

Restaurant Regulations Made Easy In B.C.

March 2015

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About the Author

Gillian MacGregor is a 35 year veteran of the BC Government Ministry of Labour. She came by her love of the food service industry in the 1990's when she was sent on a three year special assignment with the BCRFA to help bring the food service industry into compliance with BC labour laws.

She came to understand that the heavily regulated restaurant industry is made up 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 industry 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 the Provincial Office.

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Restaurant Regulations Made Easy in B.C.:

Foreword

The BC Restaurant and Foodservices Association, in partnership with the Province of BC, have created a website www.gov.bc.ca/startingarestaurant and manual to make it easy to find government regulations that apply to the food service industry in BC. The information was updated and is current as of February 2015.

In this manual you will find:

- Information about all regulations 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 business
- Addresses and links to the forms to apply for permits and licences (if available on line)
- Electronic addresses for useful government sites
- Physical addresses for government offices
- lists of records you must keep and have available for a government inspector

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

Before you start, a few definitions:

There are three types of government that implement regulations and laws

- Local or municipal – this is the government of the city, town, or municipality in which you operate your business
- Provincial: the Government of the Province of BC
- Federal: the Government of Canada

Each government has different responsibilities:

Municipal governments make regulations (often called by-laws) covering local interests such as building, zoning, noise, parking, signs, hours of operation, waste management and heritage buildings. By-laws will differ from city to city. What is allowed in one municipality might not be allowed in another.

When you see the term “City Hall” in this manual, it means municipal government.

Provincial Government is responsible for Labour; Employment Standards, Human Rights, WorkSafeBC (Workers’ Compensation) Liquor licensing and sales and Public Health. The Provincial

Government has offices throughout BC and most larger population cities have a government agency centre. We've included toll free numbers, local numbers and web site addresses for offices you may need to contact.

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' working 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.*

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. Often, a letter telling you about an alleged contravention will be the first contact the government agency makes with you. 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, provide you with information about responding in a way that's appropriate and 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. 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. 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. They don't want to disrupt your customers.*

❖ **IMPORTANT NOTE:** Be sure to keep an eye out for real life examples of particular regulations. You will find these titled "Don't Let This Happen to You!" at the end of each section.

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Before You Open Your Restaurant

Before you open your doors, there are some things you need to do and some things you need to know about. Below is a check list of things you need to verify, the permits, licences and documents you must have. You will find information about each of these requirements here.

Whether you have purchased an existing restaurant or are building or renovating one, this list will be useful to follow.

OPENING YOUR RESTAURANT REGULATIONS CHECKLIST

- Zoning requirements in your municipality
- Business structure (sole proprietorship, partnership or incorporation) and
- Business registration with BC Registry Services
- Menu planning
- Business Name Approval Application
- General Sales Tax (GST) and Provincial Sales Tax (PST) registration
- Business Licence application
- Food Service Permit Application
- Kitchen design approval by regional Health Authority
- Written approval for renovations from building owner
- Occupancy (or occupant load) Permit
- Liquor licence application
- Permit for signs and awnings
- Waste disposal

TIP: You must keep the following permits and licences on open display in the restaurant:

Business License

Food Service Permit

Occupancy Permit

Liquor Licence

There are other records and permits that must be available to be inspected or produced on demand. These will be discussed in individual sections – but include these:

TIP: The following must be available to be seen if requested by an inspector:

- *All employees' Serving It Right certificates*
- *All employees' FOODSAFE certificates*
- *Additional records that must be available include hours of work and payment of wages records. These will be covered in detail in the **Employees** section*

Zoning

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

- Is the area zoned to allow a restaurant 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? Liquor Licensing 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 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 restaurant?

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.

TIPS: *Learning the zoning requirements may require a trip to the 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.*

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.

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

A turnkey restaurant (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 Code and that the zoning allows the type of restaurant you wish to operate.



Zoning: Don't Let This Happen to You!

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. It would be a great addition to the high end neighborhood. Who would object?

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 terrible 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 assure the zoning will allow what you hope for. **CHECK THE ZONING BEFORE YOU BUY LEASE OR RENT A RESTAURANT.**

Building Permits for Renovations

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 Code are the same throughout BC and are based on the requirements of the National Building Code of Canada.

The Building Code covers the following:

- It guides the City Halls (who issue Building Permits), to grant permits only when the structure or renovation will be within the guidelines of the Building Code.
- It covers fire safety & environmental safety. The 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 disabled persons and gas and electrical safety.
- More recently, environmental concerns are being addressed by the Building Code, such as a requirement that new plumbing installations conserve water.

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. In BC we have all of these conditions somewhere. As well, BC has a wide variety of terrain; sandstone, granite, reclaimed marshlands, tidal flats and river deltas to name just a few. 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 know the requirements of the Building Code in any detail unless you plan to do your own renovations. It is useful however, to understand when you apply for permits, your plans are reviewed by experts who do know and understand the requirements of the Code. Your plans are approved on the basis of compliance with the 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.

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 lapse between application and approval or denial. Don't start any work until the approved permits are in place.

To build a new structure OR renovate you must have a Building Permit issued by City Hall.

A Building Permit is required for any repair (other than minor maintenance type repairs), 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, etc.

If you plan to change the type of business or add more seats, you will need a Building Permit. For 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 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, 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 general contractor is doing the work, they will know the drawings needed.

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

Questions to Ask Contractors

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

CONTRACTOR QUESTION CHECKLIST

- 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 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 restaurant 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 he 'will get back to you on that question.' He hasn't come prepared with knowledge and likely will be flying by the seat of his 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.

Kitchen Construction and Renovation

Kitchen construction and renovations require a separate permit. While you may have a Building Permit, you cannot build or renovate a restaurant 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 at <http://www.health.gov.bc.ca/socsec/>. 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 Food Service Permit from your local Health Authority. They will generally inspect the place to assure 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 food you want to serve.

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 at <http://www.bccdc.ca/foodhealth/foodguidelines/> or find it printed in the paper copy of this manual.

The BC Food Service Regulation requires restaurant 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
- The kitchen must 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 odors in an approved way
- Be connected to an approved sewage removal system
- In most places, must have washrooms for customers

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

TIP: *New to the industry or new to BC? Before you are allowed to work in your restaurant, you must take the FOODSAFE program and pass the exam! Be smart; take the course before you look for a restaurant 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. Restaurants that fail to pass inspection are named on their Health Authority Websites. The informed dining public can find out with a quick search if your restaurant has failed an inspection and why. You don't want to be on this list.*

HEALTH AUTHORITY REGIONAL CORPORATE OFFICES

Northern Health services the following communities and surrounding areas:

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 - Corporate Office
Suite 600, 299 Victoria St.
Prince George, BC, Canada V2L 5B8
Phone: (250) 565-2649 Fax: (250) 565-2640

The Interior Health serves the following communities:

Williams Lake and South to the USA border and east to the Alberta Border, including Kelowna, Kamloops Trail, Nelson and Cranbrook and West to Princeton

Interior Health Corporate Office
220-1815 Kirschner Road
Kelowna, BC, Canada V1Y 4N7
Phone: (250) 862-4200 Fax: (250) 862-4201

Vancouver Island Health Authority serves the following areas:

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, Canada V8R 1J8
Phone: (250) 370-8699 Toll-Free: 1-877-370-8699
Fax: (250) 370-8750

Vancouver Coastal Health serves the following areas:

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, Canada V5Z 4C2
Phone: (604) 736-2033

Fraser Health Authority serves the following areas:

Agassiz, Abbotsford, Burnaby, Chilliwack, Coquitlam, Delta, Harrison, Hope, Langley, Maple Ridge, Mission, New Westminster and Surrey

Fraser Health Corporate Office
300-10344 152A Street
Surrey, BC, Canada V3R 7P8
Phone: (604) 587-4600 Fax: (604) 587-4666

Building Permits

To build a new structure OR renovate an existing building you must have a Building Permit issued by City Hall.

A Building Permit is required for any repair (other than minor maintenance type repairs), 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, etc.

If you plan to change the type of business or add more seats, you will need a Building Permit. For 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 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, 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 general contractor is doing the work, they will know the drawings needed.

WRITTEN APPROVAL FOR RENOVATION FROM THE BUILDING OWNER

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

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



Building Permits: Don't Let This Happen to You!

If you and your handy cousin Vinny plan to do the work, visit City Hall with your plans to ask what 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 Vancouver City:

- 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 updating)
- Sewer Connection Documentation
- Electrical Plan Review Documentation
- Completed Building Codes Data Sheet attached to each set of the drawings. The Building Codes 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.

Unless you are an experienced commercial renovator, a 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, you have a landlord. Be sure a letter from the landlord agreeing to the changes to the property is attached to the Building Permit application.



Building Permits: Don't Let This Happen to You!

Jennie decided to redecorate her restaurant. She hired a decorator to help. The decorator suggested Jennie build a glass brick divider between the bar and the dining area. This would give the restaurant a more contemporary look.

The carpet was cut away; 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 dining room and lounge area.

Jennie had checked with City Hall and been told she didn't need a permit to simply redecorate. At the time, she only planned paint and fabric changes. Neither Jennie nor her decorator thought to check if a permit was required to build the glass block 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.

Jennie was told the wall must be removed. The bricks were heavy and could have 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 Jennie had asked, it would have saved her a lot of money and time.

Permits for Signs, Awnings and Outside Tables

SIGNS AND AWNINGS

Before you hang that sign or install that awning with your restaurant 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 style signs may be restricted. Each Municipality will have its own requirements. Ask City Hall or check their web site. There will be a fee for applying for signs and printed awnings. Get your permit before you give the sign painter your order!

TIP: Liquor Control and 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 section of this manual.

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 restaurant 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. Your premises will be inspected for suitability before you may be permitted to put seats outside.

Waste Removal and Keeping Your Restaurant Clean

It's good business to keep your restaurant 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 a restaurant to stay in business. You will be inspected, periodically, to assure you are complying with all the Health Authority requirements.

WASTE DISPOSAL

A commercial restaurant 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 Food Services Association 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.

TIP: There is 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 who want your old grease.

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](#)

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 other nasty things are not just unpleasant; they are a real health hazard and your restaurant will be closed by the Health Authority 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 housekeeping.

GRAFITTI 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. (www.vancouver.ca/engsvcs/streets/graffiti/).

TIP: If you don't pass the health inspection, your restaurant 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 web site, occasionally published in local papers and even mentioned on the news.

Business Structure and Business Registration

You will need to decide if your restaurant will be incorporated, a partnership or a sole proprietorship. For more information about the meaning of each go to the BC Registry Services. There are legal implications attached to each of these choices. It is in your best interests, if you are new to business, to consult a lawyer or a Chartered Accountant to help you decide which is best for you.

Make your choice of legal identity early in the project, so your correct company name appears on Building Permit applications, liquor licence 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 purpose of becoming a corporate entity is in part, to shield your personal assets in case your business fails.

TIP: Most banks will ask for your BC Registry information before they will set up a business bank account.

You may register with the BC Registry Services online at www.bcbusinessregistry.ca or visit them at: 2nd Floor, 940 Blanshard Street, Victoria, British Columbia

The mailing address is PO Box 9431 Stn Prov Govt, Victoria BC V8W 9V3

Office hours: Monday to Friday 8:30 a.m. to 4:30 p.m. (excluding statutory holidays). Phone lines are open to the public between the hours of 10:00 a.m. and 3:00 p.m. Monday through Friday (excluding statutory holidays).

Phone: 250 387-7848 or 604 775-1041 (Direct dial free line from Greater Vancouver)

If you choose not to register with BC Registry, you will be considered a sole proprietor. This also carries legal implications and it is in your best interests to get legal advice before deciding the legal structure of your business.

BizPaL

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

To utilize this service, you type in your location, the type of business you operate and the products and/or services you sell. BizPaL then generates a personalized list of the business documents needed from the three levels of government – local or municipal, provincial and federal – that may have to be obtained to grow or start up a business. An operating restaurant can also use BizPaL to verify they have all the correct permits and licenses are in place.

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

Naming Your Restaurant and Signage

RESTAURANT NAMES

There are several regulations to keep in mind when you choose your restaurant's name. Before you rush to the sign makers and to register your web site, remember these rules.

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

- BC Registry 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 Registry Services will likely refuse your name application if they know it misleads the public into believing your business is affiliated with a well-known corporation or if the name is already trademarked
- City Hall may not permit certain names to be displayed. Names that could offend community standards, mislead customers in thinking there is an affiliation where there is none, for example. 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 in mid process could cause confusion and delays
- You cannot give your restaurant a name that emphasizes liquor over food service. Joe's Martini Bar would not be permitted. For more information go to the Liquor section of this manual

Go to www.bcregistryservices.ca for more information and a name approval request form or visit a Service BC Centre or OneStop service delivery location You can reach OneStop by:

Telephone: toll free 1 (877) 822-6727 in Canada; or in the Greater Victoria area, call (250) 370-0332. Monday to Friday, excluding statutory holidays 7:00 AM to 7:00 PM, Pacific Time.

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

Mail: OneStop Business Registry
PO Box 9431, Stn. Prov. Govt.
Victoria, BC Canada
V8W 9V3

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

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

SIGNS

You will need 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 style signs may also be restricted. Each Municipality will have its own requirements. Ask City Hall or check their web site for more information.

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.

They named their restaurant after a famous movie star; unfortunately, he wasn't flattered. It turned out that he had some restaurants of his own. He sued, and the restaurant had to change its name. It wasn't all bad though – the restaurant at least received 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 bankrupt the restaurant.

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 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.



Naming Your Restaurant: Don't Let This Happen to You!

They named their restaurant after a famous movie star. Unfortunately, he wasn't flattered. Turned out he had some restaurants of his own. He sued. The restaurant had to change its name. It wasn't all bad. The restaurant got some publicity.

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Applying for a Liquor Licence

There is a variety of types of Liquor License. For the purpose of this manual we are going to look only at Food-Primary Licence (Restaurants) and Catering Licenses (also used by restaurants that cater off site events)

FOOD PRIMARY

The Liquor Control and Licensing 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 correctly through the Liquor Distribution Branch. There is no such thing as a beer and wine only license. 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 being 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 small, separate lounge area where they can serve liquor without food.

Restaurants may remain open 24-hours-a-day, but may serve liquor only between 9:00 am and 4:00 am. It is, however, unusual to find a location where City Hall and the Licensing Branch have permitted late-night hours. Liquor service, after midnight, requires Liquor Control and Licensing 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 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 License, 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 license as an asset. The license may be transferred to a new owner, but the new owner must then apply and be eligible for a license in his or her own right. The Liquor License belongs to the Liquor Control Branch of Government, not to the restaurant owner.*

CATERING LICENCE

Many restaurants offer catering services to their customers. The Liquor Control and Licensing 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 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 residence, anytime you are selling and serving liquor purchased under your licence at a catered event, you must submit a request for a Catering Authorization to the Liquor Control and Licensing Branch online via the [OneStop Business Registry](#).

Tip: *don't wait until you are close to opening before applying for your liquor license. It isn't too soon to start the application process once your building permits are in place and construction has started*

IMPORTANT NOTE: If you are buying an existing restaurant, you ARE NOT able to buy the existing liquor license. Beware of the seller who tries to sell the license as an asset. The license may be transferred to a new owner, but the new owner must apply and be eligible for a license in his or her own right.

CATERING AND LIQUOR SERVICE

Caterers can apply for a liquor license 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.

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.

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

The catering license must be applied for each time you cater an event at which you plan to serve liquor. It does not cover multiple events.

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 license

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



Liquor Licence: Don't Let This Happen to You!

Amal sold his restaurant in 2010. He believed, wrongly, the new owner automatically became responsible for the Liquor License. The new owner, Bob, operated the restaurant under his own name, but the liquor license was in Amal's name. Neither Bob nor Amal bothered to tell Liquor Control and Licensing of the change in ownership.

In early 2011 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 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 Liquor Licensing (as they are required to do). Amal's name was still on the liquor license. He was required to attend the violation hearing and his involvement may affect his future eligibility for a liquor license. He is also named as one of the respondents in a multi-million 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 license 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 License.

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

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.

You must obtain a Business Number (BN) to collect and remit GST, PST and taxes you collect from your employees. To obtain a BN, go to www.bcbusinessregistry.ca or phone 1 (877) 822-6727 to find a Federal Government office location close to you

The BN number is your identifying number for GST and PST collections AND for sending the 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 credit 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 gov.ca and follow the links or phone 1 877 822 6727. You will also find information to assist with preparing payroll on the same site. To get the maximum tax benefits; you would be wise to hire a chartered accountant to prepare your taxes.

For information about income tax deductions and 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.

Restaurants serving liquor must charge and remit Provincial sales tax at the current rate of 10%, on all liquor sales

You must register to collect and remit PST, 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.

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

If you do not have access to a computer, you can register online at any [Service BC Centre](#) using their computers or at our office at 1802 Douglas Street in Victoria.

BY PHONE

You may telephone TaxBC at 1-877-388-4440 (toll free within Canada) to obtain forms and information

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 gov.bc.ca/pst Print this off and mail or fax to the Ministry of Finance

The mailing address and fax number is: 1-877-388-4440
(toll free within Canada)

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.



Taxes: Don't Let This Happen to You!

Bill leased the coffee and gift shop of a small marina on a remote part of the BC Coast. He served lunches and beer and wine on the deck. He sold a small selection of groceries and souvenirs from the store. Gas sales and boat repair was handled by another lessee.

Bill suspected he was required to collect and remit tax and that he needed a proper license 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 buying postcards may be a tax collector.

Buying an Existing Restaurant

An operating or recently operated restaurant is usually in compliance with local zoning bylaws, the Building Code and Health Authority standards. This is not always the case, however. Before you put your money down, ensure the following has been taken care of:

- Verifying 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 restaurant.
- The Business Number (BN) number is not transferable from the previous owner. You must apply for your own.
- Are you keeping employees? Know your obligations to these employees under the *Employment Standards Act*. Go to the Employee section in this manual for more information.
- Is the restaurant operating within the zoning, building code and health requirements of the local government? Go to the City hall to see the records of compliance and violations of the restaurant. You can also see this information online at the site of the Health Authority for your area.

