

CRAFT Beer & Brewing Magazine

BREWING INDUSTRY GUIDE // QTR 3 2018

PACKAGING INNOVATION: TRENDS AND TECHNIQUES

ONE-WAY KEGS: ARE THEY RIGHT FOR YOU?

STAFF ALCOHOL CONSUMPTION: IS YOUR BREWERY AT RISK?

CASE STUDIES

WACHUSETTS

Applying Production Muscle to Progressive Styles in New England

EDMUNDS OAST

From Bar to Brewpub to Production Brewery by Focusing on Quality and Experience

Q&A: DAN KLEBAN, MAINE BEER CO.

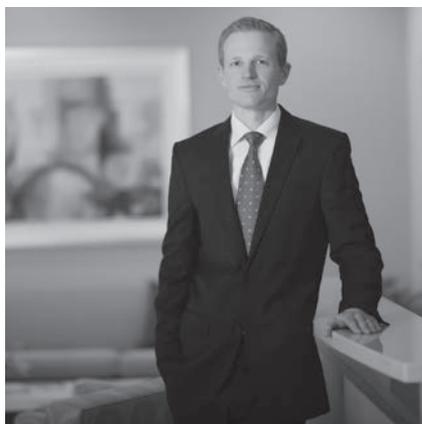


PINT-SIZED POWERHOUSE

Austin, Texas-based Pinthouse Pizza is making its mark with high-quality food and award-winning beer brewed on tiny systems in impossibly tight footprints. Their secret? It's in the ingredients...



JESSE BUSSARD is a Montana-based writer, event planner, and homebrewer passionate about all things fermented, but most especially, beer. She's cofounder of Fermentana, an events-promotions company focused on using fermented craft beverages to promote positive change in communities. Jesse's beer writing has also been featured in *All About Beer Magazine*.



JOEL M. VAN PARYS is an attorney with Carothers DiSante & Freudenberger LLP in Sacramento, California. He represents California employers in all aspects of the employer/employee relationship. This includes litigation defense of claims for wrongful termination, discrimination and harassment, retaliation, wage and hour violations, employee misclassification, and unfair competition. Van Parys can be contacted at jvanparys@cdfllaborlaw.com.



ALEXIS FOREMAN has more than sixteen years of experience in the machine and mechanical-design industry, including five patents. He's been published in four scientific publications for innovative machine design, including rope descent devices, custom scientific instrumentation, control systems, and geothermal heating and cooling systems. As cofounder of Wild Goose, he's an expert in the craft-beer industry, beverage packaging, and mechanical design.



JOHN HOLL is the senior editor of *Craft Beer and Brewing Magazine*®. A journalist since 1996, his work has appeared in *The New York Times*, *The Washington Post*, *The Wall Street Journal*, and *Wine Enthusiast*. His latest book, *Drink Beer, Think Beer: Getting to the Bottom of Every Pint*, will be released in September 2018. Reach him at johnholl@beerandbrewing.com or on Twitter @John_Holl.



JAMIE BOGNER, cofounder and editorial director of *Craft Beer & Brewing Magazine*® and the *Craft Beer & Brewing Magazine*® *Brewing Industry Guide*, has been drinking craft beer since 1995—the same year he launched his first self-published magazine, *Ska-tastrophe*, from his college dorm room. He has worked on the editorial, creative, and business sides of the media world for twenty-three years. Reach him at jbogner@beerandbrewing.com.



Craft Beer & Brewing Magazine® and the *Craft Beer & Brewing Magazine*® *Brewing Industry Guide* publisher **HAYDN STRAUSS** wears many hats—chief operating officer, app developer, digital strategist, marketing guru, analytics junkie, event planner, videographer, RV mechanic, and now, feature writer. He helps businesses craft and deploy hardworking brands through Unfiltered Creative. Learn more at unflitcreative.com.

PHOTOS, TOP ROW: COURTESY JESSE BUSSARD; COURTESY JOEL M. VAN PARYS; COURTESY ALEXIS FOREMAN; BOTTOM ROW: COURTESY JOHN HOLL; HAYDN STRAUSS; SARA STRAUSS

Alcohol Use Policy



THE BARRISTERS SOBER EMPLOYMENT

Allowing alcohol consumption on the job or in the workplace creates potential liability for any business, but in the world of brewing, it's unavoidable, and that risk comes with the territory. While you can't eliminate all risk, safeguard your business and employees by saying cheers to an alcohol-use policy. **BY JOEL VAN PARYS, CAROTHERS DISANTE & FREUDENBERGER LLP**

IMAGINE, AS A BREWERY OWNER or manager, you are being sued because one of your employees consumed too much alcohol at work and is being accused of sexual harassment by another employee. You are being deposed. There are two scenarios:

SCENARIO 1

Victim's Attorney: Mr. Owner, you did not have a policy prohibiting beer consumption on the job, correct?

