menu items.

If you are interested in participating in this program, please contact the BCRFA at (604) 669-2239 or your local Health Authority.



TIP

Voluntary programs can eventually become required programs. As nutritional information is important to many people, it is not too big a stretch to believe that nutritional labelling could become a requirement in the future. Be one jump ahead and consider participating voluntarily now. If the law requires this sometime down the road, you will be ahead of your competition. As well, you will make your guests happy now.

KITCHEN CLEANLINESS

Keeping the kitchen clean will help you to meet several obligations. A clean and neat kitchen is less likely to attract pests and helps to establish a standard of cleanliness that carries over to the food preparation process. A clean and tidy kitchen also has fewer safety hazards.

Here are some ways to keep the kitchen clean, safe and pest-free:

Cleaning Routines and Standards

- Maintain a routine for cleaning all areas including inside the refrigerator, freezer and other appliances.
- Sweep floors at least once a day, and more frequently if you can.
- Mop floors whenever any food or liquid is spilled on the floor and also at the end of the day; always use a disinfecting floor cleaner.
- Clean and sanitize shelves and walls regularly.
- Have a routine that has one area thoroughly cleaned every day. Post a cleaning schedule to ensure that every area of the kitchen is cleaned thoroughly at least once a month. Make sure the work is done.
- Clean all surfaces, racks and trays at least once a week.
- Keep all furniture, equipment and appliances clean and in good repair.

Storing Cleaning Supplies

- Always store in a cupboard or closet away from food.
- Never use old food containers to store cleaners. Never ever use cleaner containers to store food
- Always keep cleaners in clearly marked, preferably original containers.

Avoiding Sanitation Problems In Food Areas

- Keep the area uncluttered. Never have anything stored in the kitchen not needed by the kitchen. Old tables and chairs or seasonal furniture stacked up in the kitchen is not acceptable. Rent a storage locker or use other off-site storage.
- Check food preparation surfaces regularly to make sure they have no breaks, corrosion, open seams, cracks or chips. If they do, repair or replace them.
- Do not use cardboard cartons to store anything, especially food. They absorb moisture, get wet and attract bugs. The common habit of storing vegetables in the delivery carton is unacceptable and can attract the attention of the Health Officer.

Deterring Insects, Mice and Rats

- Store dry bulk food – such as sugar and flour – in metal or glass containers that are tightly covered and keep them covered when not actively in use.
- Cardboard cases, cartons and newspapers attract pests. Mice use these materials as building supplies – be sure to clear these daily so they do not pile up.
- Clean behind and under equipment, sinks and counters.
- Check frequently for signs of pests – both outside and inside. Use a flashlight to check in dark corners and crevices and beneath equipment, or have a professional pest control company do the job for you.
- Store and dispose of garbage properly. This manual's section about Waste Disposal provides you with additional information on proper procedures.
- Seal off any small holes and crevices around the foundation and near drains and pipes. Fine steel wool stuffed tightly around pipes and drains is a deterrent for rats and mice.
- Use tight fitting screens on open windows.
- Use tight fitting doors with bottom edges made of metal.
- Use tight fitting screen doors that close automatically to cover doorways that are left open.
- Place screens over ventilation ducts and floor drains.
- Use fans to help keep flies out.
- Put metal guards on pipes and wires attached to the outside of the building to prevent rodents from climbing up.
- Keep the outside area free of weeds, rubbish and old equipment.
- Examine new deliveries for evidence of pests.
- Use fly attractors and rodent traps where there are occasional signs of pests.



- Do not use flypaper directly over food preparation or eating areas, as glue and flies may drip.
- Use only approved pesticide applicators. If you plan to do it yourself, get advice from the licensed pesticide person at the hardware, garden or building supply store. These people know a great deal about the best products for certain pests. They will tell you how to apply the product safely and effectively.
- Hire a licensed pest control operator if signs of pests persist.

TIPS

A clean and organized kitchen enables employees to work safely and efficiently. It pays off in less waste, happier and more productive employees, and good health inspection results. Cleaning is an important component of your business – don't cut corners!

DISHWASHING

Clean dishes, utensils and pots are vital to food safety. Shiny clean dishes, glasses and cutlery are good for business – it tells your customers you care about details and that your kitchen is clean.

Here are ways to make sure your dishes are clean and the food preparation equipment meets FOODSAFE standards of cleanliness:

Pre-Soaking and Stacking

- Never stack dirty dishes in view of customers. Dirty dishes should be taken to the dish washing area immediately when they are cleared away.
- Scrape food and waste off plates before soaking or rinsing them. The scrapings should be taken to the garbage or composting facility immediately.
- Pre-soak pots and pans in hot, soapy water for at least 10 minutes.
- Pre-soak cutlery in hot water or a commercial soaking chemical for 10 to 15 minutes.
- Before washing, rinse dishes, cutlery, pots and pans with a hose or spray to remove stuck on waste.

Hand Washing

- Use a three-compartment sink if washing dishes by hand.
- Use clean brushes and cloths; the cloths and brushes should be reserved for dish washing purposes only. Use clean brushes and cloths each time a sink full of dishes is to be washed. These items can either be discarded or washed in a washing machine set on 'hot' if they are to be used again.
- Change the water in the sinks as soon as it starts to become dirty, greasy or starts to cool.
- Wash in the first sink in detergent and clean, hot water – at least 44 °C (110 °F).
- Use brushes for glasses.
- Rinse in the second sink in hot water – at least 44 °C (110 °F).
- Sanitize in the third sink in a sanitizing solution.

Machine Washing

- Make sure the operator understands the dish washing machine's use and maintenance.
- Group dishes by shape and size.
- Place dishes so that water can reach all parts of each one.
- Place cups, bowls and glasses with their bottoms up.
- Put cutlery in special containers and mix to prevent one piece nesting inside another.
- Use detergent and hot water – at least 60 °C (140 °F).
- Sanitize in rinse water – at least 83 °C (180 °F) – or use a low-temperature chemical sanitizer.
- Check to see that the machine maintains the recommended time cycle for each stage.
- Check temperatures regularly.
- Empty scrap trays and clean wash sprays before using the machine.
- Use a separate glass-washing machine, if required.
- Wash glasses in detergent and hot water.
- Rinse in cold water.
- Sanitize.
- Air dry and cool dishes on a clean, non-absorbent surface. Never towel dry.
- Store carefully. Don't stack dishes in uneven piles or haphazardly.
- Always wash hands before touching clean dishes.
- Handle plates and bowls on the outside, not the eating surface. Pick up glasses by the base or stem and pick up cups, cutlery, pots and pans by the handles.

- Have the machine regularly maintained by a qualified appliance technician.

Sanitizers

- Chlorine (household bleach) makes an excellent sanitizer.
- Use 100 ppm (minimum) or 1/2 ounce per gallon (1 teaspoon per litre) for washing by hand, or 50 ppm (minimum) or 1/4 ounce per gallon for washing in commercial dishwashers or glass washing; commercial sanitizers are available at restaurant supply outlets.

Storing Dishes and Utensils

- Store all dishes and utensils (including single-use items) well above the floor on clean shelves in clean cupboards away from dust, garbage, food and water.
- Store glasses and cups upside down.
- Store cutlery and utensils in clean containers; always store cutlery with handles up.

Maintaining the Dishwasher

- Clean wash ports and rinse jets regularly to avoid clogging.
- Scrub the inside thoroughly each day.
- Leave the door open to air the machine when it is not in use.
- Check operating temperatures and/or sanitizing levels frequently.