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

- 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: *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 the restaurant. Not all agents know everything about regulations affecting restaurants. Be an informed buyer.*



Buying An Existing Restaurant: Don't Let This Happen to You!

The fully equipped restaurant on the main floor of an old building sure looked like 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 the City 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 persons' 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, 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 License:** A food Primary License will not be issued until Liquor Licensing is satisfied you serve a sufficiently extensive menu to qualify to serve liquor

All these 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 deserts. Make sure you mention daily fresh sheets if you plan to include these as part of your menu.

***TIP:** It is best to have your menu style in mind and on paper before you even start looking at potential locations.*

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 pay, collect and remit PST and GST; you have paid your employees correctly, bought and sold liquor in compliance with regulations, and your food handling, food storage and sanitation comply with the Food Premises Regulation.

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's not really a request however; you must produce them. If you refuse or if you don't have them, you may be fined. 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.

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.*

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 subsequent payment of 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 Consumer Taxation (records of all sales and corresponding invoices)
- Record of items that were given away, but on which GST/PST still must 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.

LIQUOR

Records of all liquor purchased, including the date of purchase and the where the liquor is stored, must be kept in the form of a log or ledger. It is not enough to just keep the receipts for liquor purchased; these must be kept in addition to the ledger or log.

Remember, liquor can only be purchased from Liquor Control and Licensing approved outlets.

Records you must keep on file for Liquor Inspection:

- Records of all liquor sales
- Records of all food sales
- Agreements with any liquor manufacturer or agent
- Leases and management contracts related to the restaurant
- 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 in the restaurant and 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 restaurant (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 on this page).

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.

Liquor Licensing 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 recommend 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 2014. By January 2015, 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 restaurant. These records may be useful for GST OR PST. Exercise your judgment.

EMPLOYEES

Records you must keep on file for Employees:

- Each employee's name, date of birth, occupation, telephone number and residential address
- The date the 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
- The dates each employee took annual vacation , the amount of vacation pay paid, the days taken and the days and vacation pay entitlements remaining
- Time held in a time bank (Go to the overtime section in the Employees page of this site for an explanation of time banks)
- Averaging Agreements, records and any signed agreements (Go to the overtime section in the Employees page of this site for an explanation of Averaging agreements)
- Special clothing (Uniforms)
- Record of agreement regarding cleaning and maintaining uniforms and records showing reimbursement
- Statutory Holiday Substitution
- Record of all agreements to substitute another day for a statutory holiday.

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

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

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

As well, you must keep and be able to produce Serving it Right Certification 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 is found in the Public Health Section of this manual

2

Employees

In BC, 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.

The excellent plain language Employment Standards guide is available at www.labour.gov.bc.ca/esb/esaguide

The toll free Information line is: 1-800-663-3316.

TIP: This manual does not provide detailed human resource management advice; however, the BCRFA does offer assistance for members on topics such as training, tips for hiring and managing employees. Contact the BCRFA at 604 669 2239 to learn how you can access free 24/7 Human Resource assistance and advice.

Personal Information and Privacy Act: Interviewing and Reference Checking

Your hiring process might be subject to a Freedom of Information inquiry. As well, many of the interviewing and hiring requirements make good human resource management sense. For this reason we are including information in this manual.

The Personal Information and Privacy Act (PIPA) was passed into law in 2004. This law regulates the way non-government organizations (such as restaurants) 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 food service industry in matters related to employees and people interviewed for jobs.

The law requires people 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 resume may contain the names and contact numbers of certain references. By including these names on their resume, 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 applicants 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.
- Your employee tells you they have a medical condition that may cause or 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.

- If your practice is to never use unsolicited resumes when you are hiring, you may shred those resumes. 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.
- 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 Revenue Canada. 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 and 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.

It is reasonable 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 unfavorable reference. You can withhold the identity of the person who gave an unfavorable 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 identical questions*
- *Give every job applicant the same tests or role plays*
- *Have a second person present to help you interview and take full notes of the answers*
- *Decide in advance the number of points the applicants will score for good responses to questions*
- *Refrain from asking personal questions during interviews*
- *Ask job related questions only (scenario questions are useful...describe a real or fictitious event, perhaps a complaining 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 notes*
- *Ask about career aspirations*
- *Never ask about family status*
- *Never ask about child care arrangements*
- *Never ask about community or volunteer work (unless there is a relationship to the job)*
- *Do not ask about leisure activities*

Keep any personal 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.

If you do not use personal information for a decision, you either have to destroy the information or remove anything that would identify who the information is about.

You can obtain more detailed information at the
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 www.oipc.bc.ca

Minimum Wage, Pay Days and Pay Statements

BC's minimum wage is \$10.25 per hour for most workers. Employees who serve liquor must receive a minimum wage of no less than \$9.00 an hour.

On September 1, 2015, the minimum wage will increase to \$10.45 and \$9.20 for liquor servers. Minimum wage is to be reviewed annually after September 1, 2015 and adjusted (upwards only – it will not decrease) in accordance with the cost of living benchmarks. If the cost of living remains the same, the minimum wage will not increase. If the cost of living increases, so will minimum wage.

TIP: *Minimum wage will change from time to time. After September 2016, make sure you check with the BC Employment Standards Branch to make sure you are budgeting the appropriate wage level for your employees.*

There is no longer a training wage that is lower than the minimum wage.

An employee who serves liquor is an employee whose PRINCIPAL work is serving food and/or liquor in an establishment that is licensed to serve liquor. The employee is considered a liquor server even if they serve a minimal amount of liquor. The fact that they *can* serve liquor is the test.

An employee under 19 cannot be a liquor server. They may carry liquor to a table but cannot open, mix or pour it. This excludes them from the category of liquor server.

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 Q: *My restaurant is open at 9am for breakfast. Liquor can be ordered, but rarely is. Are the employees who serve breakfast considered Liquor Servers?*

A: *While they may serve very little liquor – even no liquor – they could serve liquor if it was ordered. Therefore they are liquor servers.*

PAY DAYS AND PAY STATEMENTS

Employees must be paid at least twice each month.

You must provide a statement with every pay cheque that shows:

- Hours worked
- Rate of pay
- Overtime hours worked and rate (time and 1/2 or double time)

- Statutory holiday pay
- Amount of, and reason for, each deduction
- Any accumulated vacation or overtime banked
- The employer 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.

DAILY MINIMUM PAY

If an employee reports for a scheduled shift then is sent home because it's slow, they must be paid for the time they worked or two hours 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 wages. Employees should NOT be told to come to work to see if they're needed, unless the employer is prepared to pay for the time they spend waiting to see if they will be needed. 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.

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, 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
-

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 web site www.cra.gc.ca or call 1-800-622-6232

Other deductions are permitted only if the employee had 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. 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 training or discipline issues.



Deduction From Wages: Don't Let This Happen to You!

Emilio was furious when a server dropped and broke a \$200 dollar bottle of wine.

The server was equally angry when he received his pay cheque and found it short \$200, the cost of the bottle of wine he had dropped.

Emilio and the server argued. The server insisted it had been 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 office, notifying him the server had made some kind of 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 later. Emilio didn't open that one – he decided if he ignored the matter, the server would give up and go away.

Some weeks later, on a Monday morning at 10:00 am, Emilio received a phone call from Employment Standards. The caller told him a hearing was scheduled to start and they were waiting for him to appear before starting. She wanted to know if he was planning to attend and was unavoidably delayed. Emilio said he knew nothing about any hearing, although he did admit he had received letters he hadn't read. He made it very clear to the caller he was busy and couldn't be expected to drop everything and report to a government office just because they wanted him to. The caller told him that was fine; however, an adjudicator would make a decision based on evidence presented that day. After hanging up, Emilio decided he would go. Someone needed to stop this nonsense. The server was careless and it was his fault.

When he arrived at the hearing, it was nearly over. However, the adjudicator called a short recess to tell Emilio what had happened up to that point. Emilio agreed to everything the server had said, but pointed out the server was careless, had cost the restaurant money and so must pay.

Again, some weeks passed. Emilio received a written decision ordering him to pay the \$200.00, plus interest, plus a \$500.00 penalty. He skimmed through the decision. He'd been so sure the adjudicator had agreed with him. Well, maybe he'd pay and maybe not. Certainly not right now.

At the end of the month, Emilio just about cleaned out his account, paying bills. He had about \$900 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 \$900 from his account to satisfy an order.

Emilio had no legal right to take \$200 from the employee. He was given an opportunity to pay without penalty before a hearing. If he had read the information Employment Standards sent, he would have known this. Once a hearing happened, repayment AND a penalty became automatic. Emilio couldn't win the case because he had broken the law. Because he didn't pay when ordered to do so, a Bailiff was sent to collect the money. The bailiff added his fee to the amount collected.

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

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

Overtime

An employee must be paid daily overtime after 8 hours a day at time and $\frac{1}{2}$ 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) shifts. 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 work days were longer than 8 hours. This is called weekly overtime. Sometimes, an employee works both daily and 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 $\frac{1}{2}$ and 6 hours at double time.

Split Shifts

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

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

For example: Jal works 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 13th hour.

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 enforceable agreement.

Averaging agreements are agreements made **in advance** of working a shift, between an employer and employee, where the employee works longer daily hours in exchange for longer periods of time off. A common averaging agreement is an agreement the employee will work a regular 10 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 pre-agreed hours



Overtime: Don't Let This Happen to You!

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 one day Sally and her boss had an argument that resulted in Sally quitting.

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

He called Employment Standards 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 \$3500 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 BC Restaurant and Foodservices Association or with Employment Standards before you agree to anything.

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 paid need be paid on their earnings.

Vacation pay is 4% of gross wages. After five years 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 a percentage of gross earnings.

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

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. 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. Years of service are used to determine vacation time entitlement. Gross earnings are used to calculate vacation pay.

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

For example: Cameron is a manager at XXX 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 XXX Fine Foods offers 3 weeks annual vacation to its managers. Once committed to this policy, XXX Fine Foods 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 7 months then goes on pregnancy and parental leave. She is absent approximately 1 year. When she returns to work, she is considered to have been employed for 19 months continuously. She is entitled to take her two week vacation entitlement before she passes her 24 month anniversary. However, her vacation PAY will be based only on the gross wages earned in the 7 months she earned wages.

PAYING VACATION PAY ON EACH PAY CHEQUE

Some employers want to pay the % vacation pay to their employees on each pay cheque. This is common in the food service industry where people often don't stay long enough to qualify for annual vacation. Before paying employees their vacation pay every pay day, however, make sure you have their written consent.

TIP: New employees will often ask for vacation in their first year (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 2013. In December 2013, she asked Harinder, her boss, if she could take her two weeks paid vacation early to attend her sister's wedding in January 2014. Harinder is a nice guy and agrees. Julie goes on her two weeks paid vacation 5 months before she becomes legally entitled and receives more vacation pay than she has 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 2014, she has been overpaid vacation pay. An employer cannot deduct the overpayment from the employee's final pay cheque unless the employer has a written agreement with the employee allowing them to do this.

To protect himself, Harinder should insist Julie 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 deducted from her final pay.

Statutory Holidays

Statutory holidays are Government designated general public holidays.

In BC those holidays are:

- New Years 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 were 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
- employees who work on an averaging agreement no matter how many days or hours

For Example: Lou is a Prep Cook. She works 13 hours a day, 3 days a week. This means in a 30 day period, she will usually only work 12 days. Because Lou works on an Averaging Agreement, 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 receive an average days' pay. Those who do work must be paid time and ½ for all hours worked and double time after 12 hours PLUS an average days' 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 days' pay, divide the employee's gross wages for the prior 30 day period by the number of days worked in the period.

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 he or she is one. Take a look at the Manager section of this manual to make sure your employee is really a manager.

TIP: *There are many people working in BC who have important religious or cultural holidays they may wish to observe. Statutory holidays in BC are either Christian based or secular (not related to any religion). There are many non-Christians who may wish to mark their special religious or cultural occasions, If an employee requests a day off and it's clearly a significant religious or cultural day for them, their employer should try 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 restaurant 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 pay between \$.75 and \$2.00 a shift, depending how often the uniform is washed.

Some examples of uniforms:

- A T-shirt with the restaurant name or logo
- Chefs whites with the restaurant logo embroidered on the sleeve
- Aprons that match the restaurant’s décor
- A shirt or blouse of a specific colour and style that clearly symbolizes the restaurant

Dress standards are not usually considered uniforms and these items of clothing do not have to be supplied or cleaned. For example:

- 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

Do not require your servers to wear clothing that is sexually provocative. This is sexist and illegal. Clothing that indicates the servers are sexually available may invite sexual comments or touching by customers. This behaviour leads to complaints of sexual harassment against YOU, the restaurant owner.

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

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?"



Uniforms: Don't Let This Happen to You!

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. a pay cheque until paid in full.

Milo rationalized the employees could wear those items in their daily life and at other jobs; the high end brands are more durable and looked more professional so he does them a favour to help them buy the clothing; he believes the clothing isn'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*
- *Tuxedo shirt*
- *black silk bow tie (not clip-on)*
- *white bistro style apron*

You must have sufficient of these items to assure you wear clean, fresh clothing each day. Your shoes must be polished and shiny.

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

Milo will be required to pay back to all employees, past and present the money they paid for the uniforms. This is going to amount to more than \$80,000 for the approximately 100 employees impacted by this.

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.

1. compensation or notice
2. lay off
3. just cause
4. corrective discipline
5. court claims
6. quit or fired?
7. terminating an employee who has given notice
8. substantial changes to terms and/or conditions of employment

1. COMPENSATION OR NOTICE

- Employees must be given written notice or compensation or a combination of the two.
- The amount of notice or wages is based on how long they have worked at the restaurant (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 wages 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' pay, after 4 years, 4 weeks' notice or 4 weeks compensation, and for each year after, it increases by an additional week, to a maximum of 8 weeks. An employer may give a combination of wages and written notice. Vacation pay is payable on the compensation. The amount is 4% from 3 months to 4years. If the employee terminated has worked for 5 or more years, the amount is 6%
- 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 the employee is entitled to receive and this is the amount, plus vacation pay, of compensation due to the employee

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

2. 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

Example: When Pop's Restaurant hires new employees, the owner tells the them that every effort will be made to keep them on the job full time, but there are usually layoffs in November and again in January for up to 4 weeks. This information is provided in writing in

the letter of offer. The employee can make an informed decision as to whether or not they can accept the job knowing lay off is likely. When layoff occurs, employees have been warned in advance. Unless the layoffs last more than 4 weeks, Pop's does not owe the laid off employees either notice or compensation.

Babe's Burgers does not anticipate a need to lay employees off. They are nearly always busy enough to keep all staff on. A major 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.

3. 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 he or she have reasonably known the behaviour would lead to termination.

Here are a few examples of behavior 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 of coworkers – employees should reasonably know that sexual harassment is inappropriate. This can be reinforced by employers with a policy prohibiting sexual or any other type of harassment.
- 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.

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.

4. CORRECTIVE DISCIPLINE

It's a myth employees must be given three written warnings before they can be fired for behavior problems. 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 has to be given a reasonable time* to correct the behaviour
- The employee has to be told the consequences of not improving or changing will be termination

*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.

The discipline need not be in writing, however, if it is in writing, there can never be any dispute the warnings were given.

Example: Bob was 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 he his car wasn't running so he was taking the bus. If he missed an earlier bus, he had to wait ½ 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 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.

It is best to give the warning in writing. It's not a legal requirement, but it is your proof the warning was given.

5. USING SOCIAL MEDIA TO SLANDER AN EMPLOYER

There have been occasions where restaurants 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 principal that employees must not defame their employer and expect to remain employed.

Saying bad things about your restaurant in 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 your restaurant is bad. This is not freedom of speech nor is it none of your business because it's done in the employees own time. They are an employee, they are publicly defaming you and this can be, in most cases, grounds for termination

6. DON'T IGNORE LEGAL ACTION TAKEN BY PREVIOUS EMPLOYEES!

Even if you follow all the requirements, lawsuits can still happen. One restaurant learned this the hard way. The employee had been a pain in the neck for some time and finally, after a particularly bad night, the manager fired him. The restaurant knew they hadn't taken the proper disciplinary steps to establish just cause for he dismissal, so they paid him wages in lieu of notice. Some months later, the restaurant owner received a Small Claims Court summons. The employee claimed he was entitled to a month's 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 Small Claims action. 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 do decide to terminate someone, it's always best to get some advice before you do. Call the BC Restaurant and Foodservices Association for free advice or talk to your lawyer first. 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.

7. DID SHE QUIT OR WAS SHE FIRED?

Sometimes the employer claims the employee quit and the employee claims he was fired.

Example: Sue, a cook, was exhausted after a 12 hour shift in the kitchen of a resort hotel. At 10:00 pm meal service ended. Sue was getting ready to go home. About 10:10, 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 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 looked very surprised to see her. The head chef said he'd been told she quit. Sue protested she hadn't quit; she'd left at the end

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 for her shift the following day, indicated she did not see her departure at the end of her shift as an act of quitting.

8. 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 she had been fired without just cause.

Example: Pascal worked at Super Good Lunch for 3 ½ 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 Pascal she need not come to work anymore.

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

9. CHANGES TO TERMS AND CONDITIONS OF EMPLOYMENT

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

Example: Mak worked for 6 years as a pastry chef. He started work at 4 am and was finished by noon. His employer decided it would save money to contract his pastry to a commercial bakery. He liked Mak, so offered him a prep cook position from 10 am to 6 pm. Mak declined. His pastry chef shift worked because it enabled him to be home when his children came home from school (his wife Soo went to work at 11 am and finished at 7 pm.). Mak's employer gave Mak a good reference and wished him luck finding a new job. It didn't occur to anyone to offer Mak any compensation, so the employer was surprised to receive a demand to pay 6 weeks compensation for length of service. Mak's boss argued that Mak quit. He had been offered another job he had refused. Employment Standards ruled Mak was dismissed. The extreme change in the hours of work and job amounted to dismissal and Mak 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 and even damages. If you plan to fire someone, get advice. The BC Restaurant and Foodservices Association offers free advice to members. Any termination could have potential for a claim for compensation for length of service or a civil action 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.



Termination: Don't Let This Happen to You!

