

Implementing an Effective Framework for Securing Player Health in a Tourist Casino User Population – the Jamaican Experiment

Written by Anna I. Harry

Jamaica is an island country in the West Indies, and the third largest island in the Caribbean Sea, after Cuba and Hispaniola (the island mass consisting of Haiti and the Dominican Republic). It is about 146 miles (235km) long and about 51 miles (82km) wide at its widest point, and is widely regarded as one of the most beautiful islands in the Caribbean for not just its terrain, but also the warmth of its people and the pervasiveness of its culture. Jamaica is the land of beautiful mountain ranges, both white and black sand beaches, Negril sunsets, Usain Bolt, Shelly-Ann Fraser-Pryce, and Bob Marley.

Not surprisingly, Jamaica's economy is heavily dependent on tourism, which has become one of the country's largest sources of foreign exchange, and which has benefitted from significant foreign direct investment. There were approximately 4.1 million visitors to the island in 2023, from whom the country generated US\$4.3B in revenue. Typically, most tourists remain on the island for several days or weeks, although increasing numbers disembark only briefly from cruise ships in the northwest section of the island.

For more than a decade, Jamaica has been trying to augment its tourism product through the introduction of casino gaming – the Casino Gaming Act (CGA) was passed in 2010 with that in mind, and amendments were made to the Act in 2021 to enhance the island's attractiveness for foreign direct investment in the form of integrated resort developments which include casinos. Despite this, at the time of writing, there has still never been a casino in Jamaica. Instead, the gaming sector has up to now consisted of the use of gaming machines in hotels, bars, betting shops, and other establishments across Jamaica, under the oversight of the Betting, Gaming and Lotteries Commission (BGLC), which governs the licensing, regulation and monitoring of lotteries and all betting on non-casino gaming, including sports betting, and betting on horse-racing, pursuant to the Betting, Gaming and Lotteries Act (BGLA). (The Jamaica Racing Commission (JRC) separately licences, regulates and monitors the conduct of horse-racing and the operation of racecourses in Jamaica, pursuant to the Jamaica Racing Commission Act, 1972.)

For better context, there are almost 30,000 gaming machines located in Jamaica, across 8 gaming lounges (i.e. establishments with more than 19 gaming machines), and more than 5,000 establishments with fewer than 19 gaming machines (under-19s, as they are called locally), to which a modified, less onerous AML/CFT/PF regime applies. Interestingly, 6.8% of the nearly 30,000 gaming machines are slot machines which are manufactured outside of Jamaica, while the remaining 93.2% are locally assembled.

The ubiquity of Under-19s and the local assembly of gaming machines sets the stage for the current formulation of the responsible gaming framework in Jamaica, which is still, admittedly, in a nascent stage of development, despite its vintage. The programme, the only one of its kind in the English-speaking Caribbean, consists of a prevention, treatment and training initiative funded by the BGLC and administered by RISE Life Management Services (RISE), a non-governmental organisation which works in communities across Jamaica providing life changing skills, education, mentoring and counselling for at-risk populations. In particular, the programme takes the form of:

- a. counselling and support services for persons with gambling related problems;
- b. prevention education for youth in schools; and
- c. responsible gaming training for gaming lounge staff.

How effective has that programme been to date? In a study conducted in 2021 by Hope Caribbean Company Limited on behalf of the BGLC, an attempt was made to measure the success of the program up to that point, by assessing public awareness of responsible gambling messages. For the purposes of that study, “awareness of a responsible gambling message” was defined as consisting of (i) awareness of the term “responsible gambling” and (ii) awareness of the individual factors that can be classified as responsible gambling (i.e. indicia such as gambling for fun and not for income; setting limits on money and time spent gambling; not borrowing money to gamble; resisting the urge to win back losses suffered, etc.). The base awareness of responsible gambling messages was assessed at 41% of the sample population. Notably:

- 3% of all respondents emerged as PPGM pathological gamblers.
- 10% were Problem and Pathological Gambling Measure (PPGM) problem gamblers.
- 5% of all respondents emerged as Canadian Problem Gambling Index (CPGI) Problem Gamblers.
- 7.7% were CPGI Moderate Problem Gamblers.
- Based on the PPGM, over a quarter of respondents who had gambled in the past 12 months were either “At risk” (27.9%) or “Problem Gamblers” (29.2%).
- Overall, problem gamblers were significantly more likely to report being exposed to messages on responsible gambling, though the majority of all respondents (85.9%) were unaware of organizations which offered help to persons struggling with gambling problems.

A more recent follow-up study conducted on a smaller population from January to March 2024 suggested an increase in awareness of responsible gambling messages, with 57% of the sample population attesting to such awareness. However, in the Consultation Paper for a separate study commissioned by the BGLC to inform the introduction of guidelines on marketing and advertising of gambling and gambling-related products, some extremely concerning trends were illuminated in relation to young people and children:

- In recent years up to 15% of calls to RISE related to a child.
- The number of persons particularly in the 25-35 age group requesting access to the Voluntary Self-Exclusion Programme administered by RISE having increased from 15 in 2020, to 25 in 2021, to 42 in 2022.
- There has been an increase in the number of schools island-wide requesting interventions for students involved with gambling at school.
- Students have been observed sharing the times for lottery game draws as well as the meaning attached to numbers in particular games, and indicated that this knowledge is based upon repeated exposure to adverts and draws that are usually taking place during the time that they are allotted to watch television, including the news hour.
- 14.65% of respondents indicated that the source of funding for gambling came from their allowance (pocket money or lunch money); 10% from savings; 4% from pension/benefits.
- Gambling was seen as a quick way to earn money because it is easily accessible and readily available.

