

'TIS THE SEASON TO AVOID LIABILITY AT HOLIDAY PARTIES

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Candice Pinares-Baez's article "'Tis the Season to Avoid Liability at Holiday Parties" was featured in the *Daily Business Review* on December 11, 2015.

It is hard to believe that the holidays are upon us again. For many of us, along with shopping and some time off to spend with family, the company holiday party is often a much anticipated part of the season. A company holiday party provides an opportunity to celebrate the end of a successful year and allows employees a positive atmosphere to unwind and enjoy time together outside of the work environment – think Secret Santa, company raffles and tons of laughs. What can go wrong? As many south Florida employers have learned the hard way, the answer to that question is "a lot." Excessive drinking, sexual advances, off-color and inappropriate jokes, vulgar language and even arguments, fistfights and car accidents are some of the more common examples, all of which could result in legal claims against the organization. Claims could include harassment, discrimination and vicarious liability for damages. The obvious question then becomes, what should a company do to limit its legal exposure.

In the article, Candice provides the following recommendations when offering alcohol at a company holiday party:

- Offer only wine and beer
- Use a ticket system to limit the number of drinks each employee is provided.
- Close the bar an hour before the party ends to limit overindulgence and provide employees with the opportunity to sober up.
- Hire a professional bartender to serve employees and monitor alcohol consumption. A hired bartender can also check identification and verify that every

attendee is of legal age to drink. The bartender should be instructed to alert upper management of any employee who appears to be inebriated and refuse to serve them any additional drinks.

- Arrange a no-cost taxi services for any employee who feels that he or she should not drive home.
- Be prepared to provide hotel rooms for intoxicated employees.
- Utilize a "key-check" or valet system as guest arrive to help ensure intoxicated guest do not get into a car at the end of the party.