The restaurant was very popular with families and heavily booked for Spring Break. The owner heard from a waitress that a cook had assaulted her in a particularly nasty and sexist way. The employer quickly interviewed the witnesses and everyone confirmed the waitress 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 waitress had done nothing to justify the attack and had actually been injured. The employer was lucky she hadn't filed a claim with Worksafe. He 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; customer service during his busy time would suffer.

Nothing was said about the incident until the first day after Spring Break. The told the cook he was terminated because he had assaulted the waitress. The owner emphasized the action was unprovoked, sexist and the waitress was injured.

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 the spring break.

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

The message to the employee, on being allowed to continue to work for two weeks after the incident was the incident was not considered by the restaurant owner as serious enough to require termination. Employment Standards agreed the incident was serious, and if it 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, don't wait any longer than is necessary.

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 ARE THE LEAVES PROTECTED BY LAW.

Employees are entitled to unpaid leave of absence in the following amounts, for the following reasons:

- 5 days annually for dealing with family responsibilities
- 3 days bereavement leave when a death occurs in their family
- jury duty for as long as the jury sits
- 17 weeks pregnancy leave
- 35 weeks parental leave after a child is born or adopted
- 8 weeks in every 26 weeks compassionate leave to care for a seriously or terminally ill family member.

Family may include people the employee lives with as well as spouses and relatives.

JOB MUST BE KEPT FOR THE EMPLOYEE

Employers must keep the jobs of people on leave available for them to return to. If the employer needs to hire a person to cover the absence, they may do so, but the person on leave is entitled to return to work when their leave ends.

VACATION AND LENGTH OF SERVICE CONTINUE TO ACCUMULATE

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

TERMINATION IS ILLEGAL

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

ANY OTHER LEAVE IS DISCRETIONARY

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

Example 1: John is a surfer who likes to travel the world looking for perfect conditions for his sport. He regularly asks his employer for open ended time off to pursue this interest. John's employer is free to decide if he will give the time off to John or not. John's employer may need to make it clear than John does not accumulate years of service (under the *Employment Standards Act*) and that his absences and returns constitute new employment each time.

Example 2: Maria's sister had terminal cancer. Maria took 16 weeks off last year to care for her sister. Maria returned to work 4 days after her sister died. Maria is entitled to accumulate the time she was absent towards her years of length of service and for her vacation entitlement. She is entitled, by law, to take this time off.

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

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 Manager in charge of French Fries 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.



Managers: Don't Let This Happen to You!

The busy franchise has several managers.

1. *There is an 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 manager to make most day to day decisions

2. *Restaurant Manager* is responsible for scheduling, appraising and deployment of staff and keeping workers hours within a budget he and the owner have set. He also overlooks the kitchen to assure 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. *Kitchen Manager* reports to the restaurant manager. Because the staffing level is set by the owner and the Restaurant Manager, the menu is set by the franchise and the suppliers are set by the franchise, the management responsibilities of the Kitchen Manager are limited to verifying the supplies ordered are delivered and verify items were 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. *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 short falls to the Restaurant Manager and the owner together with recommendations for dealing with the short falls. Most of the time he works as a bar tender, mixing drinks according to the franchise menu.

5. *Assistant Restaurant Manager* is responsible for smooth operation of the restaurant if neither the Owner or the Restaurant Manager is available. Calls in employees or sends home employees when necessary, deals with and adjusts any customer complaints, assures there is no liquor over service and closes, locks and sets the alarm at the end of the day. Works as a server when not called upon to handle any problems.

How many managers are there?

There are 2 managers; number 1 and 2. The other employees are not managers. They spend minimal time involved in management duties. They are at best, Lead Hands. If the owner of this restaurant fails to pay employee 3, 4 and 5 overtime and statutory holiday pay, the restaurant is liable for any wages not paid to these employees.

Tips and Taxes

Tips are considered income and tax must be paid on tips by the person receiving them. 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 to Canada Revenue Agency

Canada Revenue 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 a 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 and Employment Insurance and pay the employee the net amount. The employer must also pay their share of CPP and EI just as though 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 from their business account. The employer has taken the money into their control and has deposited it into their business 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.
- 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 business income, even for a short time, the tips become controlled. Examples of this are depositing all the moneys 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, 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 includes 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.

Employees may need to be reminded they must include all the tips they receive when they do their income tax returns. Any person working in our industry and receiving tips could be audited at any time. It's just foolish in these days 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! Employees can ask their employer to take and remit additional amounts from their pay to reduce the amount they pay when they do their tax return.

Social Insurance Numbers (SIN)

Social Insurance Numbers are issued by the Federal Government upon request and 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 and Employment Insurance).

You **must** obtain this number from a new employee before the employee commences work. Do not allow an employee to start work until you have their SIN on file. If they say they don't have one or if they are forgetful or seem reluctant to give it to you, it is possible the person is not legally entitled to work in Canada. Resist the temptation to employ the person anyway and pay them 'under the table.' Chances are very high you'll be caught and will be the one 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. Social Insurance Number's 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 Citizenship and Immigration Canada document authorizing a person to work in Canada.

For more information, please visit the Citizenship and Immigration Canada website at www.cic.gc.ca or visit the Service Canada website www.servicecanada.gc.ca.

Successorship and Inheriting Employees

Successorship is the term used when you keep some or all of the employees of a business you have purchased.

You are the new owner of an operating restaurant. You have “hired” some of the employees who were there before. You are 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 restaurant 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, the employees should be part of the sale negotiations.



Successorship: Don't Let This Happen to You!

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

Jenny started the business. Her formula was keeping it simple. The restaurant opened at 11 and closed at 3. Only lunch was offered. Delivery was offered within the industrial park for corporate meetings. The menu was limited – 5 types of sandwiches, 2 soups, 2 types of desert 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 11am every day made the coffee and ran the counter until 3. At 3 she made the desert bars for the following day. She was done by 7 pm

Mario and Parminder made the soups. They came in at 5 am to have the soups ready by 11. From 11 until 1, they ran errands for Jenny or delivered corporate lunches.

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

Mike met with all the employees and told them they were a good team and he would be keeping them all on doing exactly as 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, and make fresh muffins and scones. When the fresh items were made for that day, she would make the desert bars for the following day. She would no longer need to work the counter and she could go home at 3 or as soon as all the cooking was done.

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

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. He husband was home by 3 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 and a toddler who couldn't go to day care until 8:30 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 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 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 child care 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 relive a purchaser of the obligation to consider the workers to be employed on a continuous and uninterrupted basis.

TIP: *Real Estate Agents are rarely 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 you want to buy. Before you buy, contact the BC Restaurant and Foodservices Association or a labour lawyer for advice*



Successorship: Don't Let This Happen to You!

Sam bought the successful restaurant in mid-2014. He retained all the employees and hired a few new employees. In December, a woman came to the restaurant to speak to him. She introduced herself as Leah. She said she was on parental leave and had been since December 2013. She wished to return to work and was there to discuss the date she would report and her schedule. Sam was surprised. 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 restaurant 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 employees on legal leaves

Volunteer Employees

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

Your restaurant 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 restaurant industry?
- a person comes to tell you he will work for you for free so he can get "experience"

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 to stir the soup, you owe wages. That eager beaver who wanted to get experience will probably require you pay him wages when he's received sufficient experience

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.

Trade schools are in the business of teaching people skills. The students pay fees and attend classes. Trade 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 restaurant. 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 restaurant an extension of the student's classroom. Be certain the school you are working with is accredited.



Volunteer Employees: Don't Let This Happen to You!

Frank is a successful restaurant owner. Lydia is his well-known chef. Lydia is famous and people want to work with her for the experience and how it will look on their resume.

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. 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.

These tests can be found on the Employment Standards web site www.gov.bc.ca/esb and search the definition of employee.

Failure to deduct and remit taxes, CPP and EI is a serious offense. Money owed may be taken solely from the employer and there may be penalties.

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

- Cooks
- Chefs
- Servers
- Dishwashers
- Bartenders
- Managers
- Bussers
- Host/ess

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



Contract Employees: Don't Let This Happen to You!

Jimmy needed a new restaurant manager. Sally was the best candidate. When he offered Sally the job, she told him she had her own company, and she would contract her services as a restaurant manager to Jimmy.

Jimmy was unsure what this meant. Sally told Jimmy he would pay her a flat rate of \$4000 a month. She would work doing all the regular management duties for 50 hours a week. Jimmy wouldn't take any deductions from her pay. Sally would do that through her own company.

This sounded okay, so Jimmy agreed. For several months Sally produced an invoice for "management services" and Jimmy paid. After a while, though, Jimmy 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, staff was complaining they were being sent home early, Sally was ordering drinks for herself and her friends but not paying for them.

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

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

Jimmy protested that Sally was not an employee, she was an independent contractor. He was asked to describe her duties and was told she was, in law, an employee. The agreement that Sally would be treated as a contractor was illegal and had no legal legitimacy. Jimmy was compelled to pay 100% of the income tax, EI and CPP that he failed to deduct. He had to pay vacation pay. Because he failed to keep a record of the hours Sally worked, only her records were considered, and Jimmy had to pay many additional hours even though he knew Sally probably hadn't worked. Jimmy had to pay nearly \$7000 total to deal with the various laws he had broken.

Sally instigated the problem, but Jimmy 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"

Complaints Investigation, Mediation and Adjudication

When an employee has complained to Employment Standards, here are some things you can expect to happen and recommendations for things you can do.

First, Employment Standards will recommend the employee send you a self help kit. This kit describes the problem as the employee sees it and states the amount of money they claim is owed to them.

- If you agree you owe the wages, pay the employee immediately
- If you disagree, find out if the employee is correct or if you are correct. Many beliefs about the "rights" of employers or employees are not entirely accurate.

To get correct information about the law and the validity of the claim call Employment Standards toll free at 1 800 663-3316 or 250 612-4100 in the Prince George area. You can also get advice and help from the BCRFA

Telephone: 604-669-2239
Toll Free: 1-877-669-2239

If you still disagree, send the employee a letter explaining why you disagree and if the employee accepts your explanation that will end the matter. If the employee still believes money is owed, the Employment Standards Branch will contact you. You will be asked to provide records that will help show if the complaint is valid or not. For a complete list of records you must have available, go to the Records page of this manual.

Employment Standards will ask if you are willing to come to a mediation meeting. Be willing. Most complaints are resolved at this point. Even if it isn't resolved, you will learn what evidence you need and what to expect at a hearing. Listen to the Employment Standards representative's analysis of the claim. Ask questions if you don't understand. If the representative tells you the employee is owed money they are most likely right. They are experts. Pay and get it over with. If mediation fails to resolve the complaint, the complaint will be heard by an adjudicator who will make a final ruling. If you are found to owe wages, a penalty of \$500 or more is applied automatically.

TIP It is unwise to ignore the complaint. It will proceed, with or without your input. If you do not participate, a decision will be made anyway. If you don't present your side of the story, only the employee's story will be heard and you could be ordered to pay wages, interest and penalties. You cannot appeal or ask for a review of a decision if you 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 opportunity to give evidence but did not.

Example: An employer thought ignoring the complaint would make it go away, so he didn't pay attention to the letters from Employment Standards. 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.

- The applicant doesn't agree with the decision but has no new evidence to produce, she wants to see if the Tribunal might come to a different conclusion.

Example: The employee 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.

Read recent decisions or find out if you may have grounds to request a review of an Employment Standards Branch decision at www.bcest.bc.ca/ or Suite 650 Oceanic Plaza, 1066 West Hastings Street, Vancouver, British Columbia V6E 3X1 Telephone: 604.775.3512 Fax: 604.775.3372

Human Rights Tribunal

The Human Rights Code prohibits discrimination on the basis of unchangeable characteristics such as:

- Race
- Colour
- Ancestry
- Place of origin
- Age 19 or more NOTE: In 2008, mandatory retirement ceased in BC. This means it cannot be assumed an employee will leave at age 65 or an employer can require them to leave at age 65. People cannot be refused employment merely because they are 65 or older.
- Sex (gender)
- Sexual orientation

And social positions including:

- Political beliefs
- Religion
- Marital status
- Family status (having children or child care responsibilities)
- Physical or mental disability (usually defined as an actual or perceived permanent or ongoing condition which affects or restricts physical or mental activity). Employers and service providers have a duty to accommodate disabled people
- Sex (gender)
- Sexual orientation
- 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 people; or employers to discriminate against employees or applicants for jobs.

Many complaints made against restaurants claim discrimination against disabled people in not providing services and sex discrimination against female employees (sexual harassment and termination due to pregnancy).

The BC Human Rights Tribunal accepts, screens mediates and adjudicates human rights complaints.

Here are some examples:

- A group of people included a woman who used a walker to assist her mobility. 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 disabled people 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 way disabled people can enter and enjoy your restaurant.

- A man with an assistance dog was told to leave his dog outside. When he declined, he was refused service and told to leave the restaurant.

Assistance dogs must be permitted in every place that provides any type of service. Restaurant owners are told they cannot permit dogs where food is served. They often don't know they must admit assistance dogs, that assistance dogs are excluded from the "no dogs regulations". Not knowing the law is not a defense, however.

- A pregnant employee was told she would be terminated as soon as her pregnancy showed. The mostly male patrons of the bar where she worked wouldn't feel comfortable with a pregnant waitress..

An employer may not terminate an employee because it considers 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 *Employment Standards Act* and also file a complaint with the Human Rights Tribunal. If discrimination is found, she may be awarded additional compensation, such as lost wages or other remedies under the Human Rights Code.

- Advertisements for jobs that specify or suggest gender preference

A sign in the window "Waiter Wanted" suggests only men may apply. Use the neutral term server or say "waiter or waitress wanted".

- Employees' rights to maternity and parental leaves

Employees are entitled to these leaves by 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.

- Accommodation of special needs, including disability

Disabled employees are entitled to have their job adjusted or physical barriers removed. This is called accommodation. The law requires employers make reasonable efforts to accommodate and to be able to show proof they did as much as they could.

- Sexual harassment

Sexual harassment is any unwelcome sexual comments, jokes, teasing, requests for dates or sex, touching etc, The key word is unwelcome. In our industry, sexual harassment by co workers, managers and customers can cause real problems. Make it clear to your 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 camping trips or parties can be harassment and excessive drinking.

Example: A long serving female employee quit her job immediately after an employer sanctioned and sponsored 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 work place, 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 compensation. The employer's name was in the news unfavorably referred to as a workplace that failed in its legal obligations to provide harassment free employment.

The Human Rights Tribunal is a neutral adjudicating body that hears, mediates and adjudicates complaints made under the Human Rights Code. You can reach the tribunal on their web site at www.bchrt.bc.ca/ or at

1170 - 605 Robson Street
Vancouver, B.C. V6B 5J3
phone: 604 775-2000
fax: 604 775-2020
(TTY) 604 775-2021
toll free (in B.C.): 1 888 440-8844
the email address is: BCHumanRightsTribunal@gov.bc.ca

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 currently reviewing Foreign Worker programs

Reports of abuses 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 become obsolete fairly quickly. Therefore, we are not providing specific details about foreign worker programs due to the risk the information will be inaccurate by the time you are reading this. If you are looking for information about hiring foreign workers, we strongly recommend you contact

GO2

Suite 450, One Bentall Centre
505 Burrard Street
P.O. Box 59
Vancouver, BC
V7X 1M3
604-633-9787
www.GO2.ca

Go2 is a government funded resource agency for the BC Tourism and Hospitality Industry. The helpful people there have the most up to date information about foreign worker programs. They will help you determine your eligibility and advise you regarding the most current application process.

As of February 2015, these 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 the several types of permits. It is not a program designed to assist you recruiting workers from outside Canada.

This program allows you and your qualified foreign worker to jointly apply for him or her 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 Citizenship and Immigration Canada (CIC) in the Provincial Nominee Class. CIC gives priority to processing permanent resident visa applications for Provincial Nominees. NOTE: The BC Government can only nominate the applicant. CIC makes the final decision on these applications.

For detailed information, enter **Provincial Nominee Program** in your search bar and you will be directed to **Welcome BC**, where the eligibility and steps for the Program are described. This is a well-organized and clear web site 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 good of 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 people.

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 to pay for their own permits.

Foreign workers have all the same rights to wages, vacations, overtime, statutory holidays and discrimination free working conditions as their permanent resident coworkers. Employment Standards law makes no distinction between Canadian residents and temporary foreign workers. Employers who do not provide appropriate working conditions to foreign workers 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.

3

Employment Forms

It is important that you keep the necessary records on file about all 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.

Included in the following 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.

- Employment Application Form
- Employee Appraisal Form
- Authorization to Deduct From Wages Form(s)
- Direct Deposit Authorization Form
- Vacation Payment Authorization Form
- Vacation Request Form
- Authorization to Deduct Vacation Pay Overpayment
- How to Pay Delivery Drivers

TIP: Every six (6) 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.

Employment Application

APPLICATION FOR EMPLOYMENT

(1) Name: _____

(2) Home Address: _____

(3) Phone: (____) _____
(____) _____

(4) Email: _____
Facebook Address: _____

(5) Position(s) you are interested in applying for:

First interest: _____

Second interest: _____

Third interest: _____

(6) Please list below any experience or education that qualifies you for the position(s) you are applying for (you may attached a separate list or resume instead of filling out this section):

Experience

Experience:	_____
Company Name:	_____
Position Title:	_____
From:	_____ To: _____
Responsibilities:	_____

Experience:	_____
Company Name:	_____
Position Title:	_____
From:	_____ To: _____
Responsibilities:	_____

Experience:	_____
Company Name:	_____
Position Title:	_____
From:	_____ To: _____
Responsibilities:	_____

Education

Name of School:	_____
Type of Course:	_____
Dates Attended:	_____
Date of Graduation:	_____

Name of School:	_____
Type of Course:	_____
Dates Attended:	_____
Date of Graduation:	_____

(7) We are open seven (7) days a week and on holidays from 8:00 a.m. until midnight. Are you available to work all shifts?

Yes No

If you are not able to work certain shifts, are you available:

Days (7:00 a.m. – 4:00 p.m.): Yes No

Evenings (4:00 p.m. – 1:00 a.m.): Yes No

Fridays: Yes No

Saturdays: Yes No

Sundays: Yes No

Is there any other day or time you would not be available to work?

