# 'Tis the Season for Holiday Office Party Misconduct

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Even at this time of the year when peace, joy, and generosity reign, employers are not immune from legal and morale problems that can develop from office parties gone wild.

A report by the Society for Human Resource Management reveals that 36% of employers nationwide have reported some type of employee misconduct at holiday parties. Common complaints include excessive drinking, sexual advances, off-color and inappropriate jokes, vulgar language, and even arguments and fistfights. When you combine that with today's litigious work environment, employers are rightfully nervous about liability arising from the hosting of the traditional office party. Owners, managers, and supervisors want to celebrate with their employees, but they also want to avoid having to respond to legal complaints afterwards because something at the party went wrong. They know that it can potentially cost hundreds of thousands of dollars in attorney fees and lost-productivity, not to mention an open-ended amount of damages if a legal claim against the company has merit, if things get out of hand during a holiday party.

To keep office parties safe and sane this holiday season, Fisher Phillips has developed a list of planning tips for employers. These include complying with existing labor laws long before the first drink is poured. Reviewing employee handbooks to make sure they address drug and alcohol abuse, harassment, fighting, weapons, and other forms of misconduct is also crucial.

Employers also should educate supervisors and employees about policies dealing with sexual harassment, non-discrimination, and retaliation against employees who lodge complaints. And they should consistently discipline or discharge employees who violate established policies.

Admittedly, our clients look at us sometimes like we're Scrooges, but keep in mind that it's important not just to your Company, but also to the employees themselves, to provide guidelines and to avoid creating an opportunity for someone who has had too much to drink to make a choice he or she will regret later.

That said, the following are our Holiday Office Party Tips:

- Remind employees that normal work rules and standards apply to holiday parties.
- Remind employees to drink responsibly and plan for safe transportation home.

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- Arrange for designated drivers, reduced cab fares or hotel room rates, or offer to pay for cabs or hotel expenses if employees are obviously impaired by alcohol.
- Make it clear the party is a voluntary event and attendance is not mandatory.
- Provide employees with a limited number of drink tickets.
- Limit the length of the party and plan to close the bar an hour or so before the end.
- Offer non-alcoholic beverages.
- Do not serve alcoholic punch or other beverages that make it difficult to gauge how much alcohol one consumes.
- Provide ample food and entertainment to prevent drinking from becoming the focus of the party.
- Serve foods that slow the absorption of alcohol, such as those high in protein or starch.Greasy or salty foods tend to encourage more alcohol consumption, so avoid them.
- Make sure the bartenders have been trained not to over-pour drinks, not to serve guests who appear intoxicated, to handle rowdy guests, and to take other actions to limit harm or liability.
- Do not have employees involved in tending bar or providing alcohol.
- Designate someone, preferably a supervisor, to refrain from drinking and to monitor the party with event staff to curtail excessive alcohol serving.
- Schedule parties on a weeknight when employees may be less likely to overindulge.
- Hire an off-duty policeman or security specialist to be present during and after the party.
- Don't hang mistletoe.
- Make sure underage guests and employees are not served alcohol.
- Review your insurance policies for alcohol-related exclusions.

*For more information on this or any other labor and employment law issue, contact your Fisher Phillips attorney or e-mail fp@fisherphillips.com.*

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