
BEYOND SERVER TRAINING

An Examination of Future Issues

James E. Peters

Like hordes of locusts, alcohol awareness programs are sweeping the hospitality industry. Offered in a variety of formats, all promise to be the program to solve the restaurant or bar operator's liability problem. However, the solution to liquor liability problems extends beyond just developing a beverage server's technical skills, such as determining when a customer is intoxicated and knowing how to refuse service; it is also necessary to create the environment in which the training can be useful and effective.

The primary purpose of bars, taverns, restaurants, and social clubs is hospitality, not just selling beverage alcohol. Hospitality is service, and service is meeting the customer's needs, providing a range of choices, making the customer feel comfortable, protecting the customer's health and safety, and respecting the rights of *all* customers, including drinkers, and nondrinkers, smokers and nonsmokers, men and women, young and old. The reason for being in the hospitality business is the customer.

Most people involved in the anti-drunk driving movement realize the impact changing attitudes about the use of beverage alcohol have had on the bar and restaurant industry. Yet few are aware that other public health issues also require industry responses, including regulations on smoking, a national food sanitation certification program, and truth-in-menu laws.

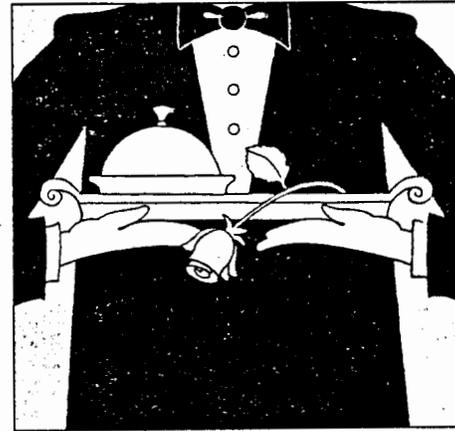
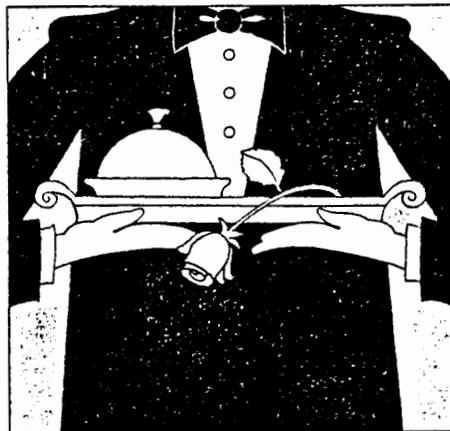
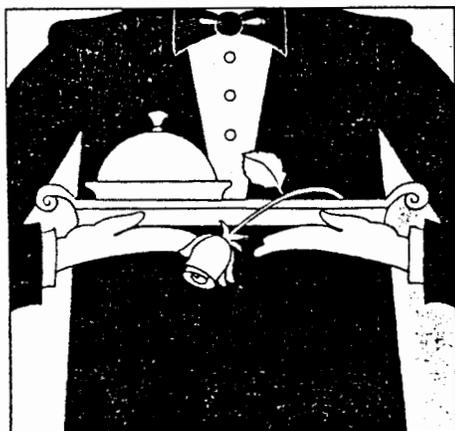
At the same time, dual-career couples, a strong economy, and the diversity of eating and drinking establishments have contributed to an increase in dining out in America. This trend is expected to continue, enlarging the demand for employees in the hospitality industry. The U.S. Department of Labor foresees the need for 3.5 million additional employees in the food service industry over the next decade. Yet it is during this period that the traditional labor pool will shrink dramatically as the number of people in the 16-to-24-year-old age group declines and as additional career opportunities open up for women.

It follows that the roles and responsibilities of servers will become—indeed are becom-

ing—more complex. In some ways, bartenders, waiters, and waitresses could become agents for public health and safety at least as much as for private enterprise. This philosophy is not new—the use of bartenders as mental health referral agents was explored as long ago as 1966 (Hunt 1972)—but public policies have yet to be developed that reflect this trend and thus create the resources necessary for the hospitality industry to fulfill its social responsibilities while still maintaining profitability.