(8) Do you have any physical limitations that would prevent you from doing some of the regular work in a restaurant? If yes, please state what you may be unable to do:

Heavy lifting? _____

Standing for long periods of time? _____

Medication conditions that may prevent you from reporting for shifts from time to time? _____

*Note: A limitation will **NOT** prevent you being considered for a position with us. We do not want to offer you a job that you would find physically difficult or worsen any condition you have. If you have the skills and abilities we are looking for but also have a limitation, we are prepared to accommodate you and modify our workplace when it is possible to do so.*

(9) Have you completed FOODSAFE training? If so, please attach a copy of your certificate to this application.

(10) Have you completed Serving It Right? If so, please attach a copy of your certificate to this application.

(11) Have you received any awards or recognition on the food service industry that you would like us to be aware of? Attach copies or certificates if available.

(12) If the position you are applying for involves serving alcohol or using alcohol in cooking, are you over 19 years of age?

Yes No

(13) Please provide the names and phone numbers of at least three people who will provide us with references about your skills and abilities. These individuals may be previous employers or teachers. Friends and family members should not be used as references.

Reference #1

Contact: _____

Phone Number: __ (____) _____

Reference #2

Contact: _____

Phone Number: __ (____) _____

Reference #3

Contact: _____

Phone Number: __ (____) _____

(14) Please sign and date this application to confirm that the information you have provided is true and correct.

Applicant's Name (Printed): _____

Applicant's Signature: _____

Date of Application: _____

We appreciate your interest in working for us. Your application will be kept in file for three months. We will contact you to offer you an interview if we have any positions available that suit your skills and experience. You may contact us at any time to update your information.

Employee Appraisal Form

Appraisals should always be done within the first three (3) month to assess whether the employee will be kept beyond the three months probationary period.

❖ **IMPORTANT NOTE:** Remember that terminating an employee who has been employed more than three (3) months may require compensation or written notice.

Appraisals should be conducted at least annually. An employee who has performance problems can be assessed more frequently if necessary. This can be used to monitor their development and supervise their ability to fulfill the job requirements according to the company standard.

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 disc, CD or USB device.

When assessing the employee, give the individual a score of 1, 2 or 3 depending on their performance. A score of 2 or 3 should indicate that the server needs monitoring for improvement. Likewise, excellent appraisals should be rewarded with pay raises, bonuses, perks, gifts, etc. as incentive to maintain excellent standards. Less than excellent performance should also 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.

Employee's Name: _____

Position: _____

Employment Start Date: _____

Date of This Appraisal: _____

**ALWAYS (1) NEEDS IMPROVEMENT (2) UNSATISFACTORY (3)
NOT APPLICABLE TO EMPLOYEE'S POSITION (N/A)**

Reports to work on time:	1	2	3	N/A
Welcoming and pleasant to guests:	1	2	3	N/A
Provides efficient service to guests:	1	2	3	N/A
Offers products and product knowledge to guests:	1	2	3	N/A
Acknowledges guests when they have been seated:	1	2	3	N/A
Cooperates with co-workers and demonstrates the ability to work as a team player:	1	2	3	N/A
Knows the menu, can describe each dish, and is aware of potential food allergies:	1	2	3	N/A
Anticipates guests needs and is attentive throughout the entire service:	1	2	3	N/A
Practices good food and health standards by keeping station(s) clean and washing hands throughout shift:	1	2	3	N/A
Maintains tables and section well:	1	2	3	N/A
Dresses appropriately (clothing within guidelines, clean, neat and polished):	1	2	3	N/A
Attendance record is acceptable:	1	2	3	N/A

Practices good organizational skills, being prepared for when their shift begins: 1 2 3 N/A

Follows supervisor's or managers instructions And respects their authority: 1 2 3 N/A

Confirm employment (under 3 months employed): Yes No

Reviewer's Comments:

Employee's Comments:

Reviewer's Name (Printed): _____

Reviewer's signature: _____

Employee's Name (Printed): _____

Employee's signature: _____

A copy of this appraisal will be retained on your employee file. You will be provided with a copy for your own records.

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 medical 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's Name)_____ authorize _____(Company Name)_____ to deduct _____ from each of my next _____ pay cheques to pay back the advance against wages my employer has given me.

Employee' signature

Date

Charitable Donation

I _____(Employee's Name)_____ authorize _____(Company Name)_____ to deduct _____ from each pay cheque 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

MSP

I _____(Employee's Name)_____ authorize _____(Company Name)_____ to deduct _____ from each pay cheque to pay as my contribution to the Medical Services Plan (MSP).

Employee' signature

Date

Direct Deposit 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.
- A wage statement must be a document separate from an employee's pay cheque, so that it can be kept by the employee if desired.

AUTHORIZATION FOR DIRECT DEPOSIT

I _____(*Employee's Name*)_____ authorize _____(*Company Name*)_____ to deposit my pay directly into my bank account. I have attached a blank cheque or provided my account 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

Vacation Payment Authorization

Every employee is required to receive at least two (2) weeks annual vacation after they have worked for one (1) 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 may pay employees their vacation pay on each pay cheque, provided they agree in writing. However, the employee must still take vacation in increments of no less than one (1) week unless the employee requests shorter periods.

AUTHORIZATION TO PAY VACATION ON EACH PAY DAY

I _____ (*Employee's Name*) _____ authorize _____ (*Company Name*) _____ to pay my vacation pay of 4% of my gross earnings on each pay cheque (6% after I complete 5 years of employment).

Employee' signature

Date

Vacation Requests

You should always have a system in place for granting vacation. This will help you to avoid staff complaints and prevent you from being understaffed during busy times in addition to many other problems and issues 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 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 this form to request vacation.

VACATION REQUEST

I _____ (*Employee's 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's signature

Date

Approved: Yes No

Employer's signature

Vacation Overpayment Deduction Authorization

Your employee may come to you and ask to take 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.

AUTHORIZATION TO DEDUCT VACATION PAY OVERPAYMENT

I _____ (*Employee's Name*) _____ agree that my employer _____ (*Company Name*) _____ has permitted 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 pay cheque.

Employee's signature

Date

How to Pay 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 or 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, Pop's Pizza hired Joe to deliver pizzas for the restaurant. Joe is expected to be available from 5:00 p.m. until midnight every night but Monday. Joe is paid \$5.00 per delivery and given a free pizza every night. He is paid in cash at the end of every evening. On a quiet night, Joe might only get four or five deliveries, so he will make \$20.00 to \$25.00. On a busy Friday or Saturday however, he might do as many as 25 deliveries, and earn up to \$125.00. On those busy nights, he might finish his last delivery around 2:00 a.m.

There are several potential concerns with this arrangement.

Paying Joe in cash every day is not a problem, as long as the appropriate statutory deductions are taken from his wages. The employer must calculate the appropriate CPP, EI and income tax contributions and must deduct them from Joe's wages at least twice a month and remit them to the Canada Revenue Agency. If the employer still wants to pay Joe cash every night, and Joe 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 tax, CPP and EI unless the employer wants to calculate this each night.

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

Total = 46 hours

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

Joe was paid the following amount:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
-	\$20.00	\$20.00	\$45.00	\$125.00	\$75.00	\$65.00

Total = \$350.00

Did Joe get paid at least minimum wage? He worked 40 regular hours plus 6 hours of overtime. At minimum wage of \$8.75 an hour, he is owed regular pay of \$350 and overtime pay of \$78.72 for a total of \$428.72. Joe hasn't been paid minimum wage, so his employer must top his wages up to at least \$428.72 for this pay period. If Joe earns more than minimum wage in the next period, his employer CANNOT claw it back.

Pop's Pizza also requires Joe to use his own car. The cost of gas to make the deliveries is a cost of doing business. Joe must be reimbursed for the gas he uses. Joe must keep a log of the kilometers he drives and the amount of fuel used each kilometer. Joe must then submit that log to be reimbursed.

Joe is also expected to have a cell phone so he can keep in contact with the store while he is making deliveries. He can expect to be reimbursed for every call he makes on the phone that is for his employer's businesses.

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

The free pizza Joe receives is a taxable benefit and must be taken into account when the Income Tax is calculated. It is easier to offer Joe the pizza at cost and he 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. 'Dinner on the Run' contracts with many different restaurants to pick up and deliver their products 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.

4

WorkSafeBC

The Workers Compensation Board of BC (operating as WorkSafeBC) is an agency created by the government to manage workplace health and safety in B.C. 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-lost 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
- Paying premiums
- Provide a safe workplace
- Comply with the *Workers Compensation Act* and the Occupational Health and Safety regulations
- Report all injuries, diseases and other incidents to WorkSafeBC
- If a worker is injured on the job, transport them to the nearest location for medical treatment and pay for the transportation
- You also need to understand 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 available at www.worksafefbc.com.

Most businesses in B.C. are required by law to register. 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).

TIP: register with WorkSafeBC BEFORE you open your business. Your employees will be working before you open your doors customers.

The present rate averages \$.98 per \$100.00 of payroll. Experience ratings are used to offer discounts to work places with few or no injuries. Businesses that have had higher numbers of injuries will consequently pay more.

To register online with WorkSafeBC go to www.worksafebc.com. To speak with someone directly, phone 604-244-6181 in the Lower Mainland or call 1-888-992-2768 toll-free within BC. There are also offices in most urban centre if you prefer to register in person (see list of all WorkSafeBC regional locations).

You can also register online with the BC Business Registry at www.bcbusinessregistry.ca.

TIP: WorkSafeBC offers business owners an optional plan called Personal Optional Protection (POP) to assist them if they are injured at their own restaurant. This is worth looking into. What will you do if you are injured?

❖ **NOTE:** employers are not allowed to deduct the cost of WorkSafeBC insurance from workers' wages in any way.

❖ **NOTE:** It is against the law to avoid registering when you are required to do so. If you are required to register and do not, and one of your workers is injured, you could be fined and charged the total compensation costs of the injury plus retroactive insurance premiums. Your bill could reach hundreds of thousands of dollars.

❖ **NOTE:** If you are hiring another business or self-employed person to work for your business or around your home, 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 at www.worksafebc.com and selecting "clearance letter" or by calling 604-244-6180, toll-free 1-888-922-2768.

Workplace Safety

Whether your business is big or small, the law requires that your place of business is a safe and healthy place to work.

As a business owner, you need to:

- Identify hazards and inform workers of any dangers in your workplace
- Regularly check your workplace to make sure everything 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 supplier.

For more information about your responsibilities as an employer, visit www.worksafebcstore.com and obtain a free copy of the “Small Business Primer.”

Common hazards in the food service industry (not limited to and in no particular order):

- Standing on things that aren't safe to stand on – such as chairs and stools – to reach for items.
- Slippery surfaces are one of the major causes of accidents in the food industry.
- Tripping on carpets 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 in burns and scalds. The most common causes are spilling or splashing of hot liquids and contact with hot surfaces.
- Back injuries from lifting incorrectly.
- Less common, but potentially more serious, are injuries sustained trying to prevent dine and dash and robbery.

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.

New employees should be given safety orientation using the checklist included at the end of this section.

Young and new 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.

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 www.worksafebc.com. You may also phone WorkSafeBC for more information about safety and accident prevention at 604-276-3100 or toll-free at 1-888-621-7233.

Working in partnership with WorkSafeBC, go2 The Resource for People in Tourism is the health and safety resource and the certifying partner for the Certificate of Recognition (COR) Program for BC's tourism and hospitality industry. Check out their website at www.go2hr.ca or contact them at 604-633-9787.

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.

All businesses both large and small are required to set up an occupational health and safety program. 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.

White Spot Restaurants have also developed a restaurant safety manual for the foodservice industry, on which you can base your manual on. Their safety manual is also available from WorkSafe BC.

An occupational health and safety program is important to fulfill your obligation to have a safe workplace. You can follow the guidelines in the White Spot Manual and customize a manual tailored for your own restaurant.

TIP: All of the information and assistance you need is available from WorkSafe BC.

TIP: Get 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.

WorkSafeBC: Requirement to Enrol and Pay Premiums

BC law requires that you register with, and pay premiums to WorkSafeBC. If you do not register, you are putting your business at 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 at the WorkSafeBC website or at the BC Government One Stop Registry. You can also phone 604-244-6181 in the Lower Mainland or call toll-free 1-888-992-2768 to speak to someone directly. You can also register in person at one of the WorkSafeBC offices that are located in most urban areas and throughout the province. Check your telephone directory for a location near you.

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; discuss a safety topic. Some real accidents can be used as examples for discussion. From WorkSafeBC's accident files, here are some suggestions:

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 and be beaten or be shot as the dine and dash attempts to get away.

Many workers have been injured, some severely; some employees have lost their lives chasing thieves. While preventing theft is important, an employee's life and health are of far greater value.

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 restaurant to discourage a dine and dash?

Another aspect to consider is whether there is cash close to the front of the restaurant; 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. Some potential hazards with an oven that may arise:

- The draft control of a gas fire baking oven was not set up properly.
- The oven was not adequately maintained and serviced.
- The ovens 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. 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 the restaurant 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; 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.

It is recommended 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.

It is important that you discuss with your employees the importance of taking certain precautions to prevent such accidents from occurring. Safety measures, such as proper training – learning how to check the workplace for safety hazards regularly, knowing who to report to if hazards are present, understanding how to remove such hazards where possible, and knowing how to properly exit a freezer with a 'mushroom cap' handle – could all help to prevent this from happening. Ask employees' what other suggestions they have or what safety measures are in place for workers who are alone in your restaurant.

❖ **IMPORTANT NOTE:** While it isn't always possible, it is a good idea to try and schedule employee's 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.

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:* Bill comes in alone on Tuesday mornings to receive and stock the food order. He will be alone for about four hours until the lunch shift signs in. Bill's employer must set in place a system of checking on Bill while he is alone. A good plan would be to phone Bill every half hour. Depending on the location of the restaurant, Bill should be instructed to keep the doors locked while he is not receiving the food 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 employees' control.

◆ *For example:* The sandwich shop has a lot of late night customers. In order to keep the employees safe, the employer must either build a lockable secure barricade that prevents the public from having access to the employees OR must schedule two employees to work the shift together.

In addition, 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 (20) employees regularly employed at your business, WorkSafe BC requires that there be a joint health and safety committee. The committee must consist of at least two (2) employees who are not managers; these are chosen by the employees. If several people want to be on the committee, the employees must choose them, by secret ballot. The employer may be part of the committee or may appoint no more than an equal number of managers to be on the committee.

In the food service industry, the work of the committee may not be any more demanding than a once a month walk through the restaurant – front and back of house – 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 health and safety committee subsequently informs the employer about any hazard(s) they have identified so that repairs can be completed to fix the potential problems. It is important that the committee follows up with employees – particularly new employees – about the potential hazards and how to avoid injury (back injuries due to incorrect lifting, burns and cuts are common in the kitchen, tripping, slipping and collisions can hurt servers). While WorkSafeBC provides excellent educational material, you should ensure that your safety committee can easily obtain this information as referential material for the committee and to distribute to other employees' on staff.

The time the committee members spend on this is considered to be work on behalf of the employer and they must receive their regular wages when they are doing committee work.

If there are less than twenty (20) employees, you are not required to have a safety committee. It is, however, a good idea to have one regardless of how many employees' there are. If there is no committee, there must be health and safety procedures posted at the work site 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 occasionally 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 employee's 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.

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 foodservice industry, WorkSafeBC has made available the "Regulation and Guidelines for Tourism and Hospitality" on their website www.worksafebc.com. Otherwise, contact WorkSafeBC by phone at 604-244-6181 in the Lower Mainland or call toll-free 1-888-992-2768. 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.

Bullying and Harassment

WorkSafeBC has new occupational health and safety workplace bullying and harassment policies. These came in to effect on November 1, 2013. The policies define bullying and harassment and identify what WorkSafeBC considers to be reasonable steps for employers, workers and supervisors to take to prevent or minimize workplace bullying and harassment.

To assist employers in understanding the new legal requirements, WorkSafeBC has launched an **online bullying and harassment prevention tool kit**, which includes a handbook, fact sheets, videos, training tools and customizable templates.

(<http://www2.worksafebc.com/Topics/BullyingAndHarassment/Resources.asp?reportID=37260>)

Under the new policies, bullying and harassment include any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated. Excluded from the definition is any reasonable action taken by an employer or supervisor relating to the management and direction of workers or their place of employment.

Under the *Workers Compensation Act*, employers are required to ensure the health and safety of their workers. That obligation includes a requirement to take reasonable steps to prevent or minimize workplace bullying and harassment. Under the new 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 policy statement in (a) and the steps taken in (b);
6. training supervisors and workers on recognizing the potential for bullying and harassment, responding to bullying and harassment, and 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, and
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 **www.worksafebc.com/bullying**.

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 will

leave the job, taking the training you invested in that employee with them. They may file a claim with WorkSafeBC. 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 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; specify your Human Resource Department or the company owner 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.

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, 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 for no legitimate work related reason.

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.

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.

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 that on site bullying will cause.

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 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 (MSDS), 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)

Employer must make sure these products information labels are in a language most easily understood by the people who will use them.

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 and accordingly.

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. Please visit www.worksafebc.com to obtain a copy, or contact WorkSafeBC by phone at 604-244-6181 in the Lower Mainland or toll-free 1-888-992-2768 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 (3) business days of the accident, or within three (3) business days of becoming aware of the injury. Business days mean 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 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 604-276-3301 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 to make 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.

- 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 his or her 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 member, 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 the WorkSafeBC's Emergency and Accident Reporting **immediately**. Call toll-free 1-888-621-SAFE (7233) during standard business hours Monday to Friday, 8:30 a.m. to 4:30 p.m., or call 1-866-WCB-HELP (922-4357) for after-hours support.

- Any incident that kills, causes risk of death, or seriously injures to a worker.
- Any serious mishap.

It is against the law for an employer to persuade or attempt to persuade a worker not to report an injury or hazardous condition to WorkSafeBC.

WORKER BENEFITS

When a worker's claim is accepted, he or she 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 the WorkSafeBC start the first scheduled shift lost after the day of a work-related injury or disease.

Health care costs are covered 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 in order to be covered by WorkSafeBC.

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 if your safety plan includes disease prevention, insisting on hand washing and vaccinations.

◆ *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 & 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 Freedom of Information and Protection of Privacy. For advice, information and assistance appealing or requesting a review, employers can go to the Employer's Adviser 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, seniority and benefits while they recover.