Maintaining the Glass Washer

- Clean and rinse the tank.
- Remove racks and plugs. Scrub with a brush and detergent and air dry before replacing.
- Leave the door open to air the machine when it is not in use.
- Check operating temperatures and/or sanitizing levels frequently.

**TIP**

Instruct servers or bussers to inspect and polish dishes and utensils. Using a clean, dry cloth that leaves no lint, have staff polish dishes and cutlery before they are placed on tables. Instruct kitchen staff to examine plates before placing food on it. This ensures that no customer is ever confronted with a particle of food left behind by the dishwasher.



11

INSPECTORS TO EXPECT

The food and liquor servicing industries are among the most regulated sectors in the province of British Columbia. As you operate within a community – serving food and liquor, employing individuals, inviting the public onto your property, and sometimes providing entertainment – you must expect a number of individuals to come by the restaurant, bar or craft brewery at any time to inspect your establishment, ensuring that you are operating within the parameters established by the government. You are required to provide the necessary licences, permits, documents and records to substantiate that you have met all your obligations to own and operate your business.

You must have an initial inspection to obtain your [Health Operating Permit](#). You can expect routine inspections at least twice a year or more after you open. You will receive much more frequent inspections if there are any problems or issues that must be addressed.

The following section includes an overview of the permits you will need to successfully manage your restaurant and the inspectors you can expect to visit your establishment.

MUSIC LICENSING

Chances are you will want music playing in your restaurant. You may want to play your favourite music or you may pay someone to create a music program for you that reflects the atmosphere you want to create.

In these circumstances, you are broadcasting copyright-protected material and must pay licence fees for using the music in your business.

When you purchase music by downloading it, or purchase a record or CD, you are only entitled to play it for your personal enjoyment. You are not permitted to use it in your business unless you pay licensing fees.

Should you wish to use music, Canada's copyright laws require that you pay for such use. Fortunately, this has been made easy and inexpensive. The Federal Government of Canada – having authority over copyright-protected material – has given the administration of collecting royalties to two agencies:

1. the Society of Composers, Authors and Music Publishers of Canada ([SOCAN](#)). SOCAN ensures music publishers and composers receive royalties.
2. [Re:Sound](#). Re:Sound ensures performers receive their royalties.

The two agencies joined forces and now you are able to obtain a licence to play music for your bar or restaurant by contacting [Entandem](#), a joint venture of the two

agencies, to make it easier for businesses playing music to get their licence.

Entandem issues an annual licence that allows you to play music in your restaurant. The licence fee depends on the manner in which the music is used. Buying your licence serves to ensure that composers, music publishers and performers receive the royalties they are entitled to.

It is illegal to play music without a licence. Failure to have a licence can lead to a business being taken to court and required to pay substantial legal penalties as well as costs being imposed under the *Canadian Copyright Act*.

The fees are modest. Get your licence and support the music industry.

Go to [entandemlicensing.com](#) to learn more and register for your licence.

If you employ musicians to play live music, it is your responsibility to have a licence. The musicians themselves do not need a licence to play the music in your restaurant.

You do not have to pay for a music licence under the following circumstances:

- If you only have an un-amplified (i.e. no additional speakers attached) radio playing – the radio station has already paid the royalties fee and received the licence.
- If you use a professional 'piped-in' music provider – most of these music providers will have paid the royalties fees and are licensed to provide you the music. If the provider has already done so, then you are covered by their licence fees.
- If you only play music 'in the public domain' (meaning the composer or songwriter has been deceased for 50 years or more) you may not need a licence; however, to be sure, you should contact Entandem to confirm.



TIP

some restaurants play movies for the entertainment of customers. In order to do so, you must first contact the distribution company and pay the fee they require to give you the right to show the film. Don't consider bringing a DVD from home to play without obtaining the permission of the distribution company – they will find out and they will expect to receive their money owed. Purchasing a DVD for home viewing does not give you the right to play it in your business. As well, a Food Primary liquor licence prohibits you showing any adult, restricted or unclassified films. Any film you play must be suitable for all ages.

INSPECTORS TO EXPECT

Most inspectors will respect your busy times and peak hours of operation without stopping by unannounced; however, some inspectors may come by anonymously to observe your practices.

Here is a list of the inspectors you can expect to see on a regular or occasional basis.

1. **Building inspector:** The building inspector will come by to make sure you have proper building permits in place when you are renovating and to ensure the work is being done as permitted. The building inspector will also come by if someone reports that work is being done to the building. They will also want to look at air ventilation.
2. **Fire marshal:** The fire marshal will visit your establishment to check for fire hazards such as blocked exits, burned out exit lights and combustible material not stored safely. The fire marshal also will want to ensure you do not exceed your maximum occupancy.
3. **Health inspector:** The health inspector will come by regularly to ensure that food storage and handling requirements and cleanliness standards are being met (see details below).
4. **Liquor inspector:** The liquor inspector will visit your establishment to ensure that you are meeting all the requirements of your liquor licence. They will want to look at your liquor purchase records and your liquor sales, while also looking at your liquor supplies to ensure it has all come from authorized sources. They may also ask to see food sales records to ensure you are in compliance with your food primary licence and primarily serving food. Liquor inspectors may not announce their presence if they are investigating underage service or over service.
5. **Canada Revenue Agency:** The Canada Revenue Agency will come to inspect employee records to ensure income tax is being deducted and remitted correctly. If you pay yourself wages from your business, they will want to make certain you are paying proper taxes.
6. **Sales Tax:** PST and GST inspectors will come by to verify you are remitting taxes on your net sales.
7. **Employment Standards Branch:** Employment Standards Branch will probably require you to come to see them and bring along all your employee

records. They will usually only want to see you if a complaint has been made, but they also reserve the right to come by and require you to produce all employee records.

8. **Labour Relations Board:** An industrial relations officer from the Labour Relations Board will only visit you if there has been an application to certify or decertify a union at your business.
9. **WorkSafeBC:** This individual will come by regularly to look for any safety hazards at your workplace. This may happen at irregular intervals but will happen more frequently if there are accidents at your restaurant.
10. **SOCAN:** If you don't have a licence and do play recorded or live music, you can expect a visit from SOCAN.
11. **Police:** The police will come by if there is a disturbance at your establishment. If the disturbance is liquor related, they will report it to Liquor and Cannabis Regulation Branch. Restaurant Watch is a restaurant/police initiative designed to identify gang members when they patronize restaurants. This is an excellent program to cooperate with.

You are entitled to ask for and expect inspectors to produce proper identification.

You are also entitled to ask an inspector to return at another time if they have arrived when it is not convenient; however, if you have been ignoring attempts to contact you, you may find they will not be accommodating. If they are there because of an emergency (police) or due to a serious accident (WorkSafeBC), your convenience will not be considered.

You are entitled to be treated with respect and courtesy. You should treat the inspectors with respect and courtesy as well. They do their job to ensure the safety of the public and your employees. Being abusive or rude will not make the problem or issue that brought them to your door disappear; it may in fact make matters worse.

Developing a good working relationship with these inspectors will pay off – they want your business to do well and operate within the law. If you develop a good relationship you will find they are willing to help you with advice and to take extra time to answer your questions.

You should not offer meals or liquor or anything of value to an inspector– they are not allowed to accept anything more than a coffee or a glass of water or soda.

HEALTH INSPECTIONS

Health inspectors work through your local Health Authority. You will contact the regional Health Authority to apply for a [Health Operating Permit](#) and to arrange for your first inspection.

It is wise to build a cooperative working relationship with the inspectors.

