

## **Responsible Gaming Framework for Casinos in Jamaica**

### **Introduction**

Jamaica's Casino Gaming Act (CGA), which was passed in 2010, conceives of casino gaming as the use of gaming machines and playing of table games within an "integrated resort development" ("IRD"), i.e. "a development consisting of a mix of various tourism amenities and facilities in the same precinct including, but not limited to, hotels, hotel rooms, villas, casinos, attractions, sporting facilities, entertainment facilities, service centres and shopping centres".<sup>1</sup>

Pursuant to sections 3 and 6 of the CGA, the Casino Gaming Commission ("CGC") is charged to establish the regulatory scheme for the conduct of casino gaming in Jamaica, including instituting measures and controls to:

- a. protect the vulnerable, including children, from any harm or exploitation arising from casino gaming; and
- b. facilitate responsible casino gaming.

For the purposes of this framework, responsible gaming means a state in which people are aware of their personal circumstances and the risks involved in gambling and are capable of managing their casino gaming or other gambling behaviours, facilitated by access to relevant information to support informed decision making, gambling literacy, and safer play behaviours including the minimization of misleading information and game features. The CGC recognises that while most people can enjoy casino gaming in a self-controlled way, aware of the possible negative effects that can arise, some people may have difficulty in making informed decisions due to age, personal, social or family circumstances, complex mental, health, psychological, learning problems, or the effects of substance, drugs or alcohol abuse, leading to vulnerability to uncontrolled or excessive casino gaming or other forms of problematic gambling behaviours.

This Responsible Gaming Framework (the "Framework") is intended to provide an overall orientation to responsible gaming practice and policy, for adoption by casino operators in Jamaica. The Framework is premised on the concept of harm minimisation, and the approach in promulgating regulation and developing programmes and practices to support responsible gaming will focus on three (3) areas:

- i. Individual – emphasising player awareness and self-control.
- ii. Organizational – ensuring mechanisms are built into the operator's internal controls to promote a culture of and skills in safeguarding patron welfare.
- iii. Community – creating an ecosystem to allow the CGC, the casino operator, and other stakeholders in the local and international gaming industry, to increase knowledge and skills, and enhance the effectiveness of detection, prevention and treatment activities and programmes.

### **Rights of casino and IRD patrons**

The CGC believes that casino patrons, potential patrons and those with responsibility for underage or vulnerable people should have access to information that helps them to make informed choices about their gaming and wider gambling choices.

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<sup>1</sup> Section 2, CGA.

The CGC aims to ensure that patrons of the casino and IRD:

- a. understand the risks associated with casino gaming and gambling in general; and
- b. know where to seek help and support if their gaming or that of a family member or associate begins to or has become problematic.

### **Responsibility of Casino Operators**

The casino operator has a clear responsibility to minimise gambling-related harm. The CGC expects the casino operator to be able to demonstrate its commitment to the welfare of its patrons as stated in its internal controls, which should contemplate, at a minimum, the following:

- ✓ responsible advertising of the casino and of casino gaming, in accordance with minimum internal controls, and consistent with the guidelines stipulated below with respect to the IRD and the General Advertising Guidelines appended hereto;
- ✓ specific limitations with respect to the promotional marketing material made available by the casino operator to its self-excluded patrons, including persons who have set time-based or monetary gambling limits;
- ✓ the procedures and guidelines to identify and trace any casino patron who is or might be experiencing gambling-related harm;
- ✓ clear and detailed procedures and guidelines with respect to the availability of information, treatment, counselling services or intervention services to those patrons who might face problems caused by gaming, including displaying responsible gaming messages and information on seeking assistance with problem gambling;
- ✓ the operation of an on-demand support programme for casino patrons and other guests of the IRD who are affected by gambling-related harms while at the IRD, including through education on suicide and self-harm intervention strategies and protocols;
- ✓ a training programme for staff of the casino and the wider IRD that promotes responsible gaming, with training activities that are tailored to include job-relevant information, a training schedule that contemplates training both at recruitment and repeatedly over the course of an employee's engagement at the IRD or casino, and regular evaluation and revision of the training programme to reflect current best practices;
- ✓ systems for preventing underage or other vulnerable individuals from participating in any gambling or sports betting at casinos, loitering in the gaming area of a casino, or from gaining access to online, mobile, or in-room gambling opportunities;
- ✓ systems for dealing with unattended children and preventing underage gambling and the purchase and consumption of alcohol and tobacco by persons under the age of 18 years;
- ✓ systems for preventing the consumption of marijuana on-premises, and for excluding and preventing the purchase and consumption of alcohol by patrons who appear to be intoxicated or are displaying that their ability to gamble responsibly is compromised;
- ✓ regular review and accreditation of the responsible gambling programme to ensure consistency and alignment with international best practice;
- ✓ exclusion systems for patrons experiencing gambling-related harms, including details of the options available for and the parameters of self – exclusion, such as where and how patrons may register for self-exclusion, the length(s) of time for which patrons may self-exclude, how the casino operator