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 WorkSafe BC 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.

You may also 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 more information, please visit 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 future injury and disease.
- 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.

Worker's Adviser

The Worker's Adviser office is a Branch of the Provincial Government Ministry of Labour and Citizen's services. The Worker's Adviser provides education, advice, information and in some circumstances, represents workers who are appealing a decision made by WorkSafeBC.

You can reach the Worker's Adviser at any of the following locations. If you live outside these areas, call the location closest to you for assistance with your claim.

Vancouver and the Lower Mainland:

500 – 8100 Granville Avenue
Richmond, BC, Canada
V6Y 3T6
Phone: 604-713-0360
Fax: 604-713-0311
Toll-Free: 1-800-663-4261

Vancouver Island:

403-3960 Quadra St,
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
tel: 250 830-6526
fax: 250 830-6528
toll-free: 1 800 661-4066

Interior Region:

101 - 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

1st Floor - 333 Victoria Street,
Nelson, BC V1L 4K3
Phone: 250 354-6933
Toll-Free: 1 800 663-4261
Fax: 250 354-6944

208 - 1577 - 7th Avenue
Prince George, BC V2L 3P5
Phone: 250-645-4021
Toll-Free: 1 800 663-6695
Fax: 250-645-4024

Employer's Adviser

Employers' Advisers provide 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.

Educational Seminars

- 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

Employer's Advisors are in these locations:

Richmond

620 - 8100 Granville Ave
Richmond BC V6Y 3T6
Tel: 604 713-0303
Fax: 604 713-0345
Toll Free within British Columbia & Alberta
1-800-925-2233

Abbotsford

207-32555 Simon Avenue
Abbotsford, BC V2T 4Y2
Phone: (604) 870-5492
Fax: (604) 870-5498
Toll Free within British Columbia & Alberta
1-866-870-5492

Kamloops

101 - 70 2nd Avenue
Kamloops, BC V2C 6W2
Phone: (250) 828-4397
Fax: (250) 828-4563
Toll Free within British Columbia and Alberta
1-866-301-6688

Kelowna

102-1726 Dolphin Avenue
Kelowna, BC V1Y 9R9
Phone: (250) 717-2050
Fax:(250) 717-2051
Toll free within British Columbia & Alberta
1-866-855-7575

Nanaimo

404 - 495 Dunsmuir Street
Nanaimo, BC V9R 6B9
Phone: (250) 741-5500
Fax: (250) 741-5508
Toll free within British Columbia & Alberta
1-866-827-2277

Trail

1050 Eldorado Street
Trail BC V1R 3V7
Phone: (250)364-0730
Fax: (250)364-0731
Toll free within British Columbia & Alberta
1-877-877-5524

Prince George

#206, 1577 7th Avenue
Prince George, BC V2L 3P5
Phone: (250) 565-4285
Fax: (250) 565-4288
Toll Free within British Columbia & Alberta
1-888-608-8882

Victoria

Suite 400 - 3960 Quadra Street
Quadra Centre
Victoria, BC V8X 4A8
Phone: (250) 952-4821
Fax: (250) 952-4822
Toll Free within British Columbia & Alberta
1-800-663-8783

WorkSafeBC Regional Locations

Abbotsford:

2774 Trethewey St. V2T 3R1 Phone:
604 276-3100 1 800 292-2219 Fax: 604
556-2077

Burnaby:

450-6450 Roberts St. V5G 4E1
Phone: 604 276-3100 1 888 621-7233
Fax: 604 232-5950

Coquitlam:

104-3020 Lincoln Ave. V3B 6B4
Phone: 604 276-3100 1 888 967-5377
Fax: 604 232-1946

Courtenay:

801 30th St. V9N 8G6 Phone: 250
334-8765 1 800 663-7921 Fax: 250
334-8757

Fort St. John:

9924 107th Ave. V1J 2P6
Phone: 250 785-1283
1 800 663-4630
Fax: 250 785-8976

Kamloops:

321 Battle St. V2C 6P1 Phone: 250
371-6003 1 800 663-3935 Fax: 250
371-6031

Kelowna:

110-2045 Enterprise Way V1Y 9T5
Phone: 250 717-4313 1 888 922-4466
Fax: 250 717-4380

Nanaimo:

4980 Wills Rd. V9T 6C6 Phone: 250
751-8040 1 800 663-7382 Fax: 250
751-8046

Nelson:

524 Kootenay St. V1L 6B4 Phone: 250
352-2824 1 800 663-4962 Fax: 250
352-1816

North Vancouver:

100-126 East 15th St. V7L 2P9 Phone:
604 276-3100 1 888 875-6999 Fax: 604
232-1558

Prince George:

1066 Vancouver St. V2L 5M4 Phone:
250 561-3700 1 800 663-6623 Fax: 250
561-3710

Surrey:

100-5500 152 St. Panorama Office Park
Phone: 604 276-3100
1 888 621-7233
Fax: 604 276-3247

Terrace:

4450 Lakelse Ave. Phone: 250 615-6605
1 800 663-3871
Fax: 250 615-6633

Vancouver (Head Office):

6951 Westminster Highway
Phone: 604 276-3100
1 888 621-7233

Victoria:

4514 Chatterton Way V8X 5H2
Phone: 150 881-4218
1 800 663-7593
Fax: 250 881-3482

Go2 – Industry Health and Safety

Go2 the Resource for People in Tourism, working in partnership with WorkSafeBC, is the health and safety resource and 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.

Go2 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 go2 at www.go2hr.ca or call (604) 633-9787.

Union Certification and the Labour Relations Board

The Labour Relations Board regulates all parts of the union/employer and union/union member relationships. This includes:

- Workers' rights to join a union and have that union certified to represent them.
- Collective bargaining rights.
- The process of collective bargaining.
- The settlement and regulation of disputes in both the public and private sectors.
- Determining what are essential services in the event of strike action and the regulation of a union's obligations to fairly represent their members.

While the majority of restaurants are non-union, restaurant employees have the right to join a union. If a group of employees do apply to have a union represent them at your restaurant, here are some things you can expect to happen:

- You will be given a copy of the application.
- A representative of the Labour Relations Board will ask you for a list of employees and a description of the job they have.
- The union applying to be certified will not receive your list of employees.
- You will not receive the list of people who have joined the union by signing union cards.
- A representative of the Labour Relations Board will come to your restaurant to conduct a secret ballot vote (just like elections for government representatives).
- The Labour Relations Board will decide who is entitled to vote; employers have the right to ask for a review of the decision. Challenged ballots will be sealed in an envelope and will be counted or destroyed, depending on the Board's decision.
- Senior managers and major shareholders will usually not be eligible to vote as they will not be eligible to join the union or be represented by them.
- A union becomes certified if the majority of employees vote for the union to represent them (anything above 50%).

Employers should not do things that could be considered interference with the application or with the employees' right to vote, such as terminating employees who are suspected of being involved in the union or threatening to close the business.

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 www.lrb.bc.ca. You can also email them at information@lrb.bc.ca. If you wish to speak to a representative, you may phone them at 604.660.1300.

Safety Orientation Checklist

SAFETY ORIENTATION CHECKLIST

Employee Name: _____

Date Hired: _____ Date of Orientation: _____

Position (tasks): _____

Supervisor (Trainer) Name: _____

Employee's Signature: _____

Trainers Signature: _____

TOPICS TO BE COVERED	INITIALS		Comments (e.g. follow-up or indicate if not required)
	trainee	trainer	
Told to report all injuries and shown how to do this:			
Told where and how to get first aid:			
Told to report all hazards and shown how to do this:			
Explain his/her right to refuse unsafe work and procedure:			
Shown how to safely use and clean equipment: <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____			
Shown how to safely perform specific tasks: <input type="checkbox"/> Proper lifting techniques <input type="checkbox"/> _____ <input type="checkbox"/> _____			
Explain how to read labels on chemicals			
Told about WHMIS system and their right know information about hazardous materials: <input type="checkbox"/> Location of MSDS (material safety data sheets) and how to read them <input type="checkbox"/> How to read labels <input type="checkbox"/> How to clean up spills			

5

Liquor Control, Licencing & Distribution

There are 7 classes of liquor licences, and you must hold at least one to serve any type of alcoholic beverage, including beer and wine.

Most restaurants need information about Food Primary licences, to enable them to serve liquor with food. For the purpose of this manual we will concentrate on the Food Primary License

A new license is available for caterers who prepare food to be served elsewhere. This new license is discussed later in this Section

A Food Primary licence allows a restaurant to:

- Serve distilled liquor, beer and wine with food (only full service liquor licenses 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 license)
- 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 small lounge area separate from the dining room (The restaurant must have more than 50 seats to be allowed a lounge)
- 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 licence:

- Restaurants in mall food fairs
- Restaurants specializing in take out and/or delivery; where seating is for customers waiting for orders. 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
- Stand-alone banquet rooms without fully equipped kitchens
- Mobile food stalls and trucks

TIP: *The main purpose of a business with a Food Primary licence must be to serve food. You may serve drinks to customers, who are not eating, but the kitchen must be open and a full range of menu items must be available. Operating contrary to purpose (such as representing the place as a restaurant but operating as a bar) is a MAJOR contravention and may cause loss of Liquor License. To retain your license, you must have food as the focus at all times.*

The holder of a Food Primary licence may apply to have a small lounge area to serve drinks, but only if they have a restaurant that seats more than 50 people. However, they cannot advertise their establishment as a place to come for alcoholic drinks. The emphasis must be on food.

The name of the restaurant cannot emphasize drinks. It could not be called Joe's Bar and Steak house. However, if the use of the word 'bar' describes a style of food service such as salad bar, oyster bar or sushi bar, that would be acceptable.

The name you choose for your restaurant must be approved by Liquor Licensing. Don't have signs made until you are certain the name has been approved.

The Liquor Licensing Branch publishes an excellent manual entitled Guide for Food Primary Licence Holders. A copy of the guide is available to download at www.pssg.gov.bc.ca/lclb or available on request by contacting Liquor Licensing

In Victoria at 250 952 5787.

Toll Free in other parts of BC 1 866 209 2111

Email: lclb.lclb@gov.bc.ca

Applying for a Liquor Licence

You are eligible to apply for a food-primary licence if you are:

- at least 19 years old, and
- a resident of British Columbia, a Canadian citizen or permanent resident of Canada (if you are applying as a corporation, and none of your shareholders live in B.C., you must appoint a resident manager).
- consent to a criminal record search and having the results viewed by Liquor Licensing You, your resident manager (if you have one) and all shareholders and partners, must consent to a criminal record search. Having a criminal record does not automatically cause your application to be declined. The circumstances of the crime and any relationship to the responsibilities of liquor service are considered)
- have a good record as a licensee if you previously had a liquor licence
- the owner of the business or the owner's appointed resident manager
- either own the property where the business will be located OR have a lease that won't expire for at least 12 months from the date the license is granted.
- not financially or personally associated with a liquor manufacturer
- not bound by any agreement to sell only certain brands of liquor
- intending the primary focus of your business to be serving food as opposed to serving liquor.

Organize the documents you need:

- application form, a criminal records search form and an authorization to disclose a criminal record search forms
- a photo-copy of your driver's licence, passport or any other government-issued photo-ID (and the licences, passports or IDs of any co-applicants or partners) as proof of identity
- a photo-copy of your proposed food menu(s)
- a list of all your kitchen equipment including china and cutlery, and
- a sketch of your proposed signs (your establishment name and signage are subject to Liquor Control and Licensing Branch approval).
- one copy (on standard paper size – 8 1/2 x 11 inches) of your restaurant's floor plans, including kitchen, food service area, washrooms, entry area etc., drawn to scale with the scale clearly marked. The plans should also show any special-use areas such as a patio, banquet room, or restaurant lounge, 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 you want 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.
- If your restaurant is 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 and 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 license is issued

If you are a private corporation, you must attach copies of your:

- Certificate of Incorporation
- Extra-provincial registration (if applicable)
- Director's Resolution(s) allocating shares or transferring shares
- Current Register of Members (shareholders) or Central Securities Register
- Current Register of Directors and Executive Officers (or Notice of Articles)
- Memorandum of Authorized Capital (or Notice of Articles), and
- 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:

- Certificate of Incorporation
- Current Register of Members (shareholders) or Central Securities Register
- Current Register of Directors and Executive Officers (or Notice of Articles)
- Memorandum of Authorized Capital (or Notice of Articles), and
- 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 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:

- Certificate of Incorporation
- Extra-provincial registration (if applicable)

- 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:

- Registration of Partnership, or
- 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, and
- 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 LCLB or go to their web site 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 don't want to have to open with your license still pending.*

Submit your application package either on line or by mail to

Courier/Drop Off Liquor Control and Licensing Branch
 Location: 4th Floor, 3350 Douglas Street
 Victoria, BC V8Z 3L1

Mail: Liquor Control and Licensing Branch
 PO Box 9292 Stn Prov Govt
 Victoria, BC V8W 9J8

LCLB tells us 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 application to be processed.

Application forms are revised frequently, so we have not provided forms in case you apply using an obsolete application form. The LCLB web site also offers an excellent and easy to follow guide to application process at www.pssg.gov.bc.ca/lclb/apply. You will be able to download all forms you need from this site.

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 license suspended or cancelled and/or pay a fine.

Here are a few of the important rules.

YOU MUST BUY YOUR LIQUOR FROM 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 \$15.00, you cannot sell it for any less than \$15.00

A Food Primary and Liquor Primary license holder may now offer a “happy hour” to their customers. This can be at the time of the day they choose.

There is minimum drink pricing for Happy Hour. You may charge what you wish, but these are the MINIMUM prices you may charge your customers. You must not over serve.

1. Draught beer/cider

25 cents an ounce (28ml) \$3.00 for a 341 ml or 12 ounce sleeve \$5.00 for a 20 ounce pint
\$15.00 for a 60 ounce jug

2. Packaged beer, cider, coolers

25 cents an ounce (28 ml) \$3.00 for a 12 ounce bottle or 355 ml can

3. Wine and Fortified Wine

60 cents an ounce (28 ml) \$3.00 for a 5 ounce glass; \$3.60 for a 6 ounce glass \$5.40 for a 9 ounce glass
\$15.85 for a 750 ml bottle

4. Liquors and Spirits \$3.00 an ounce

MIXED DRINKS

Drinks must be poured from the original container and mixed drinks must be made where the guest may watch.

The drink does not have to be mixed in front of the guest, but must be made in an area the guest could watch if they chose to.

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 are 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 2 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).

OVERSERVING

Serving it Right training will assist you and your employees in assessing whether or not a patron has drunk too much liquor. In general, it is a violation of the Liquor laws (and your license conditions) to:

- Allow customers to become intoxicated
- Serve intoxicated customers
- Allow intoxicated customers to remain at the restaurant

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 patron 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 obtain this certification, contact GO2

go2HR — The resource for people in Tourism

Suite 450, One Bentall Centre
505 Burrard Street
P.O. Box 59
Vancouver, BC
V7X 1M3

go2HR: 604-633-9787

www.go2.ca

CLOSING TIME

You must stop serving liquor at midnight. If you want to serve liquor later than this, you must first get

the written approval of City Hall. Only then may you may apply to Liquor Licensing branch to extend your hours.

The municipality where you have your restaurant may allow liquor service past midnight OR they may require liquor service stop earlier than midnight. If LCLB allows you to serve liquor until midnight, but your municipality requires that liquor service stop at 10 pm, you must obey the municipality's requirements.

WINE MAY BE BROUGHT IN

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 wine. Restaurants may choose not to allow this or may choose to charge a corkage fee.

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 full 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.

AGE REQUIREMENTS

In establishments that hold a Liquor Primary licence or a Food Primary licence with a Restaurant Lounge Endorsement, employees who serve liquor must be at least 19.

In establishments that have a Food Primary licence, servers over the age of 16 (under 19) may transport liquor, but they are not permitted to pour, mix or open any alcoholic products.

UNIFORMS

Employees cannot wear clothing that promote any type or brand of liquor (those cute shirts handed out by a brewery must be worn on days off).

ID 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 19, ask for ID. Serving minors is a serious offense and you could have your license suspended or cancelled if you serve patrons under 19.

Acceptable ID can include (with picture) Passport, BC ID, Driver License

Secondary ID can be credit card, Care card, student card, BC Services 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 license

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.*

STORING LIQUOR AND MOVING IT AROUND

When you purchase liquor for your restaurant, you may store it off site in a secure location or at your restaurant. If you own 2 or more licensed businesses, you may take liquor from one location and sell it at the other.

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
- Licence numbers of the locations involved

For a full set of the requirements you must meet to keep your liquor license and serve your customers safely, you can download the food primary terms and conditions at www.gov.bc.ca/lclb or obtain free copies by mail by calling toll free 1 866 209 2111

Entertainment

Your Food Primary Liquor License allows you to offer some limited entertainment. Remember the primary purpose of your business is the service of food.

YOU CAN

There are some entertainments you may offer in conjunction with food and liquor service without obtaining additional licenses from Liquor Licensing. It is best to check with City hall, however, to make sure you will not violate any bylaws. Entertainments permitted by your Food Primary license 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*

TIP: recorded music and movies are copyrighted and cannot be played unless you pay the royalties to the artists. See the Music in your Restaurant section of this manual.

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 Liquor Licensing Branch 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.

YOU CANNOT

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, 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 could not be admitted is not allowed. This includes strippers, pole dancers, and performers such as comedians who present sexually suggestible 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 daughter 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 assure they leave safely. Under no circumstances can you allow an intoxicated entertainer to perform.



Entertainment: Don't Let This Happen to You!

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 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 \$40.

One evening, the Liquor Licensing and the Gaming Inspectors arrived and shut the Bingo down.

Because 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 Gaming and Liquor Licensing. She was not prosecuted.

While in this circumstance the Liquor Licensing Branch was reasonable, they could have suspended the restaurant's liquor license. The owner could also have been charged criminally with keeping a common gaming house.

The restaurant owner was lucky the government enforcers chose to be decent. She suffered a lot of sleepless nights while the enforcers 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 all have approved. Being legal also means you have obtained permission, permits and paid the royalties.