The health inspector is one of your most valuable resources. You and the inspector have the same goal – happy customers who don't get ill after eating in your restaurant. Having a good relationship with the inspector is good for your business. Give them your full cooperation when they are conducting any inspection. The advice and information given to you will contribute to the success of your restaurant.

The inspector will do all or any of these:

- Review the construction materials used in the kitchen
- Inspect food storage
- Examine cleanliness of the food preparation areas and the restaurant
- Check refrigeration temperatures
- Check water temperature to ensure it's hot enough to sanitize dishes
- Take samples of food and beverages away for analysis
- Ensure there is no pest contamination (rats, mice, roaches or flies, for example)
- Ensure cleaning materials are stored apart from food
- Examine food to determine it is from a safe and authorized source
- Check there is no food that has passed expiry date
- Make sure employees have valid FOODSAFE certification
- Ensure staff are wearing clean clothes, have good personal hygiene and have covered their hair to ensure hair doesn't contaminate food
- Ensure employees are washing their hands frequently
- Check to make sure all the appropriate health warnings are posted
- Any other inspection they consider necessary to ensure food is being handled, stored, prepared and served safely.

STAFF WITH ILLNESS

If any worker who handles food has a communicable disease, the inspector must tell you to remove that worker from the food handling area. Workers who have diarrhea, who have been vomiting, have jaundice or open sores or have flu like symptoms, may have a disease that can be transmitted through handling food or contact. This is especially important during the COVID-19 pandemic. If you have any concerns, contact your local Health Authority and remove the worker from the food handling area until the Health Authority has told you they can return to the work. Many diseases can be prevented by immunization. Your local Health Authority can tell you about vaccines available that are recommended for people who handle food. You may be entitled to insist employees have been vaccinated against some of the more serious food handling spread diseases like Hepatitis. Discuss this with the Health Authority.

After an inspection has been completed, you will receive a report advising you of any deficiencies that must be corrected. These are not suggestions. You must address the deficiencies or face closure in the future. If the deficiency is serious enough (pest infestation, food a potential health hazard, etc.) you may be ordered to close immediately.

If you are told to close your restaurant by the inspector, you must do so immediately. There is no grace period for serious health hazards. You cannot reopen until you have been re-inspected and told you may reopen. Your restaurant's name and the reason you have been closed is published on the local Health Authority's website. From time to time, names of restaurants that have been closed by an inspector will be published in the local paper or discussed on the news.

Check out who has been closed and why by going to your local Health Authority's web site. Don't let your name get posted there!

Vancouver Coastal Health Authority – vch.ca
 Vancouver Island Health Authority – islandhealth.ca
 Northern Health Authority – northernhealth.ca
 Interior Health Authority – interiorhealth.ca
 Fraser Health Authority – fraserhealth.ca



TIPS

The name of your Food Services Permit and the process of applying for it may differ very slightly from region to region. For information, go to your local Health Authority website.



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**PERMITS AND
LICENCES AT A GLANCE**

STRUCTURAL PERMITS

Before you decide to make any changes to your structure or renovate in any way, it is important you obtain the necessary permits. These permits are issued for the time that the construction or renovation is underway:

- Building Permit
- Gas Permit
- Electrical Permit

ANNUAL LICENCES AND PERMITS

You cannot operate your restaurant without the following permits and licences. These permits must be renewed annually before the expiry date:

- Business Licence from City Hall
- Liquor Licence
- Licence to Play Music (SOCAN and Re:Sound)
- WorkSafeBC Premiums (these must be up to date on the anniversary of your coverage start date)
- Patio Permit from City Hall (this entails everything from a few chairs and a table to a full service patio)

It is important to note that renewal is NOT automatic. You must apply and pay the required fee or premium annually. A licence may be denied if you have breached any terms or conditions of the licence. WorkSafeBC coverage will not be denied, but coverage may become increasingly expensive if there are preventable accidents and safety hazards that are not remediated.

PERMANENT PERMITS

Some permits are yours as long as you operate the business unchanged from its existing form.

Health Operating Permit

This is the permit you must receive from the Health Inspector before you can open your restaurant. As long as you comply with all the requirements of this permit, it is yours as long as you own and operate the bar, pub, restaurant or tasting room. The permit can be taken away or suspended if you are found not to be complying with all the Health requirements.

Occupancy Permit

This permit states how many people can be on the premises at any one time. As long as the building is unchanged from the original design. If the building is renovated or changed in any way, a new occupancy permit must be applied for.

Sign and Awning Permits

In order to have signs and awnings you must have a permit from City Hall. This is yours as long as the signs and awning remain basically the same as the original – you may repair and repaint your signs and awning without having to obtain new permits.

It's important to note that your Business Licence and Liquor Licence must be renewed annually. It's wise to start this process well before these licences are due to expire.



EMPLOYEE CERTIFICATION REQUIREMENTS

- FOODSAFE Certification (must be held by all employees who handle food)
- Serving It Right Certification (must be held by all employees who handle liquor)

These certifications belong to the employee. There may be calls to upgrade these certifications from time to time. The issuing agencies will make it known to the certificate holders if they are required to take a new certificate course.

OCCUPANCY/OCCUPANT LOAD PERMIT

You will not be allowed to open your doors for business until you have received an Occupant Load Permit from either the fire department or City Hall (ask your local City Hall – they will tell you where to apply to obtain your permit).

Generally, the fire department or city bylaws will establish the maximum number of people a public building can accommodate, the location and number of fire exits, fire alarm pulls, and exit signs, required amount of emergency lighting and fire alarm panels.

There will be a fee for applying for your Occupancy Load Permit. At this time in the City of Vancouver, for example, it is \$300. This may vary in other cities and districts.

In order to apply you will have to submit drawings showing seating and layout of the room in question. If the room is on an upper floor, additional drawings must be submitted that show where the fire escapes from the room discharge.

There may be an exemption for small operations. You should know exactly how many people you hope to have in your restaurant at any time (be sure to include yourself and your employees in the head count). If you only plan to have a few staff and minimal seating, you may not need an Occupancy Load Permit. However, ASSUME NOTHING. Always ask.

As you are building or renovating your space, keep in mind you will likely have to obtain the Occupancy Load Permit and factor this into your design plans.

When you obtain the permit, it must be displayed prominently in your restaurant. You will be inspected

regularly to ensure you haven't exceeded the limit. If you exceed the limit, your permit may be revoked.

KITCHEN PERMIT

Your kitchen design must be approved by both the building department and the health inspector.

Before you apply for a permit to build or renovate a commercial kitchen, plan your menu. The type of food and the size of the menu will help the Health Authority decide if the design is suitable for the type of food service you have planned. Be sure to attach your menu to your applications for permits.

Here is a sample of details to keep in mind when designing a kitchen and preparing a diagram of your proposed layout. Be sure to include the style, brand and model of the appliances you will be using and the surfaces you have or will install.

Overall Design

- Have a good flow pattern for handling food – from receiving supplies through to serving and dispensing food.
- Plan to keep dirty dishes and raw food separate from clean dishes and cooked or ready-to-eat food.
 - No customer foot traffic must come through the kitchen.
- Meats and fish should not be prepared on the same surface as produce.
- There must be a separate storage area for cleaning supplies and chemicals.
- Have adequate storage, holding and refrigeration space to handle expected volumes of food.
- Living quarters must be completely separate from rooms where food is prepared, stored or served.
- The surfaces food contacts should be non-porous and easy to sterilize.