It was a recovering alcoholic bartender who authored the first published reference to the bartender as an agent to prevent alcohol abuse (Cowan 1978). This role was expanded to include the prevention of drunk driving in a California project (Mosher and Wallack 1979) that served as the foundation for most server training programs available in the U.S. today. This project combined the resources of the State regulatory agency and alcohol education agency, law enforcement, and retail beverage establishments.

It may seem obvious to include businesses



that serve beverage alcohol and agencies that regulate these businesses in the process of developing public policies for the prevention of alcohol abuse and drunk driving. Until recently, however, little progress was made in carrying out the supposedly obvious.

Harrison and Lane (1936), in a review of public policy after the repeal of Prohibition, noted that nowhere was the function of liquor control assigned to state departments of public welfare. The desire to generate revenue for the states was stronger than the conscious desire to promote public health and safety. Many of the states were unable to fund the development of the regulatory agencies, and they depended upon the producers of alcoholic beverages to finance much of the administration and, in the case of control states, the inventory for the retail stores.

It is ironic that today, more than 50 years after the repeal of Prohibition, regulatory agencies still function as tax-collection and licensing bureaus with limited funding for enforcement or educational efforts to promote "temperance" and that the most widely available server training programs are financed and implemented by the producers of alcoholic beverages.

The Future of Server Training

The concept of server training is well established. Madison, Wis. was the first municipality to mandate training (in 1981), and other towns and cities in the state have followed suit. In 1986 Oregon became the first state to pass legislation mandating training statewide for all servers and managers. Similar legislation has been introduced in other states.

Other forms of legislation or policy provide incentives for alcohol awareness training around the country. In Massachusetts, the Joint Underwriting Association (JUA) was formed to provide insurance for liquor liability. The JUA provides a 10 percent premium reduction for establishments training at least 75 percent of their staff. Several state legislatures have introduced bills allowing "responsible business practices" as a defense in dram shop lawsuits: server training is considered a responsible business practice.

If training becomes mandatory, either directly or indirectly, then many questions

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emerge. Who should provide the training? How much training is enough? How will participation in a training program be documented? Who will enforce compliance? What will the penalties be for noncompliance? How will the program be evaluated? Who will pay for it all?

In recent years other concerns have emerged as well, based on experience with early efforts in server training. Is the true problem the lack of alcohol awareness among service personnel in bars and restaurants or is it an inability to refuse service to people who are intoxicated? Awareness can be raised through education. Human relations skills are not so easily acquired. They may be ineffective in an establishment whose business practices foster and accept abusive drinking behavior.

How, then, can the training of service personnel be carried out so as to encourage them to fulfill their legal and social responsibilities for protecting the public's health and safety? And how can the business practices of successful establishments be regulated so that they do not subvert the goals of the training?

Planning and Development

The hospitality industry is the most socially significant for-profit service industry in the country, providing products and services intimate to all of our lives. Selling food, beverages, lodging, and meeting space thrusts exceptional responsibilities on those businesses engaged in the activity. Irresponsible business practices can result in serious health and safety problems for the community, especially in relation to alcoholic beverages. Safeguarding the public from such lapses has

traditionally and logically been the task of administrative agencies, because of the "great flexibility of the regulatory process" (Bellhorn and Boyer 1981).

The administrative agency that is in the most obvious position to regulate the practices of those businesses serving alcoholic beverages is, I believe, the alcoholic beverage control (ABC) commission.

In part because of its ability and authority to influence the opening and the day-to-day operations of businesses serving alcohol, it is only logical to allocate to this agency some responsibility for overseeing certain other areas of public health and safety as well.

The necessary infrastructure already exists. Each of the 50 states has an ABC agency in place that oversees the practices of wholesale and retail alcohol businesses. Eighteen states (and Montgomery County, MD) have chosen the control or monopoly system, in which the ABC commission functions as both the sole retailer (of distilled spirits) and the regulatory body. The remaining 32 states have adopted the open or licensing system, in which the ABC agency issues licenses to businesses for on-premise or off-premise sale of alcoholic beverages. In most cases, within general limits set by the state agency, local governing bodies are given a certain flexibility in regulating the number of alcoholic beverage businesses in their communities as well as their management practices.