Transferring a Liquor License

Here are things you need to know if you are buying or selling a restaurant with a liquor licence:

- The liquor licence is not an asset of the business and cannot be bought or sold. A vendor cannot add an amount 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 Licenses only take place at the Liquor Licensing Branch. Only that government agency can affect a license 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 LCLB has not approved transfer of the licence to the new owner or the license 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 license form to apply for a liquor license to be transferred into their name in a way that is almost identical to an application for a new license. They must submit an application, a [criminal record search form](#) and Consent for Disclosure of Criminal Record Information along with the present license holders transfer request and specified fees.
- The transfer of license should be completed before the existing license expires, otherwise there will be additional fees.

If you are selling your restaurant, you must complete a transfer of license form that tells Liquor Control and Licensing Branch (LCLB) that you are transferring your license and the name of the person the license is to be transferred (the person buying the restaurant or the designated shareholder of the corporation buying the restaurant) The purchaser is responsible for obtaining a liquor license in his/hers or the corporate name.

IF YOU FAIL TO NOTIFY LCLB OF THE TRANSFER YOU WILL CONTINUE TO BE RESPONSIBLE FOR ANY LIQUOR LICENSE 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 license registered in your name are available at BC One Stop Business registry and LCLB

In Victoria:	Call: 250 952-7039
Outside Victoria:	Call toll-free within BC: 1-888 544-0443
Email:	liquor.licensing@gov.bc.ca

Most forms you will need can be printed from the LCLB website: www.pssg.gov.bc.ca/lclb



Transferring a Liquor License: Don't Let This Happen to You!

In 2014, Bob bought a restaurant. He was told by the realtor he automatically became responsible for the Liquor License.

Bob operated the restaurant under his own name, but the liquor license remained in the name of Julie, the previous owner.

In early 2015, a Liquor Inspector came to the restaurant for a routine inspection. When it was discovered Bob hadn't had the license transferred into his name, despite having owned the restaurant for nearly 10 months, the license was suspended. 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 with their 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 license is properly transferred. If the ability to serve liquor is an important part of your business plan, make receipt of the license in your name a condition of completion of the sale.

Inspections & Enforcements

LIQUOR INSPECTIONS

A liquor inspector may arrive at any time to check books and records, to assure 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 (see the section on records in this manual)

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) in the restaurant. 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)?
- Are most customers eating meals, not just having drinks?

The inspector may also ask to see guest checks 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.

Inspectors who are observing service may not always identify themselves.

THE POLICE

The local police are involved in the enforcement of liquor laws. It is a public safety issue to assure 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 (frequently caused by intoxication). The information the police obtain is provided to LCLB. 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 stays in your restaurant. A customer, a competitor or an off duty government employee may pick up the phone and call LCLB. They may allege they saw staff drinking, that only drinks were available and minimal food; they may claim they witnessed off sales at your restaurant.

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 Liquor Control and Licensing Branch 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 were presented at the hearing.

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 patron 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.

TIP: It is good for business and good for customers to have a designated driver program or an account with a cab company to assure patrons get home safely and don't hurt anyone in the process.

Serving It Right

Serving It Right is BC's Responsible Beverage 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. Serving It Right is administered by go2 – BC's tourism industry human resource association.

All licensees, manager, sales staff and servers in a licensed establishment are required to have their Serving It Right (SIR).

The quickest and easiest way to get your SIR certificate is online at www.servingitright.com. 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. Upon successful completion, you can print out your SIR certificate right away. A hard copy certificate card is also available for \$5.00.

You can also pick up a copy of the Serving It Right manual at any government liquor store, which includes a paper-based exam. The cost of the paper exam is \$40.00 and includes the printed certificate card.

For more information regarding Serving It Right, or if you are trying to locate your Serving It Right number, please call (604) 633-9798 or e-mail customerservice@go2hr.ca.

Signs and Advertising

NAMING YOUR RESTAURANT

Be sure to keep in mind the following rules and guidelines when selecting a name for your establishment:

- Your restaurant's name cannot emphasize liquor; 'Whisky Bar and Grill' would not be acceptable, nor would 'Bob's Beer House' or 'Mary's Martini Bar.'
- If the word 'Bar' is in the name it must be to describe a type of food service such as 'Salad Bar', 'Oyster Bar' or 'Sushi Bar.'
- The name must be approved by the BC Corporate Registry, City Hall, and the Liquor Licensing Branch; 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.

Your exterior signs and awnings must meet the requirements of City Hall in the municipality where you have your restaurant. 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 RESTAURANT

You are permitted to advertise that your restaurant 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 (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 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.
- Your advertisements cannot associate liquor with driving.
- Your marketing material cannot be directed at minors or placed in locations used or visited

mostly by minors (such as video arcades and 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.
- Advertisements cannot show people with liquor unless they also have food in front of them.
- Advertisements must emphasize that serving food, not liquor, is the restaurant's business; food must be featured and liquor must be given a secondary roll.

Renewing a Liquor Licence

Here is a list of some things to keep in mind when it is time to renew your liquor license:

- Once you have a liquor license, you must renew it each and every year and pay your annual license fee. The first year a license is held, the fee is \$475.00. Every subsequent year after that, the fee is tied to your liquor sales and can range from \$250.00 to \$2200.00 annually.
- If you are late renewing your license, you will be charged a late processing fee.
- To qualify for renewal, you must continue to meet the same criterion that was required for your initial license.
- If the Liquor Control and Licensing Branch decides not to renew your license, they will contact you to explain the decision and provide you with their reasoning.
- If you plan to sell your restaurant, your liquor license must be current if you wish to transfer it to a new owner; expired licenses cannot be transferred.
- Do not allow your license to expire while you continue to serve liquor; this could have a negative effect on your renewal.
- The Liquor Control and Licensing Branch does not automatically renew your license. 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 license online at the BC Government One Stop Business Registry or through the Liquor Control and Licensing Branch. To speak to someone directly, phone (250) 952-7039 or toll-free outside Victoria at 1-888-554-0443. You can also renew your liquor license by submitting your application for renewal to liquor.licensing@gov.bc.ca, or by mailing your application to the following address:

Courier/Drop Off Location:

Liquor Control and Licensing Branch
4th Floor, 3350 Douglas Street, Victoria,
British Columbia
V8Z 3L1

Standard Mail:

Liquor Control and Licensing Branch
PO Box 9292 Stn. Prov. Govt.
Victoria, British Columbia
V8W 9J8

If you are buying a restaurant with a liquor license, you must apply for the license to be registered in your name within six (6) weeks. If you fail to do so, the license to serve or sell liquor will be suspended automatically. The forms to apply to have the liquor license registered in your name are available at the BC Government One Stop Business Registry or through the Liquor Control and Licensing Branch. To speak to someone directly, phone (250) 952-7039 or toll-free outside Victoria at 1-888-554-0443. You can also apply to have the liquor license registered in your name by submitting your application to liquor.licensing@gov.bc.ca, or by mailing your application to the following address:

Courier/Drop Off Location:

Liquor Control and Licensing Branch
4th Floor, 3350 Douglas Street, Victoria,
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V8Z 3L1

Standard Mail:

Liquor Control and Licensing Branch
PO Box 9292 Stn. Prov. Govt.
Victoria, British Columbia
V8W 9J8

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 license and you must apply to the Liquor Control and Licensing Branch for approval. Many of the changes listed here will also require City Hall approval.

PERMANENT CHANGES

You must apply to the Liquor Control and Licensing Branch for a permanent change if you do any of the following:

- Move to a new location
- Want to extend your hours of liquor service
- 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 such that it would allow you to operate the type of restaurant you have or, hope to have in that new location.

NAME CHANGES

If you wish to change any names on record at the Liquor Control and Licensing Branch, or if the names they have are not current, you must apply for approval to:

- Change the name of your restaurant
- Change your name as it appears on the license
- Change any other name, such as a company or shareholder, receiver or executor, or if you transfer shares
- Lease your restaurant so it will be managed or operated by another person or company
- Change your resident manager (only for licensee's who live outside BC)

RENOVATIONS AND EXPANSIONS

You must apply for a permanent change to your license if you want to complete any of the following:

- Change your floor plan
- Add on to or alter the structure of your restaurant (you will require a building permit to make any structural changes)
- Increase your seating capacity (the Fire Marshall 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)
- Add a lounge

TEMPORARY CHANGES

You must apply for a temporary change to your license if you want to:

- Extend your hours of liquor sales for a special event
- Serve liquor in an area of your restaurant where liquor isn't normally served 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 Control and Licensing application for change (permanent or temporary) to City Hall and ask them to complete the following:

- Sign and date your application for a change
- Send a copy of a resolution commenting on your application directly to the Liquor Control and Licensing Branch within 90 days (this comment goes directly from City Hall to Liquor Licensing; you do not have the authority to either see it or send it).

The forms you will need to apply for your permanent or temporary changes are available to download or you can visit the Liquor Control and Licensing Branch online at www.pssg.gov.bc.ca/lclb. You can also visit the LCLB the location listed below, or to speak to someone directly, phone (250) 952-5787 or call toll-free 1-877-866-2111. You can also email lclb.lclb@gov.bc.ca.

Courier/Drop Off Location:

Liquor Control and Licensing Branch
4th Floor, 3350 Douglas Street, Victoria,
British Columbia
V8Z 3L1

Standard Mail:

Liquor Control and Licensing Branch
PO Box 9292 Stn. Prov. Govt.
Victoria, British Columbia
V8W 9J8

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.

WHOLESALE CUSTOMER CENTRE

The Wholesale Customer Centre (WCC) is located in Vancouver and operates in conjunction with the Vancouver Distribution Centre (VDC) and a satellite warehouse in Kamloops. General enquiries can be directed to ldbwholesalehelp@bcliquorstores.com or 604-775-0681.

WCC Hours of Operation: Open Sunday at 3:00 p.m. through Friday at 5:00 p.m. Closed Saturdays.

Customers can order product from the Wholesale Customer Centre using the following methods:

- E-Mail
- Fax
- Phone

ORDERING BY EMAIL

bcls100@bcliquorstores.com

Email orders are received 24 hours a day, 365 days a year. Orders are processed during hours of operation; any email received after business hours will be processed on the next business day.

WCC Hours of Operation: open Sunday at 3:00 p.m. through Friday at 5:00 p.m. Closed Saturdays.

ORDERING BY PHONE

604-775-0681 (select option 1)

Hours of Operation: Monday through Friday from 8:00 a.m. to 4:00 p.m.

The WCC is open statutory holidays except Christmas Day and New Years Day.

The order desk will take the call, process the order, and provide a reference number. Customers are required to provide the unit quantity required and the associated SKU. Orders are processed in sequence, on a 'first come, first serve' basis.

Customers are advised of any invalid SKU's, out of stocks, or back-ordered Wholesale products on the *Order Submission Report*.

ORDERING BY FAX

604-252-3470 - for orders serviced by the Vancouver Distribution Centre 604-252-2947 - for orders serviced by the Kamloops Distribution Centre

Fax orders are received 24 hours a day, 365 days a year. Orders are processed during hours of operation; any fax received after business hours will be processed on the next business day. Fax order forms are available on the Resources Page of www.ldbwholesale.com.

WCC Hours of Operation: Open Sunday at 3:00 p.m. through Friday at 5:00 p.m. Closed Saturdays.

DOMESTIC AND IMPORT BEER

A limited selection of high volume domestic and import beer are available for ordering through the Wholesale Customer Centre in Vancouver. There is a maximum quantity of 20 dozen per distributor (e.g. BDL, Okanagan Springs). Visit the Resource page of www.ldbwholesale.com for a list of beer stocked in the Vancouver Distribution Centre (VDC).

Please note, Labatt and Molson's are suppliers, while Kokanee and Coors Light are brands.

CUSTOM, LARGE AND SEASONAL ORDERS

It is important to plan ahead before placing a custom, large or seasonal order. Additional assembly time may be required. Contact the WCC in Vancouver at 604-775-0681 or toll free at 1-877-775-0681 for advice on appropriate lead times.

WCC Hours of Operation: Open Sunday at 3:00 p.m. through Friday at 5:00 p.m. Closed Saturdays.

ORDER CONFIRMATION

Once the customer order is confirmed, an *Order Submission Report* is automatically sent within 60-90 minutes via fax. The report will detail out-of-stock and Non-Stocked Wholesale Products (NSWP) the number of cases and bottles to be shipped and an invoice estimate. To request the report via email, please contact the LDB Wholesale Customer Centre at ldbwholesalehelp@bcliquorstores.com.

After the order is assembled, an *Invoice Report* is sent to customers. The report outlines the products shipped and the final invoice total.

An *Outstanding Non-Stocked Wholesale Product Report* is automatically sent to the customer when the final invoice is generated and will recap the status of each product. Non-Stocked Wholesale Products (NSWP) are generally stocked by a domestic supplier or at an import agent's warehouse. Inventory can often be out of stock in the agent's warehouse, discontinued by the agent or not yet landed in the country and this may result in a delayed shipment.

Customers ordering via LDB Web Store or directly through the Wholesale Customer Centre will secure pricing on their order day. Customers ordering through BC Liquor Stores will secure pricing on the day they submit payment.

If these reports are not received, do not re-send the order. Contact a Wholesale Customer Centre Supervisor in Vancouver at 604-775-0681.

PICK-UP

In general, orders are available for pick-up within 24 hours after customers have received the *Invoice Report*.

Wholesale customers can receive orders via the following two methods:

- Customer Pick-Up
- Third Party Carrier

SHIPPING DOCUMENTS

- *Shipping Load List*: indicates the number of units and cases shipped.
- *Pallet Contents Report*: an itemized list of units and cases on each assembled pallet.
- *Floor Credit Report*: indicates each product (SKU) that was ordered by the customer, but was unable to be filled.

❖ **IMPORTANT NOTE:** All liquor purchases are recorded against a license number. A purchase cannot be made without a license number.

To obtain a copy of the LDB Licensee Ordering Guidelines, visit www.ldbwholesale.com and click on the 'Reports and Policies' page.

WHOLESALE CUSTOMER CENTRE IN VICTORIA

Hours of Operation: Monday to Friday 8:00 a.m. to 5:00 p.m. Closed on weekends and all statutory holidays.

ORDERING BY EMAIL: bcls231@bcliquorstores.com

ORDERING BY FAX: 250-356-0491

ORDERING BY PHONE: 250-356-2906

The Wholesale Customer Centre in Victoria does not have a minimum order requirement. All customers are notified by phone or fax with the final invoice total and any other order discrepancies. Two methods of product pick-up are available in Victoria, customer pick-up and third party carrier pick up.

BC Liquor Distribution Branch: BC Liquor Stores

Wholesale customers ordering through an assigned BC Liquor Store must coordinate a suitable time for placing and picking up the order with the Store Manager.

All BC Liquor Stores are assigned a standard time to submit liquor orders by the LDB Distribution Centre. BC Liquor Stores can only order inventory required to fill a wholesale order during their assigned order time.

BC Liquor Stores endeavor to respond to a wholesale order as soon as possible, typically orders are available for pick up within 48 hours of order receipt. Pre-planning for long weekends and statutory holiday closures is advised.

CUSTOM, LARGE AND SEASONAL ORDERS

It is important to plan ahead before placing a custom, large or seasonal order. Additional assembly time may be required.

The BC Liquor Store has the option to decline an unexpected order if it will compromise their inventory requirements to service customer demand.

DOMESTIC AND IMPORT BEER

Orders for domestic and import beer are limited to a maximum of 20 dozen per supplier.

Please note, Labatt and Molson's are suppliers, while Kokanee and Coors Light are brands.

PLACING AN ORDER

BC Liquor Stores accept wholesale orders via phone, fax and email.

Fax or email orders are accepted 24 hours a day, 365 days a year. Orders are processed during the store hours of operation; any fax or email received after business hours will be processed on the next business day. Fax forms are available through the BC Liquor Store.

To locate a specific BC Liquor Store, please visit www.bcliquorstores.com or contact the BC Liquor Distribution Branch Head Office at:

British Columbia Liquor Distribution Branch
Store Operations Department
2625 Rupert Street
Vancouver, BC, Canada
V6M 3T5
Phone: 604-252-3100

CUSTOM EXPRESS

Custom Express is designed to allow wholesale customers to shop on their own for emergency or small orders (without submitting an order ahead of time).

Custom Express is available to all private retailers from store opening to 3:00 p.m. and all wholesale customers must supply the license or license number. Prices are based on the current prices at the time of pick-up. Orders are processed for payment at the checkout.

❖ **IMPORTANT NOTE:** All liquor purchases are recorded against a license number. A purchase cannot be made without a license number.

PICK-UP

Wholesale customers may pick-up the order at any time during business hours. It will be more convenient to pick-up before 3:00 p.m. to avoid peak retail customer traffic.

REQUIRED FORMS FOR PICK-UP AUTHORIZATION

Wholesale customers are responsible to complete the appropriate form listed below prior to order pick-up.

- **Order Pick-Up by Authorized Customer Representative:** Wholesale customers are responsible for providing this form for every designated customer representative authorized to pick-up on their behalf. The designated Wholesale customer representative must identify themselves and present identification. The order will not be released if the form is not on file. The Wholesale customer must notify the Store Manager if/when a customer representative is no longer authorized to pick-up orders.
- **Order Pick-Up by Authorized Carrier:** The Wholesale customer is responsible for providing this form for any carrier authorized to pick-up on their behalf. The Wholesale customer must designate if the carrier is a regular carrier or a one-time carrier. The order will not be released if the form is not on file. Identification is not required to release an order to a 3rd Party Carrier.

Both forms listed above can be found on the *Resources* Page of www.ldbwholesale.com.

For additional information about product ordering, the BC Liquor Distribution Branch has made available 'Licensee Ordering Guidelines'. The publication covers ordering guidelines, pricing and payment, pick-up and delivery, breakage and product returns, refunds, pallet control, products, contact information and industry associations, with an appendix of various forms and reports.

Please visit www.ldbwholesale.com and click on the 'Reports and Policies' page to access this publication.

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Public Health

The BC Ministry of Health is responsible for the safety of food consumed in British Columbia.

Monitoring food service establishments is just one part of the Ministry's mandate in protecting our health, but we will concentrate on that specific part for the purpose of this manual.