Lighting

- Lighting must be bright; the required intensity is 50 foot-candles where food is prepared, stored and processed. The person installing your lighting can measure the light. Any good lighting store or restaurant supply store will show you lighting systems that will be bright enough.
- Provide a minimum lighting intensity of 30 foot-candles in all other areas.

Ventilation

There must be sufficient ventilation to prevent a build-up of odours, smoke and condensation. Ventilation must vent odours away from neighbouring businesses and homes and must be installed according to the BC Building Code. The health inspector may require:

- Equipment to provide eight complete changes of air per hour where food and drink is prepared or utensils are washed.
- Four complete changes of air per hour in all other rooms.
- Forced-discharge exhaust systems (of metal or other approved material) installed over stoves, grills, fryers, dishwashers or other sources of smoke, fumes, odours or steam (plus a system to replace air being exhausted).
- Special installations to prevent nuisances to adjoining premises.
- Venting that is higher than any adjoining roof level.

Equipment

- On your plan be sure to show the location, size, type and finish of major equipment.
- Equipment that is easily cleaned and sanitized should be selected. The best choices are equipment with removable parts for easy cleaning and inspection.
- Choose equipment made of materials that are smooth, non-absorbent and non-corrosive and can withstand high temperatures or sanitizers.

Dishwashing

- Plan to have a two-compartment sink large enough to wash and rinse the biggest pots and utensils.
- Provide a suitably sized drain board.
- You must have a commercial dishwasher if your seating capacity exceeds fifty (50).
- Provide a three-compartment sink plus a suitably sized drain board if washing dishes manually.

Janitorial Facilities

- Show the janitorial storage space and janitorial sink. Make sure you have allowed adequate space to store cleaners and cleaning equipment.
- There must be a utility sink for filling and emptying pails, cleaning mops, etc. that is apart from sinks used for food preparation.

Sanitation Facilities

- Show public and staff washroom facilities, staff dressing rooms and additional hand washing sinks on your diagram.
- You must provide hand washing sinks in the food preparation area; these sinks must have hot and cold running water, soap dispensers and warm-air hand dryers or disposable towels.
- Plan the sinks where it will be convenient for staff to wash their hands frequently.
- Washrooms must have self-closing, tight-fitting doors that do not open directly into any room where food is served, handled, prepared or stored.
- Washrooms must vent directly to the outside.
- Provide at least one sink for every two toilets or urinals.
- Public washrooms must be located so that patrons do not pass-through food preparation or storage areas.

The number of public washrooms required by a food service operation is regulated by the BC Building Code. Contact your local building department for the number required for your operation. Local building authorities can also provide advice as to whether your public washrooms must be accessible to persons with disabilities.

WorkSafeBC will be able to tell you how many staff washrooms will be required in your restaurant. Contact WorkSafeBC toll-free at 1 (888) 621-7233 should you require this information.



TIP

Have signs in staff washrooms reminding food workers to wash their hands after using the toilet or urinal.





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**PARTNER PROGRAMS
AND BENEFITS**

The hospitality industry in the province of British Columbia offers a wealth of programs that range from public safety initiatives to cost saving resources, energy reduction programs, advocacy efforts, and foundations to support members of the hospitality industry. The following section touches on a few important partner programs, initiatives and associations that can assist you, your business, and your employees.

BC HYDRO

Business energy-saving incentives. Get funding for energy-efficient equipment upgrades.

Upgrade energy equipment and BC Hydro may provide funding to cover about 25% of the upfront costs (on average) through energy-saving incentives.

Not only do these incentives shorten the payback period of your upfront investment, but they also make the decision to upgrade easy, helping you to reduce consumption, save on energy costs, and increase your bottom line. These incentives could help save over \$2,800 per year on your bill. For more information, go to bchydro.com/powersmart/business/programs.html%20.

THE BC RESTAURANT AND FOODSERVICES ASSOCIATION

Established in 1977, the BC Restaurant and Foodservices Association (BCRFA) is the foremost advocate and resource for the industry, devoted to creating the most favourable business environment for restaurant and foodservice providers throughout the province.

With over 40 years of leadership, the BCRFA continues to promote the long term dynamic growth of the industry within BC, and part of that mandate is to ensure that members have a business success rate that exceeds the industry average.

To achieve these results, the BCRFA recognizes and understands the many challenges of operating a successful restaurant and supports this objective by providing members with several opportunities and benefits that will provide them with a competitive advantage, including: cost savings, business knowledge, marketing opportunities, and government advocacy.

COST SAVINGS

- **Credit Card Rates:** Exclusive rates from Chase Paymentech. They offer free analysis of your current rates, 24 hour customer service and pay at the table technology.
- **Employee Benefits:** Customize your employee benefits to what you need. Any size company is eligible for savings with Morneau Shepell.
- **Business Insurance:** BCRFA members receive discounted rates on business insurance through AC&D.
- **Payroll:** Payworks Solutions provides comprehensive, innovative and integrated web-based Payroll, HR, and Employee Time Management solutions to businesses across Canada. BCRFA members receive loyalty pricing on easy-to-use and flexible payroll solutions.
- **Office Supplies:** A massive 45% discount on all office supplies with free delivery and no minimum order from Mills Basics.
- **Natural Gas:** Receive a 2.5 cents/litre discount on gas off your bill at the end of the month.

BUSINESS KNOWLEDGE

- **This Hospitality Regulations Manual:** Everything you need to know about owning a restaurant, or a bar and more. Free for BCRFA members.
- **HR Advice:** Receive advice and support from the BCRFA's HR specialist Gillian MacGregor (author of this manual). With over 40 years' experience, Gillian MacGregor is an invaluable resource. She can help you understand government regulations affecting your business and help you out with human resource management issues. Contact Gillian at gmacgregor@bcrfa.com or by phone at (604) 505-2374.
- **BC Restaurant News (BCRN):** Members receive our online edition of the BCRN, consisting of valuable information that covers everything from kitchen design to online marketing, popular food trends.

MARKETING

- **Restaurant Directory:** Exclusive listing in the BCRFA restaurant and foodservices directory.
- **Social Media:** With over 9,000 followers on Twitter (@BCRFA) and more than 2,700 followers on Facebook (@BCRFA), we can offer your business a well-developed platform for promotions, special offers, advertising and exposure.

MEMBERS ONLY EVENTS

- **Wine and Dine (Thompson/Okanagan):** Exceptional value brings hundreds of consumers every year to those restaurants that participate.
- **Taste of Kelowna:** Get front and centre with 4,000 consumers.
- **Dine Around & Stay in Town (Victoria):** A fantastic way to reach Vancouver Island diners
- **Networking Events**
- **BC Restaurant Hall of Fame:** Come celebrate with us as we recognize outstanding individuals from the restaurant industry. Priority tickets given to members.
- **Kelowna Golf Tournament:** Support a good cause and mingle with your fellow restaurateurs at our Annual Kelowna Golf Tournament.

ADVOCACY

Government Relations: Business owners need a strong voice to ensure their interests are represented at all levels of government. We have a reputable relationship with the government and work hard to represent our restaurant and supplier members in all government relations. The BCRFA has risen to the challenges the hospitality industry faced during the COVID-19 pandemic. It is largely due to the cooperative relationship between the government and the BCRFA that restaurants in BC were given a path to remain open during the pandemic, allowed to serve alcoholic drinks with takeout and delivery meals and have received wholesale pricing at the BC Liquor Distribution Branch. Membership in the BCRFA supports these and other important lobbying efforts.

Contact the BCRFA at (604) 669-2239 or go to bcrfa.com.