will enforce self-exclusion, including by removing the self-excluded patron from marketing and promotional mailing lists, and the process by which the casino operator will monitor the self-excluded patron's return to play;

- ✓ options available for advance limit-setting, and the provision of alerts when patrons approach or meet those limits, with the embedded requirements that financial and time limit functions must be easy to initiate and decrease or tighten at any time after the patron has registered and opened an account, and limits should only be relaxed on the request of the patron, after a cooling-off period of no less than 24 hours; and
- ✓ systems available for providing other information to facilitate the monitoring and mindfulness of play over a period of time.

Responsible gaming practices within casinos must include raising awareness on risks and good practice (covering those who do not gamble, those who do it with low risk, high-risk gamblers, and those who have responsibility for or a connection with people who gamble in a potentially problematic manner, as well as underaged and vulnerable groups). In particular, casino and IRD operators must:

- ✓ make information available promoting responsible gaming and where to find support and assistance. This information should be available and visible on casino floors, at cash access devices such as ATMs, via digital payment platforms, and at key locations across the casino and IRD, such as food and beverage areas, restrooms, and highly visible and/or regularly frequented areas;
- ✓ make available on their gaming-related websites information describing responsible gaming, their policies and practices related to responsible gaming, and where to find assistance;
- ✓ actively safeguard player health and awareness, such as by ensuring patrons have opportunities to become aware of the passage of time (e.g., by access to clocks and natural light); and
- ✓ actively safeguard player clarity in relation to game-play, such as by ensuring that new games are appropriately screened to ensure responsible gaming features are in place, to minimize any misleading features (e.g., stop buttons), and to ensure the inclusion of other features such as that the denominations of credits are clearly displayed, and bet and outcome are clear and easy to understand, and that the likelihood of winning either pay-to-play or free-to-play games is not misrepresented. The operator must also include the same responsible gaming and player protection information for free-to-play games as all other games, and restrict the availability of free-to-play games on televisions in the IRD guest rooms, to protect persons under the age of 18 years from accessing such games. The operator must also ensure that there is equal likelihood of patrons winning free-to-play games as there is of them winning pay-to-play games.

Casino operators must also make available to patrons and employees information generally explaining how slot machines work, how the games in the casino are played, the probabilities of winning or losing at the various games offered by the casino, common myths and misconceptions, tips for managing play, and signs of harmful gambling to be aware of. This information is to be disseminated widely, in a variety of formats and in locations that are likely to reach the greatest number of patrons, such as via brochures, posters, announcements, and included in any direct outreach.

Casino operators should also provide and promote tools such as self-assessments and play history information in order to engage players effectively and provide an

opportunity for them to reflect on their gambling habits, with a view to increasing positive play behaviours and mitigating harm.

Importantly, the casino operator must also ensure that ATMs are positioned out of sight from the gaming floor, and that withdrawals are not permitted in relation to credit cards, and are not restricted to high-denomination notes only in relation to debit cards. The casino operator must also ensure that any arrangements for providing credit are managed responsibly, such that credit is not extended to any person who is believed to be demonstrating signs of gambling-related harms.