FOOD SAFETY ACT

The Food Safety Act regulates the entire spectrum of British Columbia's foodservice industry; from production and manufacturing to retail and restaurants. The Act provides a regulatory framework for BC's food safety legislation. It clarifies the legal responsibility of food establishment operators with respect to the safety of their products, grants inspection and enforcement powers to inspectors and specifies offences and penalties for infractions.

FOOD PREMISES REGULATION

The Food Premises Regulation must be complied with by any business that cooks and serves food to the public – that means, for the most part, restaurants.

HEALTH PROTECTION BRANCH

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 the customers immediate (and in some instances long term) health.

Food Service Permit

Before you open for business, you must obtain a Food Service 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 restaurant, you must apply for your own permit, the previous owner cannot transfer theirs to you.

ELEMENTS THAT ARE TAKEN INTO ACCOUNT WHEN APPLYING FOR A FOOD SERVICE PERMIT:

WATER

Your restaurant must either be connected to local public water supply or 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 at least 30 metres (100 feet) away from wells, lakes, rivers or streams
- You must have an approved grease trap installed in every kitchen drain.

GARBAGE DISPOSAL

- Keep garbage outside in containers that scavengers (raccoons, rats, 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 REQUIRMENTS:

- 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

- If you have more than 50 seats, you must have a commercial dish washing machine, large enough for the number of seats for the restaurant

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, local by-laws and Building Code (contact City Hall), the number of seats in the restaurant, whether the building has a heritage designation (and therefore can't be altered significantly). Washrooms must be accessible for disabled people. Customers cannot pass through the 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

INSPECTIONS BY AN HEALTH AUTHORITY INSPECTOR

You must allow the health Authority Inspector 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
- 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 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

BUILDING OR RENOVATING YOUR KITCHEN

Before you build or renovate your restaurant, your kitchen design must have been approved by an Health Authority Inspector. [Find your Health Authority](#) by contacting City Hall or your local Health Authority

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 obtaining your food service permit

Read about the BC Centre for disease control at www.bccdc.ca

The wonderfully useful manual "[Food Protection- Vital to Your Business](#)" is reprinted in this manual here with the kind permission of the BC Centre for Disease Control

NORTHERN HEALTH SERVES THESE COMMUNITIES AND SURROUNDING AREAS

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 - Corporate Office

Suite 600, 299 Victoria St.

Prince George, BC, V2L 5B8

Phone: (250) 565-2649 Fax: (250) 565-2640

THE INTERIOR HEALTH OFFICE SERVES THESE COMMUNITIES:

Williams Lake and South to the USA border and east to the Alberta Border, including Kelowna, Kamloops Trail, Nelson and Cranbrook and West to Princeton

Interior Health Corporate Office

220-1815 Kirschner Road

Kelowna, BC, V1Y 4N7

Phone: (250) 862-4200 Fax: (250) 862-4201

VANCOUVER ISLAND HEALTH AUTHORITY SERVES THESE AREAS:

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

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VANCOUVER COASTAL HEALTH SERVES THESE AREAS:

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

FRASER HEALTH AUTHORITY SERVES:

Agassiz, Abbotsford, Burnaby, Chilliwack, Coquitlam, Delta, Harrison, Hope, Langley, Maple Ridge, Mission, New Westminster and Surrey

Fraser Health Corporate Office

300-10334 152A Street

Surrey, B.C. V3R 7P8

Phone: 604.587.4600 Fax: 604.587.4666

Food Safety Permit

Health Authority 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 restaurant owner, you should have already completed FOODSAFE Training from GO2. This will have given you valuable information to assist you in writing your own Food Safety Plan

For further assistance, go to BC Centre for Disease Control www.bccdc.ca. They have a wonderful 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, British Columbia
V5Z 4R4 Canada

Main Line: **604-707-2400**
www.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 September 2009, the BC Government passed 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 recent findings that suggest the amount 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 new regulations now 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 Officer on demand.

While owning or operating a restaurant, you should understand the terms and conditions outlined in this regulation. It is important that you are familiar with the three (3) 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 Office 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 whose 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 the Food and Drugs Act of Canada, 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 Restrict Trans Fat website at www.restricttransfat.ca or visit the BC Yukon Heart and Stroke Foundation at: 200-1212 West Broadway Vancouver, BC V6H 3V2
Telephone: (604) 736-4404 Fax: (604) 736-8732

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 it 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 garbage to be disposed of is kept.
- 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 are always the safest choice for food storage.

SOME TYPES OF CONTAINERS CAN POISON FOOD

- 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 Food Service 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 any room where food is prepared, stored or served.

Tip: The Greater Vancouver Region now requires all compostable trash be separated. It is collected separately and composted to soil. This trend will spread to other parts of BC, 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!

PLACEMENT OF GARBAGE CANS

- Place garbage cans outside, preferably on a cement slab that is suitably secured to keep scavengers out.
- Be aware of the local pests. In most urban areas, racoons, crows and seagulls are the major problems. Bears and cougars are a growing concern in some urban and rural areas. Rats, 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.

REMOVE ALL GARBAGE AT LEAST TWICE A WEEK

- Wash garbage cans after emptying them.
- Keep the back as clean as the front; customers don't want to see garbage containers that are spilling over and looking messy around the back door of the restaurant. 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, order them to place cigarette butts in a container placed for that purpose; prevent them from throwing their cigarette butts on the ground and making an unsightly mess of an area.
- Contact the Health Officer if garbage collection services are not available in your area.

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.

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.

Washrooms

In most areas, you are required to provide separate washrooms for your employees and your customers. One washroom may be shared by male and female patrons if your restaurant is small. There are a number of factors that affect these requirements: local by-laws 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. He or she can tell you exactly what you will be required to provide in the way of washrooms.

Washrooms must be accessible for disabled people. The disabled persons' 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 disabled persons', placed low enough that they can be reached by a person sitting in a wheel chair.

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, creating a sense of consistency with due attention paid to all aspects of their visit.

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.
- 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.

Appendix I: BC Informed Dining Program

Many restaurant guests 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 and Restaurant Food services 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 that 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 1-877-669-2239 or your local Health Authority (see Contacts at a Glance).

***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.*

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Kitchen Design

Your kitchen design must be approved by both the building department and the Health Officer.

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 odors, 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, odors 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 (50). 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).
- 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 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 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 604-276-3100 or 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.

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 CLEANERS

- Always store in a cupboard or closet away from food.
- Never use old food containers to store cleaners.
- 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 and 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 & 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.
- Pop 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 about waste disposal.
- Seal off any small holes and crevices around the foundation and near drains and pipes.
- 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, glue boards 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.

TIP: 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 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 ½ ounce per gallon (1 teaspoon per litre) for washing by hand, or 50 ppm (minimum) or ¼ 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 assures that no customer is ever confronted with a particle of food accidentally left behind by the dishwasher.

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Permits, Licences and Inspectors

The restaurant industry is one of 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 into your property, and sometimes providing entertainment – you must expect a number of individuals to come by the restaurant 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 licenses, permits, documents and records to substantiate that you have met all your obligations to own and operate your business.

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 license fees for using the music in your business.

When you purchase music by downloading it, or purchase a tape, 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) and
- (2) Re:Sound.

It is important to note that you will need a license from *both* SOCAN and Re:Sound to play recorded music in your establishment.

SOCAN

SOCAN issues an annual license that allows you to play music in your restaurant. The license fee depends on the manner in which the music is used. While most restaurants use background music, the license fee for such use is currently \$94.51, or \$1.23 per square metre, or 11.46¢ per square foot, whichever is greater. Seasonal establishments (open less than six months of the year) are able to pay only half the license fee.

If you have live music, karaoke, or a DJ in your establishment, you will require additional licensing.

Buying your license serves to ensure that composers and music publishers receive the royalties they are entitled to. SOCAN has reciprocal agreements with virtually every country in the world, and pays a share of their license fees to other countries to distribute to their composers and music publishers. In turn, SOCAN collects royalties for Canadians whose work is played outside Canada. For more information, please visit their website at www.socan.ca or give them a call at their toll free numbers. For new customers, please call 1-866-944-6210 and for existing customer queries, please call 1-866-944-6223.

RE:SOUND

While SOCAN collects fees on behalf of composers and music publishers, Re:Sound serves to ensure that artists and record companies receive royalties for their music. Re:Sound distributes the fees in the same manner as SOCAN; they distribute the collected fees to the artists and record companies worldwide and collect on behalf of Canadian performers and record companies. The fee for a license is modest – usually around \$100.00 a year for a 1200 square foot restaurant. You can obtain a license by registering online at www.resound.ca or you can contact them at:

1235 Bay Street, Suite 900
Toronto, Ontario, Canada
M5R 3K4
Phone: (416) 968-8870
Email (for general enquiries): info@resound.ca

It is illegal to play music without these two licenses. Failure to have these licenses 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.

If you employ musicians to play live music, it is your responsibility to have a license. The musician's themselves do not need a license to play the music in your restaurant.

You do not have to pay for a music license 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 license.
- ☑ 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 license 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 license; however, to be sure, you should contact both SOCAN and Re:Sound 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, your liquor license 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 Marshall:** The Fire Marshall 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 Marshall 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.
4. **Liquor Inspector:** The Liquor Inspector will visit your establishment to ensure that you are meeting all the requirements of your liquor license. They will want to look at your liquor purchased 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 license and primarily serving food. Liquor inspectors may not announce their presence if they are investigating under age 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:** HST inspectors will come by to verify you are remitting taxes on your net sales.
7. **Employment Standards:** Employment Standards will probably require you 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 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 restaurant.
9. **WorkSafe:** This individual will come by regularly to look for any safety hazards at your work place. 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 license 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 Control and Licensing 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 (WorkSafe), 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 take 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 Officers Inspectors work through your local Health Authority. You will contact the Regional health Authority to apply for a Food Service Permit and to arrange for inspections.

You are 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 him or her your full cooperation when he or she is conducting any inspection. The advice and information given to you will contribute to the success of your restaurant.

The Inspector will

- 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 assure it's hot enough to sanitize dishes.
- take samples of food and beverages away for analysis
- assure there is no pest contamination (rats, mice, roaches or flies for example)
- assure the cleaning materials are stored apart from the 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
- assure staff are wearing clean clothes, have good personal hygiene and have covered their hair to assure hair doesn't contaminate food
- assure employees are washing their hands frequently
- check to make sure all the appropriate health warnings are posted
- any other inspection they consider necessary to assure 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 may have a disease that can be transmitted through handling food. 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 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 web site. 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 TV News.

You can expect routine inspections at least twice a year or more. You will receive much more frequent inspections if there are any problems or issues that must be addressed.

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!

- For Vancouver Coastal Health go to www.vch.ca
- For Vancouver Island Health go to www.healthspace.com
- For Northern Health go to www.northernhealth.ca
- For Interior Health go to www.interiorhealth.ca

TIP: 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 web site.

Permits and Licenses 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 LICENSES AND PERMITS

You cannot operate your restaurant without the following permits and licenses. **These permits must be renewed annually before the expiry date:**

- Business License from City Hall
- Liquor License
- License 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 license may be denied if you have breached any terms or conditions of the license. WorkSafeBC coverage will not be denied, but coverage may become increasingly expensive if there are preventable accidents and safety hazards that are not remediated.

EXISTING PERMITS

Some permits are yours as long as you operate the business unchanged from its existing form.

- Food Service Permit
- Occupancy Permit
- Sign and Awning Permits

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)

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, Fire Department or City Bylaws will establish the maximum number of people a public building can accommodate, the location and number of the fire exits, fire alarm pulls, location and number of exit signs, required amount of emergency lighting, fire alarm panels.

There will be a fee for applying for your Occupancy Load Permit. At this time, In Vancouver, 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). Assume nothing. 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 assure you haven't exceeded the limit. If you exceed the limit, your permit may be revoked.

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Partner Programs and Benefits

The restaurant 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.

Restaurant Watch

Restaurant Watch is a public safety initiative created and developed by the Vancouver Police Department, in partnership with the BC Restaurant and Foodservices Association (BCRFA) and the Canadian Restaurant and Foodservices Association (CRFA). Restaurant Watch serves to deter individuals known to be associated with – or involved in – serious and/or violent criminal activities from entering participating restaurants in the City of Vancouver.

Restaurant Watch serves three main objectives:

- (1) **Protecting Public Safety:** Reducing the threat of collateral violence to restaurant patrons by deterring individuals known to be associated with – or involved in – serious and/or violent criminal activities from frequenting participating restaurants.
- (2) **Ensuring Staff Safety:** Reducing the amount of interaction between restaurant staff and violent individuals known to be associated with – or involved in – serious and/or violent criminal activities and the associated intimidation, fear, leveraging and harassment such contact brings.
- (3) **Deterring Gang-Related Violence:** Discouraging known criminal groups and their associates by making it known that they are unwelcome at the participating establishment and will be removed from the restaurant.

As a participating restaurant in this program, your staff will not be responsible for, and will not take on the role of investigating and/or confronting violent individuals or their associates within the restaurant; it is strictly the responsibility of the Vancouver Police Department for identifying, investigating and determining if an individual or group should be removed or denied entry by way of Authorization Agreement and will do so using all available police intelligence resources.

The Restaurant Watch program relies on a signed Authorization Agreement. The agreement must be signed by the owner or designated representative of each participating restaurant. The Authorization Agreement permits sworn members of the Vancouver Police Department to act on the restaurant's behalf to deny entry to, and/or evict any persons they determine are associated with – or involved in – serious and/or criminal activities.

For more information, or to join the Restaurant Watch Program, please contact Constable Eric Lott of the Vancouver Police Department by phone at 604-717-3349 ext. 2470 or by email: eric.lott@vpd.ca.

BC Energy Advisor

BC Hydro and Fortis BC, in partnership with the Government of British Columbia, the BC Restaurant and Foodservices Association (BCRFA) and the Canadian Restaurant and Foodservices Association (CRFA), have developed several LiveSmart BC programs and initiatives to help British Columbians make green choices, save money and reduce energy costs.

Most recently, LiveSmart BC launched a \$15-million, three-year Small Business program tailored to meet the needs of restaurants and other key sectors within the Province of BC. As a part of this program, you can receive information about energy efficient practices and appliances in addition to having a free energy assessment performed by an advisor. The objective of this initiative is to provide business owners with the support, information and resources necessary to make energy efficient improvements to their business that they may otherwise not be aware of.

There are four components to the program: business energy advisors, direct installation programs, enhanced product incentives and funding for innovative energy reduction solutions.

BUSINESS ENERGY ADVISORS (BEA'S):

- Targets small businesses and restaurants that spend up to \$50,000 per year on electricity.
- The Restaurant Energy Advisor will be available to visit eligible restaurants and work directly with them to identify potential energy and money saving opportunities, including lighting, hot water, heating and ventilation improvements.
- The advisor will help restaurants access other available incentives and LiveSmart BC: Small Business Program elements, including coordinating the installation of the equipment on behalf of the owner. Currently available to restaurants in the Fortis Service territory and adjacent BC Hydro Areas.

ENHANCED PRODUCT INCENTIVES:

- Targets small restaurants that spend up to \$200,000 per year on electricity.
- There are currently product incentive programs available throughout the province, providing cash rebates on more than 10,000 energy efficient technologies including lighting, refrigeration, and commercial cooking equipment. These provincial incentives are in conjunction with the utility incentives, such as BC Hydro's PIP program.
- The LiveSmart BC: Small Business Program will enhance the value of the rebates, allowing businesses across the province to save even more.

LIVSMART CHAMPION PROGRAM:

- Available to businesses that spend up to \$50,000 per year on electricity.
- This is an open call for businesses to develop innovative ways to conserve energy in their specific sectors. Projects will be chosen and funding provided based on their energy savings, innovation, replicability and impact on the community.
- If you have an innovative way to conserve energy, fill out an application by August 15, 2011

to be eligible to receive up to \$25,000. Small businesses must spend less than \$50,000 per year on electricity and meet program eligibility requirements. Successful champions will share their projects with their local community and businesses, so others can learn from their experience and leadership.

DIRECT INSTALLATION:

- Only available in some areas. Speak with your Business Energy Advisor for more details
- Targets small businesses that spend up to \$20,000 per year on electricity.
- The advisor will help restaurants access other available incentives and LiveSmart BC: Small Business Program elements, including coordinating the installation of the equipment on behalf of the owner. Currently available to restaurants in the Fortis Service territory and adjacent BC Hydro Areas

For more information, please visit www.bcenergyadvisor.com or to schedule your free energy audit and receive information about the LiveSmart BC Small Business program, please contact an advisor in your area.

Kelowna: Darrell Eason
Phone: (250) 826-6397
Email: darrell@bcenergyadvisor.com

Victoria: Josh Schmidt
Phone: (250) 507-8485
Email: josh@bcenergyadvisor.com

Vancouver: Adrian Pettyfer
Phone: (604) 908-8960
Email: adrian@bcenergyadvisor.com

If you live outside of these areas, please contact the BCRFA at www.bcrfa.com to put you in touch with an advisor in your region, or contact them at:

Email: info@bcrfa.com
Phone: 604-669-2239
Toll-Free: 1-977-669-2239
Member Resource Line: 1-877-94BCRFA (22732)

BCRFA: How to Get the Most Out Of Your Membership

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 tab 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 our 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

- **Restaurant Regulations Manual:** Everything you need to know about owning a restaurant and more. Free for BCRFA members.
- **HR Advice:** Receive advice and support from the BCRFA's HR specialist Gillian McGregor (author of this manual). With over 40 years' experience, Gillian McGregor is an invaluable resource.
- **Buyers Guide:** Annual guide to suppliers for food, repairs, supplies, services and more.
- **BC Restaurant News:** Members receive our online edition of the BCRN, consisting of valuable information that covers everything from kitchen design to online marketing.
- **24 Hour Resource Line:** the BCRFA offers a wealth of knowledge and resources. All calls will be responded to within 24 hours: 1-877-94-BCRFA (22732).

MARKETING

- **Restaurant Directory:** Exclusive listing in the BCRFA restaurant and foodservices directory.
- **Social Media:** With over 5,000 followers on Twitter and more than 400 followers on Facebook, we can offer your business a well-developed platform for promotions, special offers, advertising and exposure.
- **Tourism BC:** Being a member of the BCRFA is the only way your restaurant can be listed on the Tourism BC consumer site, www.hellobc.com. This is a \$99 value that you get for free, just for being a member.
- **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 consumers from out of town.
- **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.