BC HOSPITALITY FOUNDATION

The BC Hospitality Foundation (BCHF) was established in 2006 to help individuals in the restaurant and hospitality community, providing support and assistance to those who are coping with extraordinary costs arising from a serious health crisis. The Foundation also awards scholarships and bursaries to students enrolled in hospitality programmes.

The BCHF continues to raise funds that act as a safety net for individuals within the industry by hosting and organizing fundraising events and activities. The Foundation is also working to create awareness campaigns and province-wide involvement to support members of this valuable community.

For more information, please visit bchospitalityfoundation.com.

ABLE BC

The BC Alliance of Beverage Licensees (ABLE BC) is the leading voice of British Columbia's private liquor and cannabis retail industries. The membership includes pubs, bars, nightclubs, private liquor stores, hotel liquor licences, and various agents, industry suppliers, and benefit providers.

Following the federal legalization of recreational cannabis in October 2018, membership also includes licensed non-medical cannabis private retail stores in British Columbia.

On behalf of over 1,000 members, ABLE BC advocates for thriving and sustainable private liquor and cannabis industries. For more information, please visit ablebc.ca.

MEMBER BENEFITS

The Western Financial Group Hospitality Insurance Program provides commercial insurance solutions for ABLE members, and the Western Financial Group Employee Benefits program provides group employee benefit plans to the industry.

BREWERS DISTRIBUTOR LIMITED

Beer Bottle Return Program – you agree to accept up to 10 dozen beer containers that customers return to your location at a single time and the business owner receives commissions.

FOODBUY

Keep your distribution agreements with GFS or Sysco. Keep your vendors and existing rebates. Let Foodbuy fill any rebate gaps. Receive monthly itemized rebate cheques and reports.

STING INVESTIGATIONS

[Sting Investigations](#) specializes in hotel & bar investigations, video surveillance, alcohol compliance checks, mystery shopping, fingerprinting, and consulting services. stinginvestigations.ca

BC ALE TRAIL

The BC Ale Trail is an annual marketing campaign showcasing British Columbia as a global destination for tourists and craft beer enthusiasts. With investment from ABLE BC, the BC Ale Trail platform is diversifying to include curated listings for 75 private liquor stores. This campaign is BC Craft Beer's biggest tourism marketing campaign. Spots are limited! To sign-up for the BC Ale Trail please contact: Ken Beattie (Executive Director, BC Craft Brewers Guild) at (604) 306-1500 or ken@bccraftbeer.com.

VI BANKING ATM SECURED SOLUTIONS

An exclusive ATM agreement is no-risk, allows members to keep 100% of the surcharge and determine the surcharge amount. Complimentary maintenance and upgrades. www.vibanking.ca

WINES OF BC EXPLORER

The Wines of BC Explorer App takes the guesswork out of buying wine. The app matches an individual's personal taste preferences to a database of 100% BC wines, resulting in an easy-to-navigate personalized wine list.

Liquor retailers can sign up for a Wines of BC Explorer subscription and list their store in the app. Your subscription includes:

- A profile of your retail location in the Wines of BC Explorer
- A listing of all BC wines available at your retail location
- Your location recommended as an available retailer for each wine in your listing
- Technical support to maximize your listing
- ABLE BC members receive special pricing of \$15 per month or \$180 per year.

explorer.winebc.com

MILLS OFFICE SUPPLIES

BC-based supplier of office supplies committed to providing competitive pricing and personalized service to best accommodate your individual needs. Access discounted products and supplies relevant to the hospitality industry at this one-stop shop.

LIQUOR PRICE GUIDE

Use the Liquor Price Guide to review monthly LDB price changes, compare current retail pricing to wholesale pricing, and track wholesale markup and retail margin. Please contact ABLE BC for instructions on how to download the price guide.

RISING TIDE CONSULTANTS

Associate Member [Rising Tide Consultants](#) is ABLE BC's and BCRFA's preferred provider and Canada's leading liquor and cannabis licensing consulting firm. Rising Tide Consultants has a number of experts in liquor and cannabis licensing requirements, ready to help your business navigate the sometimes complex requirements of obtaining liquor and cannabis licences.

WEBINARS AND ONLINE TRAINING TOOLS

Regular webinars produced by ABLE BC in partnership with industry experts, and designed with the liquor store and pub owner, manager, or staff member in mind. Go to ablebc.ca for lists of previous and upcoming seminars.

HR ESSENTIALS FOR LIQUOR INDUSTRY EMPLOYERS

ABLE BC is partnering with go2HR on a webinar series for HR management in the liquor industry.

EDUCATIONAL AND PROFESSIONAL DEVELOPMENT

Network and connect with leaders in the industry at ABLE BC's bi-annual conferences: BC Hospitality Summit (spring) and BC Liquor Conference (fall).

EXCLUSIVE DISCOUNTS FROM SUPPLIERS

ABLE BC has over 70 Associate Members—preferred industry suppliers who support the advocacy work ABLE BC does. They are trusted leaders in our industry and know exactly how to cater to your specific business needs. As an ABLE BC Member, you get exclusive access to Associate Members' special pricing and discounts.

Contact ABLE BC at [Contact Us — ABLE BC](#).

THE BC CRAFT BREWERS GUILD

The guild represents craft brewers throughout BC. Some are small and others smaller but all brew flavourful local beer with passion and dedication. The mission of the guild is to support the creation and discovery of truly great BC Craft Beer.

Membership in the society is restricted to breweries that:

- Hold a Manufacturer Licence (or if you're a brewery in progress, have applied for one).
- Produce less than 200,000 HL annually, worldwide, including affiliated and associated companies.
- Are at least 51% BC owned.
- Have an annual production of contract-brewed beer, whether manufactured on-site for third parties, associates or affiliates or brewed off-site by one of these parties for the brewery, that does not constitute more than 50% of the brewery's annual production.

There are, at present, 220 members.

Accomplishments

- Promote our full-flavoured, premium craft beers to beer lovers
- Help British Columbians understand the cultural, community and economic benefits of BC's vibrant craft beer scene
- Unite the voices of all the craft breweries in BC; so BC's craft beer community continues to develop and grow
- Advocate on behalf of our breweries and work with local and provincial governments to sustain and improve support for BC craft breweries that create local jobs, and boost local economies and local communities throughout BC.
- Provide tourist destinations for visitors to tour our breweries and visit our communities via the BC Ale Trail
- Host the BC Craft Brewers Conference to support the ongoing education of our breweries and the craft beer community, and provide networking opportunities
- Introduce brewery members to industry suppliers (Associate Members) and negotiate benefits on their behalf
- Activate at local festivals and community events to showcase our products and support worthwhile local causes
- Support the use of BC ingredients and sustainable brewing and business practices, wherever and whenever possible
- Create and update a map of all of the guild members across British Columbia.

For inquiries about BC Craft Beer and the BC Craft Brewers Guild, please email info@bccraftbeer.com or visit bccraftbeer.com.

ADDITIONAL RESOURCES

STARTING A RESTAURANT IN B.C. ONLINE GUIDE

Starting a Restaurant in B.C. is an online resource that provides an overview of the restaurant start-up process. The guide provides a downloadable, step-by-step checklist that includes timelines so you can track your progress to start a restaurant. It covers a range of information from drafting the necessary health and safety plans, to applying for permits and licences with local and provincial governments. Access the guide at: www.gov.bc.ca/startingarestaurant.

BIZPAL

BizPaL is an online resource that will provide you with region specific information about the licences and permits you will need to start or grow your business. The site covers most of Canada and will help you search requirements in other provinces as well as other areas of BC. Simply type BizPaL. into your search bar or visit bcbizpal.ca.