### **Responsibility of the IRD Operator**

The CGC recognises that the casino is only a component of the product offering within an IRD, and that the aim of the operator of the IRD is to maximise earnings from all the amenities offered within the IRD, including the casino. The CGC is also mindful that while the IRD will be catering to persons who visit the IRD for the sole purpose of participating in casino gaming, there will also be persons who are interested in the broader offerings of the IRD. The CGC aims to balance the commercial interest of both the IRD and the casino operators respectively, against the regulatory mandate with respect to responsible gaming. Additionally, the CGC is keen to foster within IRDs and casinos the creation of an environment in which patrons who are able to practise responsible gaming independently are not unduly restricted in their pursuit of entertainment and pleasure.

Against this background, while it is recognised that safeguarding responsible gaming falls largely within the responsibility of the casino operator, it is expected that the IRD operator will implement the following measures in fulfilment of its overall corporate social responsibility:

- ✓ Advertisements are not to promote gaming as an economic transaction and must promote the IRD as a whole and not just the casino as a standalone attraction.
- ✓ Advertising shall have regard to the need to protect children and young persons (as defined in the Advertising Guidelines) and other vulnerable persons from any negative effects that may be caused by casino gaming.
- ✓ Advertising of the IRD shall guide persons who wish to gamble to the casino within the IRD.
- ✓ The IRD operator shall collaborate with the casino operator to ensure that staff of the IRD who are likely to come into frequent contact with patrons receive basic training to enable them to identify the signs of existing or emerging gambling-related harm, and direct patrons to available resources for additional support as needed.

### **Collaboration with other Organisations and the Wider Community**

The CGC is committed to building knowledge related to the causes of gambling-related harm and approaches to detect, prevent or minimise it. The CGC is also aware that casino gaming is not the only type of gambling that can cause harm, and that other types of gambling are facilitated under the Betting, Gaming and Lotteries Act (BGLA). Accordingly, we recognise the importance of working with licensees under the CGA and the BGLA, with the Betting Gaming and Lotteries Commission, and with other local and international stakeholders, drawing on available expertise to contribute to the creation of a collaborative approach that allows for each stakeholder to deliver on its obligations, in the context of preventing the potential erosion of society and minimising the risk of any gambling-related harm.

In particular, the CGC will:

- ✓ work with stakeholders to ensure that there is bidirectional flow of information regarding the industry's commitment to responsible gaming and the standards for safeguarding player health; and
- ✓ support and promote research-based policies on responsible gaming.

### **Use of Personal Information**

The CGC believes that the sharing of information and knowledge about effective approaches, both within Jamaica and in other countries, will be a vitally important part of ensuring that gambling can be enjoyed safely with negative effects reduced over time. Accordingly, the CGC endeavours to ensure that appropriate safeguards are implemented by stakeholders in the casino gaming industry to ensure such sharing is done in accordance with the standards and requirements stipulated in the Data Protection Act of Jamaica.

## **APPENDIX**

### **General Advertising Guidelines for Casino Operators and in respect of Casino Gaming**

#### **1. Purpose of these Guidelines**

These Guidelines are designed to ensure that marketing communications in relation to casino gaming are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.

#### **2. Scope of these Guidelines**

These Guidelines are intended to provide general guidance, such that the principles herein are intended to apply to all advertising in respect of casino gaming, including via media which are not specifically referred to herein. For the avoidance of doubt, these Guidelines apply to both licensees under the Casino Gaming Act, as well as third parties (for example, affiliate marketers) acting on a licensee's behalf. Unless they portray or refer to gambling, these Guidelines do not apply to marketing communications for non-gambling leisure events or facilities in an Integrated Resort Development ("IRD"). Generally, and without prejudice to the foregoing, the advertising of casino gaming products and services must be undertaken in a socially responsible manner and in conformity with these Guidelines, the Minimum Internal Controls promulgated by the Casino Gaming Commission, rules promulgated by the Jamaica Broadcasting Commission and the Consumer Affairs Commission, and any other relevant law, legislative instrument, or policy.

#### **3. Definitions**

For the purposes of these Guidelines:

"advertising" shall bear the meaning attributed to that term in subparagraph (u) of Regulation 9 of the Casino Gaming (General) Regulations, 2024, and "advertise" and "advertising" shall be construed accordingly;

"children" are persons aged 16 years and under;

"vulnerable" means susceptible to uncontrolled or excessive casino gaming or other forms of problematic gambling behaviours due to factors such as age, personal, social or family circumstances, complex mental, health, psychological, learning problems, or the effects of substance, drugs or alcohol abuse; and

"young persons" are persons aged 17 to 20 years.