BC Hospitality Foundation

The BC Hospitality Foundation (BCHF) was established in 2006 to help individuals within 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 www.bchospitalityfoundation.com or if you or a staff member has been diagnosed with a serious illness, please contact Alan Sacks by phone at 604-984-8649 or by email: asacks@bchospitalityfoundation.com

Additional Resources for Running your Food Service Business

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 about the licenses 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.

Small Business BC

Small Business BC is a resource centre for entrepreneurs. They have a full library, offer seminars and workshops on topics of interest to business people, and will assist new business operators determine the licenses and permits they need to open their business. The helpful and knowledgeable staff will have the answers to most of your questions

Small Business BC
54 - 601 West Cordova Street
Vancouver, BC V6B 1G1
Canada
Phone: [604-775-5525](tel:604-775-5525)
Toll Free in B.C.: [1-800-667-2272](tel:1-800-667-2272)
TTY (Teletypewriter): [1-800-457-8466](tel:1-800-457-8466)
Fax: 604-775-5520
www.smallbusinessbc.ca

Community Futures

Helps *rural* BC entrepreneurs open and grow business through providing information, advice, loans or help in finding financing and provides advice specific to rural entrepreneurs.

C230-7871 Stave Lake Street
Mission, BC V2V 0C5
Telephone: 604 289-4222

There are several locations throughout BC. For a full list of services go to:
www.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 and they administer the provincially mandated Serving it Right program for liquor services.

GO2hr

Suite 450, One Bentall Centre
505 Burrard Street
P.O. Box 59
Vancouver, BC V7X 1M3

Tel: (604) 633-9787
Serving it Right Tel: (604) 633-9798
Fax: (604) 633-9796
Office Hours:
Monday to Friday
8:00 a.m. to 5:00 p.m.

TIP: Things change. The contact information for all the contacts were correct as of February 2015. 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.

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Contacts at a Glance

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 www.bcrfa.com or contact the BCRFA at:

#2 2246 Spruce Street
Vancouver BC
V6H 2P3

Phone: 604-669-2239 or Toll-Free: 1-977-669-2239
Email: info@bcrfa.com

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 restaurant 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
- If you have internet access, 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 www.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 Food Service 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 services the following communities and surrounding areas:

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 - Corporate Office Suite 600, 299 Victoria St. Prince George, BC, Canada V2L 5B8 Phone: (250) 565-2649 Fax: (250) 565-2640

The Interior Health serves the following communities:

Williams Lake and South to the USA border and east to the Alberta Border, including Kelowna, Kamloops Trail, Nelson and Cranbrook and West to Princeton.

Interior Health Corporate Office 220-1815 Kirschner Road Kelowna, BC, Canada V1Y 4N7 Phone: (250) 862-4200 Fax: (250) 862-4201

Vancouver Island Health Authority serves the following areas:

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, Canada V8R 1J8
Phone: (250) 370-8699 Toll-Free: 1-877-370-8699
Fax: (250) 370-8750

Vancouver Coastal Health serves the following areas:

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, Canada V5Z 4C2
Phone: (604) 736-2033

Fraser Health Authority serves the following areas:

Agassiz, Abbotsford, Burnaby, Chilliwack, Coquitlam, Delta, Harrison, Hope, Langley, Maple Ridge, Mission, New Westminster and Surrey.

Fraser Health Corporate Office

300-10344 152A Street

Surrey, BC, Canada

V3R 7P8

Phone: (604) 587-4600 Fax: (604) 587-4666

Health Inspectors and Permits to Operate a Food Service Premise Contact Information

Please refer to the previous list of contacts for local Health Authority.

Business License and Corporate Registration Contact Information

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 www.bcregistryservices.gov.bc.ca or visit them at:

2nd Floor, 940 Blanshard Street
Victoria, British Columbia
Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC, V8W 9V3
Phone: (250) 387-7848
Direct dial free line from Greater Vancouver: (604) 775-1041

You can also visit a Service BC Centre or OneStop service delivery location. To contact someone directly at OneStop please visit:

OneStop Business Registry
PO Box 9431, Stn. Prov. Govt.,
Victoria, British Columbia. V8W 9V3
Phone: 1 (877) 822-6727 in Canada or Greater Victoria area: (250) 370-0332
Email: OneStop.help@gov.bc.ca

All businesses must also have a business license. The license is available from the local city, district or municipality office. While there are too many city, municipal and local governments to list here, check your local telephone directory or complete a search online to find the phone number, address and other additional contact information you may require.

Contact Information for Registering Your Restaurant's Name

The BC Corporate registry 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 www.bcbusinessregistry.ca for more information and a name approval request form, or visit them at:

2nd Floor, 940 Blanshard Street
Victoria, British Columbia
Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC, V8W 9V3
Phone: (250) 387-7848

Direct dial free line from Greater Vancouver: (604) 775-1041
You can also visit a Service BC Centre or OneStop service delivery location. To contact someone directly at OneStop please visit:

OneStop Business Registry
PO Box 9431, Stn. Prov. Govt.,
Victoria, British Columbia. V8W 9V3
Phone: 1 (877) 822-6727 in Canada or Greater Victoria area: (250) 370-0332
Email: OneStop.help@gov.bc.ca

Liquor Licensing Contact Information

You must have a valid liquor license to operate and serve any alcohol. To apply for a license, or if you require additional information, please contact the Liquor Control and Licensing Branch in Victoria at (250) 952-5787 or toll-free at 1-866-209-2111. You can also email lclb.lclb@gov.bc.ca.

To submit an application by mail, please use one of the following addresses:

Courier/Drop Off Location:

Liquor Control and Licensing Branch
4th Floor, 3350 Douglas Street
Victoria, British Columbia
V8Z 3L1

Standard Mail:

Liquor Control and Licensing Branch
PO Box 9292 Stn. Prov. Govt.
Victoria, British Columbia
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 which provides you with the following four ordering options:

- **Order via Email:** bcls100@bcliquorstores.com
- **Order by Fax:** 604-252-3470 for orders serviced by the Vancouver Distribution Centre, or 604-252-2947 for orders serviced by the Kamloops Distribution Centre.
- **Order by Phone:** 604-775-0681. 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.

To locate a government liquor store in your area, please visit www.bcliquorstores.com or contact the BC Liquor Distribution Branch Head Office at:

Province of British Columbia Liquor Distribution Branch
2625 Rupert Street
Vancouver, BC, Canada
V6M 3T5
Wholesale Customer Service Desk: 604-775-0681
Toll-Free: 1-888-775-0681
Fax: 604-252-3193

Contact Information for Obtaining Your Business Number (BN)

You must obtain a Business Number (BN) to collect and remit the HST and taxes you collected from your employees. To obtain a BN, go to www.bcbusinessregistry.ca or phone 1 (877) 822-6727 to find a federal government office location close to you. You can also contact them at:

2nd Floor, 940 Blanshard Street

Victoria, British Columbia

Mailing Address:

PO Box 9431 Stn Prov Govt

Victoria BC, V8W 9V3

Phone: (250) 387-7848

Direct dial free line from Greater Vancouver: (604) 775-1041

For general information about your reporting and payment options, go to the Government of Canada Website for Canada Business Government Services at www.canadabusiness.ca and follow the links, or phone 1-877-822-6727. You will also find information to assist with preparing payroll on the same site.

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 www.cra.gc.ca or call toll free 1 800 959 1953

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.labour.gov.bc.ca/esb or call the toll-free Information line at: 1-800-663-3316.

Contact for Personal Information and Privacy Act

The Personal Information and Privacy Act (PIPA) regulates the way non-government organizations – such as restaurants – gather and disclose personal information. This primarily affects the foodservice 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 for British Columbia online at www.oipc.bc.ca or contact the office at:

4th Floor, 947 Fort Street, Victoria, British Columbia

Mailing Address: PO Box 9038 Stn. Prov. Govt. Victoria, BC, V8W 9A4

Phone: (250) 387-5629 or 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: 1-800-663-7867

Enquiry 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 speak to someone directly, please call your local provincial office:

Victoria: (250) 387-6121

Vancouver: (604) 660-2421

Elsewhere in BC: 1-800-663-7867

Human Rights Contact Information

The 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 Human Rights Code. You can reach the tribunal on their web site at www.bchrt.bc.ca or you can visit them at:

1170 – 605 Robson Street
Vancouver, BC, Canada
V6B 5J3
Phone: 604-775-2000
Toll-Free (in BC): 1-888-440-8844
Fax: 604-775-2020
TTY: 604-775-2021
Email: bchumanrightstribunal@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 www.lrb.bc.ca. You can also email them at information@lrb.bc.ca. If you wish to speak to a representative, you may phone them at 604.660.1300.

Serving It Right Contact Information

Serving It Right 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. Serving It Right is administered by go2 – BC’s tourism industry human resource association.

The fastest way to obtain your SIR certificate is by taking the online self-study course using a program manual and passing an exam, available at www.servingitright.com.

To register for the Serving it Right program, contact go2 at www.servingitright.com. You can also contact go2 at:

Suite 450 One Bental Centre
505 Burrard Street
PO Box 59
Vancouver, BC, Canada
V7X 1M3
Phone: 604-633-9798

GO2 – BC’s Tourism Industry Human Resources Association

Go2 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. Go2 also offers resources about the types of training you can offer your employees and suggests tips on how to manager 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 Go2 in partnership with Tourism BC. All of these resources and more are made available at www.go2hr.ca or visit:

Suite 450, One Bentall Centre 505 Burrard Street P.O. Box 59 Vancouver, BC, Canada V7X 1M3
Phone: 604-633-9787
Fax: 604-633-9796

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 www.FOODSAFE.ca or you can contact the BC FOODSAFE Secretariat at:

Camosun College
Continuing Education and Contract Training
Interurban Campus
4461 Interurban Road
Victoria, BC, Canada
V9E 2C1
Phone: (250) 370-4781
Email: FOODSAFE@FOODSAFE.ca

You can also contact your local Health Authority for more information, as listed above (2). For additional information, please visit the BC Centre for Disease Control to review Food Guidelines at www.bccdc.ca/foodhealth/foodguidelines/ 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 B.C. 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

Visit www.WorkSafebc.com for health and safety news and information or to register online. You will also find electronic copies of many WorkSafeBC forms and publications, as well as searchable versions of the Regulation and the Act.

SMALL BUSINESS CONTACT CENTRE

A single point of contact for all your WorkSafeBC needs. The centre will connect you with services for health and safety, claims, assessments, and other WorkSafeBC services.

E-mail: smallbiz@WorkSafeBC.com

Phone: 604 214-6912 in the Lower Mainland 1 888 621-SAFE (7233) toll-free in B.C. Fax: 604 279-7494 in the Lower Mainland

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.

Call 604 276-3100 in the Lower Mainland or 1 888 621-SAFE (7233) toll-free. For after-hours and weekend incidents and emergencies, call 604 273-7711 in the Lower Mainland or 1 866 WCB-HELP (922-4357) toll-free.

EMPLOYER SERVICE CENTRE

Phone: 604 244-6181 in the Lower Mainland 1 888 922-2768 toll-free in B.C. Fax: 604 244-6490
Hours: 8:30 am–4:30 pm, Monday – Friday

Worker's Adviser Contact Information

The Worker's Adviser provides education, advice, information and in some circumstances, represents workers who are appealing a decision made by WorkSafe BC. You can reach the Worker's Adviser at any of the following locations. If you live outside these areas, call the location closest to you for assistance with your claim.

Vancouver and the Lower Mainland:

500 – 8100 Granville Avenue
Richmond, BC, Canada
V6Y 3T6
Phone: 604-713-0360
Fax: 604-713-0311
Toll-Free: 1-800-663-4261

204 – 32555 Simon Avenue
Abbotsford, BC, Canada
V2T 4Y2
Phone: 604-870-5488
Fax: 604-870-5494
Toll-Free: 1-888-295-7781

Vancouver Island:

403 – 3960 Quadra Street
Victoria, BC, Canada
V8X 4A3
Phone: 250-952-4393
Fax: 250-952-4399
Toll-Free: 1-800-661-4066

Vancouver Island (cont.):

504 – 495 Dunsmuir Street
Nanaimo, BC, Canada
V9R 6B9
Phone: 250-741-5504
Fax: 250-741-5516
Toll-Free: 1-800-668-2117

205 – 1040 Shoppers Row
Campbell River, BC, Canada
V9W 2C6
Phone: 250-830-6526
Fax: 250-830-6528
Toll-Free: 1-888-643-0013

Interior Region:

101 – 1726 Dolphin Avenue
Kelowna, BC, Canada
V1Y 9R9
Phone: 250-717-2096
Fax: 250-717-2010
Toll-Free: 1-866-881-1188

102 – 70 – 2nd Avenue
Kamloops, BC, Canada
V2C 6W2
Phone: 250-371-3860
Fax: 250-371-3820
Toll-Free: 1-800-663-6695

310 Ward Street Nelson, BC,
Canada
V1L 5S4 Phone: 250-354-6933
Fax: 250-354-6944 Toll-Free:
1-866-354-6933

Interior Region (cont.):

208 – 1577 – 7th Avenue Prince
George, BC, Canada
V2L 3P5 Phone: 250-565-4280
Fax: 250-565-4283 Toll-Free: 1-800
263-6066

Employer's Adviser Contact Information

The Employer's Adviser provides advice, assistance and information that can help employers who disagree with a decision made by Worksafe BC that affects them. The Employer's Advisers may represent employers in some circumstances, where the issue is a complex medical or policy matter. To find out more about the services of the Employer's Adviser or to register for their seminars contact Employer's Advisers at www.labour.gov.bc.ca or visit one of the following locations.

Vancouver and the Lower Mainland:

620 – 8100 Granville Avenue
Richmond, BC, Canada
V6Y 3T6
Phone: 604-713-0303
Fax: 604-713-0345
Toll-Free: 1-800-925-2233
207 – 32555 Simon Avenue
Abbotsford, BC, Canada
V2T 4Y2 Phone: 604-870-5492 Fax:
604-870-5498 Toll Free:
1-866-870-5492

Vancouver Island:

404 – 495 Dunsmuir Street
Nanaimo, BC, Canada
V9R 6B9 Phone: 250-741-5500 Fax:
250-741-5508 Toll free:
1-866-827-2277

Vancouver Island (cont.):

400 – 3960 Quadra Street Victoria,
BC, Canada
V8X 4A8 Phone: 250-952-4821
Fax: 250-952-4822 Toll Free:
1-800-663-8783

Interior Region:

101 – 70 – 2nd Avenue Kamloops,
BC, Canada
V2C 6W2 Phone: 250-828-4397 Fax:
250-828-4563 Toll Free:
1-866-301-6688

102 – 1726 Dolphin Avenue Kelowna,
BC, Canada
V1Y 9R9 Phone: 250-717-2050 Fax:
250-717-2051 Toll-Free:
1-866-855-7575

1050 Eldorado Street Trail, BC,
Canada
V1R 3V7 Phone: 250-364-0730 Fax:
250-364-0731
Toll-Free:1-877-877-5524

Interior Region (cont.):

206 – 1577 7th Avenue Prince
George, BC, Canada
V2L 3P5 Phone: 250-565-4285 Fax:
250-565-4288 Toll-Free:
1-888-608-8882

WorkSafeBC Regional Locations

Abbotsford:

2774 Trethewey St.
V2T 3R1
Phone: 604 276-3100 1 800 292-2219
Fax: 604 556-2077

Burnaby:

450–6450 Roberts St.
V5G 4E1
Phone: 604 276-3100 1 888 621-7233
Fax: 604 232-5950

Coquitlam:

104–3020 Lincoln Ave.
V3B 6B4
Phone: 604 276-3100 1 888 967-5377
Fax: 604 232-1946

Courtenay:

801 30th St.
V9N 8G6
Phone: 250 334-8765 1 800 663-7921
Fax: 250 334-8757

Fort St. John:

9924 107th Ave. V1J 2P6
Phone: 250 785-1283
1 800 663-4630
Fax: 250 785-8976

Kamloops:

321 Battle St.
V2C 6P1
Phone: 250 371-6003 1 800 663-3935
Fax: 250 371-6031

Kelowna:

110–2045 Enterprise Way
V1Y 9T5
Phone: 250 717-4313 1 888 922-4466
Fax: 250 717-4380

Nanaimo:

4980 Wills Rd.
V9T 6C6
Phone: 250 751-8040 1 800 663-7382
Fax: 250 751-8046

Nelson:

524 Kootenay St.
V1L 6B4
Phone: 250 352-2824 1 800 663-4962
Fax: 250 352-1816

North Vancouver:

100–126 East 15th St.
V7L 2P9
Phone: 604 276-3100 1 888 875-6999
Fax: 604 232-1558

Prince George:

1066 Vancouver St.
V2L 5M4
Phone: 250 561-3700 1 800 663-6623
Fax: 250 561-3710

Surrey:

100-5500 152 St. Panorama Office Park
Phone: 604 276-3100
1 888 621-7233
Fax: 604 276-3247

Terrace:

4450 Lakelse Ave. Phone: 250 615-6605
1 800 663-3871
Fax: 250 615-6633

Vancouver (Head Office):

6951 Westminster Highway
Phone: 604 276-3100
1 888 621-7233

Victoria:

4514 Chatterton Way V8X 5H2
Phone: 150 881-4218
1 800 663-7593
Fax: 250 881-3482

Contact Information for SOCAN and Re:Sound

SOCAN issues a license that allows you to play music in your restaurant. This license serves to ensure that *composers* and *music publishers* receive the royalties they are entitled to receive. For more information, please visit their website at www.socan.ca or they can be reached in BC at:

1201 West Pender Street, Ste. 400
Vancouver, BC, Canada
V6E 2V2
Phone: (604) 669-5569
Toll-Free: 1-800-93-SOCAN (76226)
Fax: (604) 688-1142

Re:Sound serves to ensure that *artists* and *record companies* receive royalties for their music. You can obtain a license by registering online at www.resound.ca or you can contact them at:

1235 Bay Street, Suite 900
Toronto, Ontario, Canada
M5R 3K4
Phone: (416) 968-8870
Email (for general enquiries): info@resound.ca