SMALL BUSINESS BC

Small Business BC is a resource centre for entrepreneurs. They have a business advisors, offer seminars and workshops on topics of interest to business people, and can provide information on everything from registering your business to marketing to financing. The helpful and knowledgeable staff will have the answers to most of your questions and most services are either free or low cost.

Small Business BC
 550-555 W. 12th Ave
 City Square Mall West Tower
 Vancouver, BC V5Z 3X7
 Phone: (604) 775-5525
 Toll Free in B.C.: 1 (800) 667-2272
 TTY (Teletypewriter): 1 (800) 457-8466
 Fax: (604) 775-5520
 Email: askus@smallbusinessbc.ca
 Website: smallbusinessbc.ca

COMMUNITY FUTURES

Helps rural BC entrepreneurs open and grow businesses through providing information, advice, loans or help in finding financing and provides advice specific to rural entrepreneurs.

There are many locations throughout BC. Find the one closest to you through the [Location Finder](#). For a full list of services go to: communityfuturesbc.ca.

GO2HR

go2HR provides programs and services for the tourism and hospitality industry in BC. The focus is on recruitment, training and retention. This highly useful agency has current information about vital issues such as foreign worker recruitment, training and apprenticeship and health and safety. There is a job board to help with recruitment.

go2HR
850 W Hastings St #910, Vancouver, BC V6C 1E1
Tel: (604) 633-9787 Fax: (604) 633-9796
Email: info@go2hr.ca
Website: go2hr.ca
Office Hours:
Monday to Friday
8:30 a.m. to 4:30 p.m.

Here is a list of contacts and resources for your business. If you are unable to speak with any one of the listed contact, or if they are unable to provide you with the answers you require, please visit the BC Restaurant and Foodservices Association (BCRFA) at bcrfa.com Phone: (604) 669-2239 Email: info@bcrfa.com.



TIP

Things change. The contact information for all the contacts is correct as of publishing time. However, both private and government agencies move locations, lose funding, change names. Before you head out with your files and list of questions, it is wise to telephone first to confirm the address, make sure the agency is the one that best suits your needs and to make an appointment to see a representative if appointments are available. COVID-19 alert! Many offices will be closed to the public during the pandemic. Don't arrive without knowing if you will be admitted.

CONTACTS AT A GLANCE

CONTACT INFORMATION FOR OPENING AND RENOVATING A RESTAURANT

Your building permit, gas permit, electrical permit, and zoning permission are all issued by the City or Municipal Hall in the region in which your business operates. While there are too many city, municipal and local governments to list here, check the following resources and directories to find the contact information you require:

- Your local telephone directory
- Type in the name of the city or town in an online search engine to find phone numbers, addresses and additional contact information
- Permit information is also available online at bizpal.ca.

CONTACT INFORMATION FOR KITCHEN CONSTRUCTION AND RENOVATIONS

Any kitchen construction, renovation and design must be approved by the local Health Authority. Once receiving approval, you will be issued your Health Operating Permit indicating that the construction of the kitchen is satisfactory for the food you plan to serve. Contact the corporate office located in the region in which your restaurant operates, listed here:

Northern Health Service Communities and Surrounding Areas Including:

Chetwynd, Dawson Creek, Pouce Coupe, Hudson's Hope, Fort Nelson, Fort St. John, Tumbler Ridge Burns Lake, Fort St. James, Fraser Lake, Granisle, Mackenzie, McBride, Prince George, Quesnel, Valemount, Vanderhoof, Atlin, Dease Lake, Houston, Hazelton, Masset, Kitimat, Port Clements, Prince Rupert, Smithers, Stewart, Terrace, the Village of Queen Charlotte.

Northern Health – Regional Office
Suite 600, 299 Victoria St.
Prince George, BC, V2L 5B8
Phone: (250) 565-2649
Toll Free: 1 (866) 565-2999
Fax: (250) 565-2640
Website: northernhealth.ca

Interior Health Offices Serves Area Including:

Williams Lake and South to the USA border and east to the Alberta Border, including Kelowna, Kamloops, Trail, Nelson, Cranbrook and West to Princeton totaling 59 incorporated municipalities.

Interior Health Corporate Office
505 Doyle Ave
Kelowna, BC, V1Y 6V8
Phone: (250) 469-7070
Fax: (250) 469-7068
Website: interiorhealth.ca

Vancouver Island Health Authority Serves Areas Including:

Vancouver Island, Southern and North Gulf Islands and Mainland communities north of Powell River and south of Rivers Inlet.

Vancouver Island Health Authority
1952 Bay Street
Victoria, BC V8R 1J8
Phone: (250) 370-8699
Toll-free: 1 (877) 370-8699
Fax: (250) 370-8750
Website: islandhealth.ca

Vancouver Coastal Health Serves Areas Including:

Vancouver, Richmond, North and West Vancouver and along the Sea-to-Sky Highway, Sunshine Coast to Powell River

Vancouver Coastal Health Corporate
Office 11th Floor, 601 West Broadway
Vancouver, BC V5Z 4C2
Phone: (604) 736-2033
Toll-free: 1(866) 884-0888
Website: vch.ca

Fraser Health Authority Serves Communities Including:

Agassiz, Abbotsford, Burnaby, Chilliwack, Coquitlam, Delta, Harrison, Hope, Langley, Maple Ridge, Mission, New Westminster and Surrey

Fraser Health Corporate Office
Suite 400, Central City Tower
13450 – 102nd Avenue Surrey, B.C. V3T 0H1
Phone: (604) 587-4600
Toll-free: 1(877) 935-5669
Fax: (604) 587-4666
Website: fraserhealth.ca

HEALTH INSPECTORS AND PERMITS TO OPERATE A FOOD SERVICE PREMISE

Please refer to the previous list of contacts for local Health Authority.

BUSINESS LICENCE AND CORPORATE REGISTRATION CONTACT INFORMATION

All businesses must also have a business licence. Business licences are under municipal jurisdiction and are available from your local municipal office. To find municipal contact information please visit CivicInfo BC.

The purpose of becoming a corporate entity is, in part, to shield your personal assets in case your business fails. Most banks will ask for your BC Corporate Registry information before they will set up a business bank account. You may register with the Corporate Registry online at corporateonline.gov.bc.ca or visit them at BCReg.ca:

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC, V8W 9V3

Courier Address:
200-940 Blanshard Street
Victoria BC, V8W 3E6

Phone: (250) 387-7848
Toll Free: 1 (877) 526-1526
Fax: (250) 387-7848

You can also visit a Service BC Centre or OneStop service delivery location. To contact someone directly at OneStop please visit:

BC OneStop Help Desk:
Toll free: 1 (877) 822-6727
Email: OneStop.help@gov.bc.ca

CONTACT INFORMATION FOR REGISTERING YOUR BUSINESS'S NAME

BC Registries and Online Services will not allow you to use names that belong to another company, may mislead the public or may infringe on trademarks or copyright. Go to bcregistry.ca/namerequest for more information or contact them at:

Victoria Office: (250) 370-1033
Toll Free: 1 (877) 370-1033
Email: BCRegistries@gov.bc.ca

LIQUOR LICENSING CONTACT INFORMATION

You must have a valid liquor licence to operate and serve any alcohol. To apply for a licence, or if you require additional information, please contact the Liquor and Cannabis Regulation Branch:

By phone: (250) 952-5787
Toll-free: 1 (866) 209-2111
Fax: (250) 952-7066
Email: lclb.lclb@gov.bc.ca

To submit an application by mail, please use one of the following addresses:

Courier/In Person Location:
Liquor and Cannabis Regulation Branch
400-645 Tye Road
Victoria, BC V9A 6X5

Mailing Address:
Liquor and Cannabis Regulation Branch
PO Box 9292 Stn. Prov. Govt.
Victoria, BC V8W 9J8

CONTACT INFORMATION FOR PURCHASING LIQUOR

You must buy your liquor from an approved source. You are not permitted to purchase or import liquor independently or to buy liquor at an independent liquor store. You may purchase liquor from the [BC Liquor Distribution Branch's Wholesale Operations](#) which services Licensee Retail Stores, Rural Agency Stores and high-volume hospitality customers.