In recent years, ABC agencies have also shown that they can respond directly to alcohol-related public concerns within their purview. Massachusetts provides a good example of an

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agency working with a variety of groups within the State to promote the public health and safety.

In 1984, when concern arose in Massachusetts about "happy hours" and several local licensing authorities imposed happy-hour bans in their communities, the chairman of the State ABC Commission initiated a series of public hearings.

The Massachusetts Restaurant Association worked in cooperation with the commission to formulate acceptable and practical standards for retail marketing practices. Once these were defined, the association distributed copies of the regulations to all its members. The ABC Commission then began to enforce the regulations in a joint effort undertaken with the Department of Public Safety.

These pioneering efforts by the Massachusetts ABC Commission illustrate that such agencies can adapt their administrative expertise to coordinate activities among industry, public health and safety, and community groups—even with limited resources (the State has fewer than 20

to redefine their purpose as public health agencies.

Serving as a coordinating link between the diverse public health and safety agencies and the many businesses comprising the hospitality industry is an important role that has been neglected thus far, yet it should be seen as the most important goal of a progressive public policy on health and safety issues. Much can be accomplished in this role to protect the public welfare while supporting an important economic institution.

Devising prescriptions for responsible business practices and appropriate server training will be a primary responsibility of the agency. In the area of alcohol control, regulations could be updated and revised to reflect more accurately the changes in attitudes, knowledge, and culture since 1933, when most of these regulations were developed.

An advisory commission—including representatives from the hospitality industry, highway safety group, alcohol education, other public health agencies, the insurance industry, law enforcement, the criminal justice system, and general educational institutions—could work with the regulatory agency to determine what is needed and to develop education and responsible hospitality training curricula for

safety agencies would want to see the training include information about sanitation, smoking, emergency medical intervention (e.g., the choking customer, drug-alcohol interactions), and other general health and safety issues.

The hospitality industry would need to identify legal and regulatory responsibilities, develop the human relations skills to carry out these social and legal responsibilities, and develop the professionalism employees need in order to be productive and to boost profitability.

Independent attempts by these groups to develop and implement training would lead to biased programs that would waste resources and would confuse those who are aided. In fact, this is the current state of affairs, as demonstrated by the wide variety of programs available on alcohol awareness training, ranging from 20-minute videos to 18-hour programs extending over a period of six weeks.

Implementation: Reinventing the Wheel?

Once the curriculum and program details are worked out, the question of implementation arises. Currently, alcohol awareness training is being provided by producers of alcoholic beverages, trade associations, private firms, and public health and safety agencies. There is very little uniformity in content or in the qualifications of instructors. Program design thus far has been more responsive to considerations of time and money than to effectiveness in leading to behavioral change.

As participation in a training program becomes more crucial to obtaining liability insurance and licenses to serve alcoholic beverages or as a defense in a lawsuit, documenting the degree of participation will become more important. Many programs issue certificates for little more than the payment of a fee, and some do not maintain adequate records. Others are offered sporadically and often without follow-up or the provision of community-based support services.

How can these problems be avoided? Should special schools be established? Who will pay for the training?

The criteria for a sound delivery system should include the administrative capabilities to monitor registration, participation, instructor qualifications, curricula, quality control, and

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investigators to monitor about 17,000 licensed establishments).

Other states face similar personnel problems; their ABC agencies are usually underfunded and understaffed in proportion to their responsibilities and the funds they generate.

In order to promote their continued development in this role, therefore, it may be necessary to restructure their administration and

employees and managers.

Server and manager training developed through this process could meet the needs of many constituencies. Agencies representing highway safety might want to emphasize drunk driving and seat belt usage; agencies representing alcohol abuse and alcoholism prevention might want to promote factual information on alcohol, alternatives to abuse, and identification of treatment agencies; other public health and

maintenance of records. The system should have credibility with regulatory agencies and the legal system. The courses should be available periodically, offered at convenient sites, and supported by follow-up services or training. Costs must be kept reasonable for the market, i.e., small businesses whose employees usually work at or slightly above minimum wage.