You: Yes.

Victim's Attorney: You never had any written policy telling your employees not to abuse alcohol on the job, right?

You: Yes.

Victim's Attorney: You are aware that drinking beer impairs people's judgment, right?

You: I guess.

Victim's Attorney: So, you knew drinking beer impairs people's judgment, but you did not think you should have a policy against unreasonable alcohol use?

SCENARIO 2

Victim's Attorney: Mr. Owner, you did not have a policy prohibiting alcohol use on the job, correct?

You: I did have a policy. It restricted beer consumption to limited, reasonable tasting for educational purposes only.

Victim's Attorney: But you are aware that alcohol use impairs people's judgment, right?

You: Our policy prohibits consuming an amount of alcohol that impairs judgment.

Victim's Attorney: You don't think it's a

problem that your employees could drink beer on the job?

You: No, I do think that is a potential problem. That is why we have a policy allowing limited reasonable use only.

Both scenarios are obviously a bit overdone, but the point remains the same—breweries and taprooms should have a policy defining the acceptable level of alcohol consumption on the job. There are at least three reasons for this: clear guidance to employees about beer consumption, protection for your employees, and protection for your company.

CLEAR GUIDANCE

First, an alcohol-consumption policy will provide clear guidance to employees about the allowable level of beer consumption. If you do not give employees a guide about their expected conduct, then it is more difficult for them to understand how they should act and harder for you to discipline them if and when they cross the line.

PROTECTION FOR EMPLOYEES

Second, an alcohol-consumption policy protects your employees. Unreasonable levels of beer consumption may lead to instances of harassment, belligerence, or unlawful conduct that hurts your other employees.

PROTECTION FOR YOUR COMPANY

Third, an alcohol-consumption policy addressing reasonable beer consumption protects your company. Employee misconduct is bound to happen. But if that miscon-

duct is fueled by too much beer, breweries must be able to show claimants and a jury, if necessary, that they understood the dangers of unreasonable alcohol use and took sincere steps to prevent unreasonable use and the conduct that may flow from it.

Failing to do so could result in liability for wrongful conduct and open the door to substantial punitive damages. After all, as reflected in the hypothetical deposition testimony above, it is not surprising that employees at breweries may consume beer and that doing so may lead to wrongful conduct.

REASONABLE POLICY

So what should a reasonable alcohol-use policy look like? Some companies may be able to prohibit all alcohol consumption on the job for some types of employees. For example, the employees who manage the taproom inventory may not need to drink any beer on the job. It is highly recommended that beer consumption on the job

REASONABLE ALCOHOL USE MAY ALSO BE DEFINED BY A CERTAIN AMOUNT—NO MORE THAN ONE BEER PER EIGHT-HOUR SHIFT, FOR EXAMPLE—OR IN DIFFERENT WAYS. BUT IGNORING THE ISSUE IS NOT AN OPTION. BREWERIES WITHOUT A POLICY THAT ADDRESSES BEER CONSUMPTION ARE PUTTING THEIR EMPLOYEES AND BUSINESS AT RISK.

be prohibited for types of employees who do not need to drink beer as part of the job.

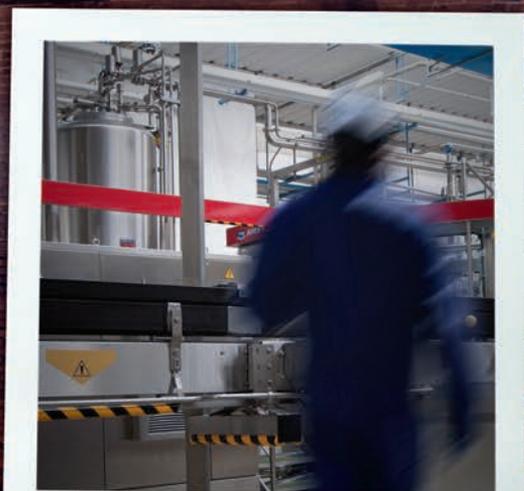
Next, for employees who are required or expected to drink beer on the job—brewers or bar tenders who sell your products, for example—breweries should implement a policy that allows only limited, reasonable alcohol consumption and defines that where possible. Here is an example policy:

“In order to stay up-to-date on the company’s products, employees may *reasonably* consume the company’s beer products.

Reasonable consumption means limited samples for educational purposes only.”

Reasonable alcohol use may also be defined by a certain amount—no more than one beer per eight-hour shift, for example—or in different ways. But ignoring the issue is not an option. Breweries without a policy that addresses beer consumption are putting their employees and business at risk. If you do not yet have such a policy, contact your attorney to help you design one that fits your specific operation and types of employees. 

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