Order via Email: wholesaleorders@bcldb.com
Order by phone: (604) 775-0681
Toll Free: 1 (888) 775-0681

Customers may call anytime during their hours of operation, Monday through Friday from 8:00 a.m. to 4:00 p.m. The Order Desk Operator will take your call, process your order, and provide you with a reference number.

You can call and book an appointment at the Delta Distribution Centre at (604) 252-5011 or (250) 852-4262 to book an appointment at the Kamloops Distribution Centre.

To locate a government liquor store in your area, please visit bcliquorstores.com/store/locator or contact the [BC Liquor Distribution Branch](#).

Head Office at:
3383 Gilmore Way
Burnaby, BC V5G 4S1
Email: inquiries@bcliquorstores.com

The head office is open Monday – Friday from 8:00 a.m. to 4:00 p.m. and closed on statutory holidays.

Main switchboard telephone: (604) 252-7400.

CONTACT INFORMATION FOR OBTAINING YOUR BUSINESS NUMBER

You must obtain a Business Number (BN) to collect and remit the taxes you collect from your customers and from your employees. To learn about how to obtain a BN, go to [BC Registries](#) or contact BC Registries by phone (250) 387-7848, toll free 1 (877) 526-1526 or by email at BCRegistries@gov.bc.ca to learn more and find a federal government office location close to you.

Also visit the [Canada Revue Agency](#) page to learn more about business number registration.

For general information about your reporting, payment options and payroll go to the Government of Canada Website for [Business Taxes](#).

CANADA REVENUE AGENCY AND GOODS AND SERVICES TAX (GST) CONTACT INFORMATION

The Canada revenue Agency (CRA) administers tax laws for the Government of Canada. This is the agency to which you will remit your employees' and your own income taxes, and any GST applied to the sales of goods and services. For more information about business and tax information, payroll excise taxes, please visit [Canada Revenue Agency](#) or call toll free for business enquiries at 1 (800) 959-5525.

CONTACT INFORMATION FOR EMPLOYMENT STANDARDS

The *Employment Standards Act* regulates how and when employees are paid, the minimum standards for wages, vacation time, hours free from work, leave entitlements and notice or payment when an employee is terminated.

For additional information, please visit the Employment Standards website at www.gov.bc.ca/employmentstandards or call the toll-free Information line at: 1 (833) 236-3700.

CONTACT FOR PERSONAL INFORMATION AND PRIVACY ACT

The *Personal Information and Privacy Act* (PIPA) regulates the way non-government organizations – such as restaurants and bars – gather and disclose personal information. This primarily affects the hospitality industry in matters related to employees and people interviewed for jobs.

You can obtain more detailed information by visiting the Office of the Information and Privacy Commissioner (OIPC) for British Columbia online at oipc.bc.ca or contact the office by phone: (250) 387-5629 or for toll-free by calling Service BC requesting a transfer to (250) 387-5629.

To contact Service BC call:
Vancouver: (604) 660-2421
Elsewhere in BC: 1 (800) 663-7867

SERVICE BC CONTACT INFORMATION

Should you require any additional information regarding government, employment, health and safety, business, and education in the province of British Columbia, including programs and services, please visit www.gov.bc.ca/contact or call:

Victoria: (250) 387-6121
Vancouver: (604) 660-2421
Toll free: 1 (800) 663-7867

HUMAN RIGHTS CONTACT INFORMATION

The BC Human Rights Code prohibits discrimination and does not permit businesses that are open to the public to discriminate against people, or allow employers to discriminate against employees or applicants for jobs. If the Code is violated, the Human Rights Tribunal – a neutral adjudicating body – will hear, mediate and adjudicate complaints made under the BC Human Rights Code. You can reach the tribunal on their website at bchrt.bc.ca.

Phone: (604) 775-2000
Toll-Free (in BC): 1 (888) 440-8844
Fax: (604) 775-2020
TTY: (604) 775-2021
Email: bhumanrightstribunal@gov.bc.ca

LABOUR RELATIONS BOARD CONTACT INFORMATION (UNION ISSUES ONLY)

The Labour Relations Board regulates all parts of the union/employer and union/union member relationships.

The Labour Relations Board is very helpful. Your rights and obligations, as well as a complete guide to the Board's procedures are made available online at lrb.bc.ca. If you wish to speak to a representative for union-related matters only, you can call (604) 660-1304 or email information@lrb.bc.ca. If you have a non-union workplace and if you have questions about wages and working conditions, your questions can be answered by contacting the Employment Standards Branch toll free (in BC) at 1 (833) 236-3700.

SERVING IT RIGHT CONTACT INFORMATION

Serving It Right (SIR) is a mandatory self-study course that educates licensees, managers and servers about their legal responsibilities when serving alcohol and provides effective techniques to prevent problems related to over-service.

The fastest way to obtain your SIR certificate is by taking the online self-study course using a program manual and passing an exam.

To register for the Serving It Right program, visit [Responsible Service BC](http://ResponsibleServiceBC.com). If you have questions call 1 (888) 461-9080 or email support@rapidlms.com.

go2HR – BC'S TOURISM INDUSTRY HUMAN RESOURCES ASSOCIATION

go2HR provides human resource information for the tourism and hospitality industry. Learn about innovative ways to recruit and retain employees in addition to receiving advice on navigating foreign worker programs. go2HR also offers resources about the types of training you can offer your employees and suggests tips on how to manage and motivate your staff while also providing a free job board where you can post any available positions with your business. Read success stories of BC businesses in the industry and receive the [Employees First Guide](#), an essential resource for all your human resources needs produced by go2HR in partnership with Destination BC. All of these resources and more are made available at go2hr.ca or call 604-633-9787.

FOODSAFE CONTACT INFORMATION

The FOODSAFE training program was developed cooperatively by government, business, health, safety, and education. Before you are allowed to work in your restaurant, you must take the FOODSAFE program and pass the exam. This will teach you about kitchen design, cleanliness, food handling, food safety and the laws that keep our food safe.

You can register online at foodsafety.ca or you can contact BC FOODSAFE at:

Phone: (250) 370-4781

Email: FOODSAFE@FOODSAFE.ca

You can also contact your local Health Authority for more information, as listed above.

For additional information, please visit the BC Centre for Disease Control to review [Food Guidelines](#) or contact food protection [services](#) at:

Phone: (604) 707-2440

Email: fpinfo@bccdc.ca

WORKSAFEBC'S CONTACT INFORMATION

The Workers Compensation Board of BC (operating as WorkSafeBC) is an agency created by the government to manage workplace health and safety in BC. This organization provides compensation to injured workers and helps them return to work. It also works with

employers to help make workplaces safe. This system is funded by employers through the insurance premiums they pay to WorkSafeBC. In return, a worker cannot sue an employer for an injury at work.

Website

WorkSafeBC has a well-organized webpage on which you will find all the information you need about health and safety for your business, visit worksafebc.com for information or to register online. You will also find electronic copies of many WorkSafeBC forms and publications, as well as searchable versions of the relevant regulation and legislation.