#### **4. General**

- 4.1. Advertisements for events or facilities that can be accessed only by entering casino premises in an IRD must make that condition clear.
- 4.2. Advertisements by the operator of the IRD in respect of the casino shall consist of no more than is necessary to direct prospective consumers to the licensed casino within the IRD. Advertisements are not to promote gaming as an economic transaction and must promote the IRD as a whole and not just the casino as a standalone attraction.
- 4.3. Advertisements in respect of casinos and casino gaming shall not be published by local newspaper, television or radio, or using billboards or other public signage in Jamaica.
- 4.4. Online advertisements shall be limited to the website and social media

- accounts of the casino and IRD. The number of advertisements promoted per day will not be excessive, and no advertisement in respect of a casino or casino gaming may exceed 10 seconds in length. The determination of what constitutes excessive advertising is at the sole discretion of the CGC.
- 4.5. Advertisements shall not include inducements to gamble, such as welcome offers, or offers of bonus or free bets except through direct advertising and marketing (such as *via emails, texts, and phone calls*), and **only** after receiving active player consent.
  - 4.6. Where direct marketing is used:
    - 4.6.1. players must be provided an opt-in process whereby they actively consent to receiving any direct advertising and marketing of inducements, bonuses and credits, and must be provided a method to withdraw their consent at any time; and
    - 4.6.2. permitted advertising and marketing materials that communicate gambling inducements, bonuses and credits must, at a minimum:
      - 4.6.2.1. disclose all material conditions and limitations of the offer at its first presentation on the gaming site, with all other conditions and limitations no more than one click away;
      - 4.6.2.2. not be described as free unless the inducement, bonus or credit is free, such that if the player has to risk or lose their own money or if there are conditions attached to their own money, the offer must disclose those terms and may not be described as free; and
      - 4.6.2.3. not be described as risk-free if the player needs to incur any loss or risk their own money to use or withdraw winnings from the risk-free bet.
  - 4.7. Advertisements for a casino or for casino gaming must include a warning against compulsive or pathological gambling as well as a reference to the support programme provided by the casino being advertised.
  - 4.8. Advertisements must not:
    - 4.8.1. portray, condone or encourage gambling behaviour that is socially irresponsible, or which could lead to financial, social or emotional harm;
    - 4.8.2. exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons;
    - 4.8.3. suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression;
    - 4.8.4. suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security;
    - 4.8.5. portray gambling as indispensable or as taking priority in life, for example, over family, friends or professional or educational commitments;
    - 4.8.6. suggest that gambling can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration;
    - 4.8.7. suggest peer pressure to gamble nor disparage abstention;
    - 4.8.8. link gambling to seduction, sexual success or enhanced attractiveness;
    - 4.8.9. portray gambling in a context of toughness or link it to resilience or recklessness;
    - 4.8.10. suggest gambling is a rite of passage;

- 4.8.11. suggest that solitary gambling is preferable to social gambling;
- 4.8.12. be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture;
- 4.8.13. be directed at children or young persons through the selection of media or context in which they appear;
- 4.8.14. include a child or a young person, or anyone who is, or seems to be, under 25 years old, or feature anyone who is portrayed behaving in an adolescent, juvenile or loutish way;
- 4.8.15. exploit cultural beliefs or traditions about gambling or luck;
- 4.8.16. condone or encourage criminal or anti-social behaviour; or
- 4.8.17. condone or feature gambling in a working environment other than licensed gambling premises.

#### **4. Misleading Advertising**

- 4.1. Advertisements must not:
  - 4.1.1. refer to any form of gaming as “risk-free” or suggest that any form of gaming is “risk-free”;
  - 4.1.2. materially mislead or be likely to do so;
  - 4.1.3. claim that products can facilitate winning in games of chance, or otherwise exaggerate the prospects of winning.

#### **5. Endorsements and Testimonials**

Advertisements must not include or suggest endorsement by a person or character whose example is likely to be followed by a child or young person, or who has a strong appeal to children and young persons. Such persons include, by way of example, social media influencers, sportspersons, performing artistes and celebrities or popular personalities.