On the other side of the bifurcated gaming regulatory context, the Casino Gaming Commission (CGC) is the body charged by the CGA to establish the regulatory scheme for the conduct of casino gaming in Jamaica, including instituting measures and controls to facilitate responsible casino gaming. Jamaica is now poised to begin regulating an active casino gaming sector, with at least 1 casino licensing application expected in the coming months. While there is no expectation or requirement in the CGA that locals be excluded from using the casino or other amenities within an IRD, it is expected that the vast majority of patrons of casinos will be stopover guests of the IRD, and that the majority of these will come from outside Jamaica, to whom there may be no access or connection outside of the IRD.

To be clear, the issues which are currently being faced in the local market are not unique– there are numerous documented reports of the increasing prevalence of underage gambling in various jurisdictions around the world, especially with the rise in sports betting, as well as regarding gambling as a general public health issue. Indeed, the World Health Organisation has in the past recognised that the gambling-related burden of harm was 2.5 times more than diabetes and 3.0 times more than drug use disorder, and is primarily due to financial impacts, damage to relationships and health, emotional/psychological distress and adverse impacts on work and education. This burden is disproportionately carried by disadvantaged and marginalised population sectors and contributes to health and social disparities.

How then does a regulator such as the CGC entrench responsible gaming in its regulatory framework? And as it seeks to do so, how does it balance the rights, expectations and obligations of operators of casinos and IRDs, and patrons?

The nexus of the answers to all these questions would seem to be Social Responsibility – a model that centres transparent decision making aligned with broader societal expectations in furtherance of sustainability for all stakeholders. If sustainability is the goal - and it must be - then it seems clear that the role of the regulator is to oversee the marshalling of the attitudes and resources of the operator of the IRD and the casino to create an environment in which casino patrons are aware of the risks of engaging in casino gaming and are able to engage in an informed way in a transparent environment, in the hope that those patrons make rational decisions regarding how much of their resources to put at risk, and how frequently or infrequently they engage in the for-profit business that is facilitated by the casino and IRD operators. A successful RG model should pay significant regard to the body of research evidence on best practices to prevent harms, including with respect to the connection between marketing strategies and gambling behaviours, while being adapted to the relevant local cultural and legal dictates.

For the CGC, the starting place for such a model is defining responsible gaming as 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's Framework is premised on the concept of harm minimisation, and examines roles and responsibilities at individual, organisational, and community levels, and also contends with the impact of advertising practices on player health.

The first principle, which is the core on which the Framework is based, is 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. The aim is 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.

The second principle is that the casino operator (and by extension, the IRD operator) has a clear responsibility to minimise gambling-related harm. The Framework requires that the casino operator's commitment to the welfare of its patrons is demonstrated in its internal controls, which must, at a minimum, provide for:

- ✓ responsible advertising of the casino and of casino gaming;
- ✓ 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;
- ✓ exclusion systems for patrons experiencing gambling-related harms;
- ✓ options available for advance limit-setting;
- ✓ systems available for patrons to provide other information to facilitate the monitoring and mindfulness of play over a period of time; and
- ✓ regular review and accreditation of the responsible gambling programme to ensure consistency and alignment with international best practice.

As a corollary to the second principle, the Framework imposes an obligation on the operator of the IRD to practice responsible advertising in relation to the casino and events of the casino, as well as 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.

The third principle on which the Framework is based is that of collaboration to build knowledge around the causes of gambling-related harm and approaches to detect, prevent or minimise it. The CGC has operationalised that collaboration by establishing a relationships with subject matter experts and other regulators around the world to facilitate access of the CGC and its licensees to up-to-date data around responsible gaming practices and metrics around the world, and to enable auditing of local RG practices and standards against the CGC's minimum requirements and international best practice.

Fourthly, the Framework includes specific Advertising Guidelines for Casino Operators and in respect of Casino Gaming which 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. Importantly, these Guidelines:

- a. prohibit the publication of advertisements in respect of casinos and casino gaming by local newspaper, television or radio, or using billboards or other public signage in Jamaica;
- b. limit online advertisements to the website and social media accounts of the casino and IRD, and stipulate that the number of advertisements promoted per day will not be excessive, and that 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;
- c. prohibit misleading advertising;

- d. prohibit 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;
- e. require inclusion of a warning against compulsive or pathological gambling as well as a reference to the support programme provided by the casino being advertised; and
- f. prohibit endorsements by persons or characters 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 as social media influencers, sportspersons, performing artistes and celebrities or popular personalities.

Ideally, the CGC envisions a future in which:

- a. the RG Framework for local gaming lounges and horseracing is deepened so that resident patrons are better able to access the information, support and other resources that they need to minimise or deal effectively with gaming/gambling-related harm; in particular, the CGC would like to see the gaming landscape in Jamaica evolve to the point where there is collaboration among the CGC, BGLC and JRC and their respective licensees, as well as with RISE and the SMEs with whom the CGC is cultivating relationships, with a view to enhancing effectiveness in minimising the risk and indicia of gambling-related harm for both residents and visitors to Jamaica;
- b. there are RG standards and practices that are recognised, accepted, and audited across the global gambling industry;
- c. there is international collaboration around self-exclusion, such as obtains in relation to AML, primarily through the sharing of player information, with player consent; and
- d. there are globally accepted standards for gambling-related advertising.

In our view, these developments would augur well for the sustainability of the industry globally, as well as for equitable participation by SIDS such as Jamaica.