

Employer Resolutions For Avoiding Holiday Party Headaches

Law360, New York (December 22, 2015, 4:27 PM ET) --

Ah, the end of the year is here: annual reviews, last-minute pushes to finish the year strong, stresses of holiday shopping and travel, and, of course, the time-honored tradition of company social functions — often with alcohol — to bring everyone together and let off some steam. What could go wrong? Whether your event is past, present or future, here are some top tips for avoiding a New Years' headache from your party.



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To Drink or Not to Drink? That is the Question

Rare is the work situation that cannot get much worse with the introduction of an intoxicated person. Add post-party transportation questions to the mix and a party's potential for issues is clear.

Alcohol can loosen lips, lower inhibitions and put good judgment on the back burner. Drinkers may say things that they would normally keep to themselves — personal information, offensive observations, suspicions, rumors, etc. Even putting liability aside, an employee who is offended by an inappropriate remark will still feel offended the next day, which can create harmful friction in the office.

Consider having a holiday party during the day or in the middle of the week, which may discourage excessive drinking. If you do serve alcohol, avoid employee self-service and have a bartender. This is likely built-in by going offsite to a restaurant or similar venue, but even on-premises, hiring a professional bartender (who is comfortable refusing service if necessary) goes a long way toward limiting overconsumption. Consider using drink tickets or a cash bar — even for part of the party — for similar impact. Implement a “no shots” rule. Close the bar before you shut down the party. Whichever way you choose to go, make certain that you offer nonalcoholic drinks and serve plenty of food, so nobody is drinking on an empty stomach.

When the party ends, employees need to get home. Every 51 minutes, someone in the United States dies in an alcohol-related motor vehicle crash.[1] In most states, establishments that serve alcohol can be liable for their patrons' alcohol-related accidents. Regardless, employee safety is paramount.

The potential impact of insisting that someone take a cab cannot be overstated. Even better, offer to pay for cabs.

Keep Your Hands To Yourself

In the relaxed party atmosphere, some employees may become flirtatious or “touchy” — even more so after a few drinks. While hosting a party off-site can help your company manage alcohol consumption (and related responsibilities), at the same time, being off-site

can contribute to a sense that office standards of conduct do not apply. Make employees aware that the dress code is “office festive,” not “club festive.” Inviting spouses and significant others not only can contribute to creating a sense of community, but also introduces potentially helpful “chaperones” to head-off inappropriate behavior. If your policies prohibit workplace fraternization, remind employees of this policy before the party. If your party will include dancing, a dance floor is a prime opportunity for physical contact — welcome or unwelcome. Consider how you will go about separating overly affectionate employees — a la a school dance — or the potential consequences if you do not.

Ensure Leaders Act Like Leaders

Even if you do not serve alcohol — but especially if you do — recruit a few people beforehand to “chaperone” conduct during the party, and as employees are departing. Even in the party setting — and perhaps especially so — remember that, at a company party, employees are still employees and managers are still managers. Their actions can still generate legal liability for the company. Remind everyone of your policies in advance and make sure that leaders understand that a holiday party is one day but respect is a year-round concept.

The KISS Principle: Keep It Simple and Secular

Title VII of the Civil Rights Act of 1964 prohibits religious discrimination and requires employers to accommodate employees’ religious beliefs. So too do numerous state and local laws. Looking beyond legal requirements and thinking practically, taking religion out of the equation makes it that much more likely that all employees will feel included, regardless of their beliefs. Just as it is unlikely you would gather your employees together in July to discuss religion over cocktails and hors d’oeuvres; it now being winter should not change this logical decision.

To that end, consider referring to your “Christmas party” as a “holiday party.” When decorating, opt for seasonal as opposed to religious imagery. For example, choose pine trees, snowflakes and poinsettias over nativity scenes and menorahs. If you do display religious imagery, be inclusive of multiple religious beliefs.

Give The Gift of Peace (of Mind)

Many offices celebrate the holidays with gift exchanges, whether direct (like “Secret Santa”) or indirect (like “Yankee Swaps”). Direct exchanges are risky, because an employee who dislikes another employee might express that dislike through a “gift.” Even worse, employees might give gifts that are offensive or inappropriate. By setting clear monetary limits and guidelines for appropriate gifts, indirect exchanges reduce these risks. If you hold a gift exchange, make sure employees know participation is voluntary. Don’t pressure employees to participate — they might be short on cash.

“Mandatory Fun” is No Fun at All

Nothing breeds dissatisfaction like “mandatory fun.” Whatever holiday party event (or other plans) you opt for, strongly consider making them optional for those who may have a

religious objection or otherwise do not wish to attend. This is especially true for events held after hours when employees may have outside obligations — family, school, etc. — which conflict. Conversely, if a party falls during work hours and employees opting to attend are being paid, make sure those who opt out are not required to work while others are partying.

Plan Ahead

Just like your company is unlikely to proceed on an enterprise-wide business strategy developed on a whim or “wing it on the fly,” a holiday party thrown together without prior planning is more prone to problems. Consider your options in advance and do not leave the arrangements or planning to the last moment — your planning process may even reveal that a December date is not the best time for your celebration (and pushing to January would avoid adding stress to the existing end-of-the-year demands). Prior planning not only allows for the potential mitigation of the issues described above but also may permit a larger range of options and even cost savings.

Follow-Up is Critical

Even the best plan does not preclude bad things from happening — whether accidental or intentional. As with any employee-related issue, company attention and follow-up is critical but can be that much more challenging in the context of reduced work schedules or employee leave in the holiday time frame. The ever-present chance that memories fade is only enhanced by potential intervening holiday excitement. Scheduling related delays can increase the possibility that a minor slight festers into a harassment complaint (or contact with a plaintiff’s attorney) after added holiday “reflection.” Accordingly, attentiveness and prompt response to any issues raised (or heard of) are even more at a premium — better dealt with directly and internally before the holiday than with lawyers and a demand letter next year.

Remember What You Are Celebrating — Your Employees

Finally, with all the discussion of potential liability, it is important to recall that the real reason to celebrate is to recognize the great things your employees accomplished over the course of the whole year. Without their contributions, there would not be anything to celebrate. So even when risk mitigation might suggest aborting the holiday party altogether, remember that employee recognition should be year-round. Nothing mitigates liability like employees who look out for the company because they know the company is looking out for them. Happy holidays!

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[1]Dept of Transportation (US), [National Highway Traffic Safety Administration](http://www-nrd.nhtsa.dot.gov/Pubs/812102.pdf) (NHTSA). Traffic Safety Facts 2013 Data: Alcohol-Impaired Driving. Washington (DC): NHTSA; 2014 [cited 2015 May 18]. Available at URL: <http://www-nrd.nhtsa.dot.gov/Pubs/812102.pdf>.

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