Prevention Information Line

The [Prevention Information Line](#) can answer your questions about health and safety, responsibilities, first aid, reporting incidents, ergonomics, and finding an officer in your area. Anonymous calls are accepted.

Phone: (604) 276-3100 in the Lower Mainland

Toll free: 1 (888) 621-SAFE (7233)

Employer Service Centre

Contact the [Employer Service Centre](#) if you have questions regarding your account or registering for coverage, 8:30 a.m.–4:30 p.m., Monday–Friday.

Phone: (604) 244-6181 (Lower Mainland)

Toll free: 1 (888) 922-2768 (Canada)

Fax: (604) 244-6490

Toll free: 1 (888) 992-6622



WORKERS' ADVISERS OFFICE CONTACT INFORMATION

The Worker's Advisers Office provides education, advice, information and, in some circumstances, represents workers who are appealing a decision made by WorkSafeBC. You can reach the Workers' Advisers Office at any of the following locations. If you live outside these areas, call the location closest to you for assistance with your claim.

Vancouver / Lower Mainland

500 – 8100 Granville Avenue
Richmond, BC V6Y 3T6
Phone: (604) 713-0360
Toll free: 1 (800) 663-4261
Fax: (604) 713-0311

Interior

420 – 1726 Dolphin Avenue
Kelowna, BC V1Y 9R9
Phone: (250) 717-2096
Toll free: 1 (800) 663-6695
Fax: (250) 717-2010

102 – 70 – 2nd Avenue
Kamloops, BC V2C 6W2
Phone: (250) 371-3860
Toll free: 1 (800) 663-6695
Fax: (250) 371-3820

208 – 1577 – 7th Avenue
Prince George, BC V2L 3P5
Phone: (250) 645-4021
Toll free: 1 (800) 663-6695
Fax: (250) 645-4024

Vancouver Island

403-3960 Quadra Street
Victoria, BC V8X 4A3
Phone: (250) 952-4393
Toll free: 1 (800) 661-4066
Fax: (250) 952-4399

504 – 495 Dunsmuir Street
Nanaimo, BC V9R 6B9
Phone: (250) 741-5504
Toll-Free: 1 (800) 661-4066
Fax: (250) 741-5516

205 – 1040 Shoppers Row
Campbell River, BC V9W 2C6
Phone: (250) 830-6526
Toll free: 1 (800) 661-4066
Fax: (250) 830-6528

EMPLOYERS' ADVISERS OFFICE CONTACT INFORMATION

The Employers' Advisers Office provides advice, assistance and information that can help employers who disagree with a decision made by WorkSafeBC that affects them. The Employers' Advisers Office may represent employers in some circumstances, where the issue is a complex medical or policy matter. To find out more about their services or seminars contact:

Toll Free within Canada: 1 (800) 925-2233
Lower Mainland: (604) 713-0303 Fax: 1 (855) 664-7993
Email: eao@eao-bc.org

Or visit one of the following locations:

Richmond

620 – 8100 Granville Ave
Richmond B.C. V6Y 3T6

Abbotsford

207 – 32555 Simon Avenue
Abbotsford, B.C. V2T 4Y2

Kamloops

101 – 70 2nd Avenue
Kamloops, B.C. V2C 6W2

Kelowna

401 – 1726 Dolphin Avenue
Kelowna, B.C. V1Y 9R9

Nanaimo

404 – 495 Dunsmuir Street
Nanaimo, B.C. V9R 6B9

Trail

1520 Bay Avenue
Trail B.C. V1R 4B3
Prince George
#206, 1577 7th Avenue
Prince George, B.C. V2L 3P5

Victoria

Suite 400 – 3960 Quadra Street
Quadra Centre
Victoria, B.C. V8X 4A8

It is always a good idea to go online or phone to find information you need before you visit. The offices may be closed to the public due to COVID restrictions or may have long waiting times.

INSURANCE

A bar, craft brewery or restaurant needs to give serious consideration to the hazards they may face in the operation of their businesses and how to insure against loss. You are not required by law to be insured, but without insurance, you may be 100% out of pocket if disaster or even annoyances occur. Consider these types of insurance:

- **Property** – Insures loss or damage to contents (equipment, stock, and leasehold improvements) or building
- **Business Interruption** – Pays for your loss of net profit plus continuing operating expenses and extra expenses in a total or partial shutdown which is a result of a property loss caused by an insured peril
- **Earthquake** – Much of BC is an earthquake zone. Little shakes happen daily. Big shakes are expected.
- **Commercial General Liability including Liquor Liability** – Covers bodily injury and property damage to a third party you are deemed liable for
- **Innkeepers Liability** – Covers loss or damage to property of others/guests
- **Forcible Ejection** – Covers bodily injury and property damage to a patron who sustains injuries or damages during the process of being forcibly ejected which you are deemed liable for
- **Excess and Umbrella Liability** – Tops a Commercial General Liability limit up to provide a higher total limit of Liability insurance
- **Directors & Officers Liability** – Protection for officers and directors of a corporation against damages resulting from negligent or wrongful acts in the course of their duties
- **Boiler/Equipment Breakdown** – Covers the financial costs that come up when equipment breaks. Includes electrical and mechanical equipment such as telephone systems, cash registers, boiler and compressors
- **Food Spoilage** – Covers the cost to replace food spoiled as a result of an equipment breakdown (such as coolers and fridges)
- **Crime** – Pays for loss of money and property from crime
- **Employment Practices** – Liability insurance that deals with wrongful termination, sexual harassment, discrimination, invasion of privacy, false imprisonment, breach of contract, and emotional distress
- **Special Event** – Liability insurance in respect of arranging a special event

- **Cyber Event & Privacy Breach Protection** – risks associated with e-business, the Internet, networks and informational assets
- **Construction** – Provides coverage for loss or damage to your property while under construction or renovation
- **Wrap-up Liability** – protects all contractors and subcontractors working on your construction projects
- **Automobile (including valet and shuttle coverage)** – Covers bodily injury and property damage when an vehicle is being operated for your business
- **Legal Expense** – legal advice, legal costs in employment disputes, contract disputes, property disputes, criminal defence, tax disputes, bodily injury
- **Pollution Liability** – coverage for cleanup costs and damages when a pollutant escapes from your premises (such as oil tanks).

You may not need all this coverage but you are likely to need some. To get advice regarding insurance, it is wise to speak to a broker that specializes in the hospitality industry.

The BCRFA recommends Megson FitzPatrick Hospitality Risk Solutions. The company specializes in the food and liquor service industries and is familiar with the insurance needs of our industries.

Megson FitzPatrick offers:

- **COVERAGE AUDITS**
Work with you to identify gaps in your current insurance, and make adjustments to ensure you are properly covered.
- **CERTIFICATE MANAGEMENT**
When clients are required to provide Proof of Insurance, the required paperwork can be delivered within two hours of receiving the request.
- **LOSS CONTROL**
Loss prevention strategies with a view toward improving your bottom line, which makes your account more attractive to the insurance market.
- **RISK MANAGEMENT SOLUTIONS**
Megson FitzPatrick provides risk management services to clients at no extra cost, to help you mitigate risk at all levels of your operations.

Contact

Steve Noreen, CAIB | Risk Advisor, Commercial Account Executive

Direct 250.519.2303 | Toll Free 1.888.595.5212 | Fax 250.595.2900

First Floor 710 Redbrick Street, Victoria, BC V8T 5J3
megsonfitzpatrick.com

