

Getting Your Employees in the Holiday Mood WITHOUT GETTING SUED!

With the Holiday Season just around the corner, many employers ask us about the wisdom of holding company parties. There is always a risk involved in holding any company-sponsored function. According to one study, 36% of employers reported behavioral problems at their most recent company party. Misconduct may include excessive drinking, vulgar or offensive language, fist-fights or inappropriate sexual advances. Employers may be civilly liable for harassment or discrimination claims, as well as negligent or intentional acts occurring within the scope of employment.

We realize that there are benefits to holding a Holiday Party; such as improving employee morale and fostering loyalty. Despite the risks, approximately 79% of employers hold holiday parties each year. Should you decide to host a Holiday Party, please accept these recommendations for limiting liability as our Holiday gift to you.



Prior to the Holiday Party, we recommend you:

- Assemble a team to plan the Holiday party which includes at least one management representative.
- Provide training on all Company policies relating to harassment, retaliation, workplace violence, alcohol use, and safety to the Holiday planning team.
- Review the above policies with employees and their direct supervisors.
- Consider implementing a private binding arbitration program for employee claims.

At the Holiday Party, we recommend you:

- Remind employees that, while you encourage everyone to have a good time, your company's normal workplace standards of conduct will be in force and misconduct at or after the party can result in disciplinary action.
- Do not serve alcohol. This is much easier if you simply have a lunch.

- If you do serve alcohol, do not have an open bar. Instead, use a cash bar or a ticket system to limit the number of drinks.
- Limit the bar to beer and wine. Do not serve liquor. And always have plenty of non-alcohol beverages available.
- Always serve food if you serve alcohol.
- Let your managers know that they will be considered "on-duty" at the party. They should be instructed to keep an eye on their subordinates.
- Invite spouses and significant others. Employees seem to behave more appropriately when in the presence of their family.
- Arrange a no-cost taxi service for any employee who feels that he or she should not drive home. At management discretion, be prepared to provide hotel rooms for intoxicated employees.
- Never, never, never hang mistletoe!