To design such a system from the ground up would be quite costly. However, most states already have networks of vocational schools and community colleges that fulfill all the criteria for effective administration and that offer hospitality management programs with faculty competent to teach alcohol awareness. This network is rapidly expanding: four times as many colleges and universities offer hospitality management programs compared with five years ago. All that is lacking are clear and comprehensive curricula that emphasize human relations skill development and the inculcation of a social responsibility ethic.

Administration of Quality Control

When the concept of server intervention is understood and accepted as a logical approach to preventing alcohol abuse and drunk driving, one immediate reaction is to mandate training. The mandate often prescribes punishment for noncompliance, with the all-too-common result that ways are devised to avoid the punishment rather than to comply with the program as it was originally defined. I submit that a more practical means would be to create positive incentives for participation.

There are several possible mechanisms for creating such incentives. One is financial. Participation could lead to reduced insurance premiums, licensing fees, or taxes. The extent of the reduction could be made to depend on the comprehensiveness of participation. For instance, an establishment qualifying for the greatest reductions would have established comprehensive responsible business practices such as a high food-to-beverage sales ratio, promotion of alternative beverages and alternative transportation, a structured selection and screening process for hiring qualified personnel, the training of all management and staff, programs to support community activities to prevent alcohol abuse and drunk driving, and

detailed written policies and procedures on responsible beverage service.

Lesser reductions would be awarded to those establishments with less comprehensive practices or that only trained full-time personnel, and still smaller reductions would be awarded to those businesses that trained management personnel only. The highest premiums, fees, and taxes would be paid by those establishments with no policies and procedures and no training of personnel.

Participation and good-faith compliance with the recommended standards could also lead to reduced liability in a civil action. The

"Responsible Business Practices Defense" of Section 10 of the Model Alcoholic Beverage Retail Licensee Liability Act of 1985 (Prevention Research Group 1985) provides a basis for this legislative approach.

Finally, benefits to the business of being a responsible and caring member of the community, responding to the concerns of customers, and of treating employees with respect and as professionals could be publicized through the media. Such model businesses could be recognized formally by regulatory agencies and by community groups.

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Conclusion

People often enter occupations in the hospitality industry because they care about people, want to work with the public, want to see their customers enjoy themselves. People enter occupations in social service for many of the same reasons. What has been lacking in public policy is a mechanism to link these groups, who often have basically the same values and common goals of serving the public good.

The hospitality industry can maintain profitable businesses without jeopardizing the health and safety of the community. As idealistic as it may seem to propose redefining the role of the regulatory agency and establishing a cooperative commission involving traditionally diverse and adversarial groups, progress along these lines has already been made in several states.

In Oregon, where the legislature imposed mandatory training for servers and managers, an advisory commission like that described above has been meeting with the State liquor control board to develop curricula and criteria for fulfilling the mandate. In Maine, a similar commission has formed voluntarily and has been working with the vocational education system to implement server and manager training throughout the state. It is expected that tort reform will result as well, allowing responsible business practices as a defense against liability.

What may be surprising to some is that the hospitality industry initiated the process in both states. The Oregon Restaurant and Beverage Association sponsored Oregon's legislation, and the Maine Restaurant Association has functioned as the focal point for program development in Maine.

That the groups with an interest in server responsibility issues are diverse and sometimes divided should come as no surprise. But there is no doubt that all agree on the pressing need to reduce the consequences of drunk and drugged driving. An appropriate theme for the future is thus expressed in a remark by the German philosopher-poet Goethe: "The question to ask is not whether we are perfectly agreed, but whether we are proceeding from a common basis of sentiment."

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James E. Peters is the founder and executive director of The Responsible Hospitality Institute, a nonprofit center for responsible hospitality programs located in Springfield, Mass., and the editor of the "Responsible Beverage Service Newsletter."
