Holiday Cheer: Top Ten Ways to Keep Office Parties from Causing Lawsuits

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A Court’s View of Holiday Parties

“At the risk of playing the Grinch, we note that office parties also seem to be fertile ground for unwanted sexual overtures that lead to Title VII complaints.” (7th Cir. 2001)
Holiday Parties – Some Statistics

• 79% of employers plan to hold office parties.
• Nearly 60% plan to serve alcohol.
• 25% of employers have no policy on alcohol consumption at work-related events.
• Nearly 40% of employees have either embarrassed themselves or know someone who has at an office party.
Recognize the Inherent Dangers of Office Parties

- Purposes of events include rewarding employees, breaking down barriers, informality
- Employee’s guard is down in conversations and actions; personal discussions; inappropriate statements and behavior; supervisors present
- Alcohol
- Dancing; games; entertainment
- Non-office attire
- Religious aspects
Alcohol and Respectful Workplace May Not Mix

- Recognize this is the workplace, and policies and laws forbidding inappropriate behavior apply.
- Harassment
- Defamation
- Supervisory behavior
- Embarrassing behavior could end a career and injure an employer’s and an employee’s reputation
- You have to go to work tomorrow with the party-goers.
Alcohol and Safety May Not Mix

- Injuries at event (ex: falling down; accidental collisions)
- Car accidents
- Alcohol intoxication
- Dramshop laws
- Workers’ Compensation
- OSHA
- Arguments and physical fights
- Assault and Battery
- Sexual assaults
- Other crimes
Litigation From Accidents After Office Parties

• Dramshop laws usually pertain only to commercial alcohol vendors, and are drafted to protect public from serving intoxicated customers and minors.
• Laws vary among states.
• Sometimes no liability for social hosts or only for those who serve on the premises, to minors, or to clearly intoxicated guests.
Lowering Inhibitions Can Cause Embarrassment and Legal Issues

- Dancing
- Games
- Songs
- Skits
- Poems
- “Small talk”

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Tip One:
Create an Event Planning Team

- Create a team to plan event with at least one supervisor as an active team member.
- Ensure adequate time and resources provided to team.
- Train team on Company policies, including those regarding: complaint system, harassment, violence, alcohol, defamation, gifts and entertainment, and safety.
Tip Two: Carefully Plan Event

Suggested items for checklist:
• Type of event
• Time of day
• Location
• Alcohol
• Food
• Attire
• Addressing religious issues
• Criteria for invitees
• Transportation
• Input from employees
• Training; legal review
Possible Areas for Legal Review

• Insurance policies, workers’ compensation, OSHA
• Presence of alcohol
• Transportation and other logistics
• Accessibility for people with disabilities
• Entertainment
  – Songs
  – Skits
  – Videos, slide shows
  – Games
  – Third-party entertainers
Tip Three: Carefully Choose Venue

- Don’t let weak economy cause decisions employer will regret.
- Less expensive to host party in office but could increase legal risk
- Restaurant, museum, civic venue
- Parking
- Safety in venue, parking and transportation
- Quality of restaurant or event venue and its employees (ensure servers and bartenders are appropriately dressed)
Tip Four: Consider Type and Time of Event

The later in day or evening the event, and the more prevalent the serving of alcohol, the more likely inappropriate and unsafe behavior will occur.

- Food events that start in morning.
- Luncheons at office or other venue with no liquor.
- No company-sponsored pre- or post-parties; have end time for event.
- Consider food or clothing drive or other type of charitable function.
Tip Five: Invite Spouses/Significant Others

- Appropriate behavior may be more likely if spouses, significant others, and family members attend.
- Less likely that flirtations and behavior troublesome for a work setting will occur (still, do not hang mistletoe).
- Attendance should be voluntary.
Tip Six: Consider Steps to Avoid Alcohol-Related Mishaps

- Don’t serve alcohol, or serve only in limited manner.
- Drink tickets; no open bar.
- No “hard” liquor.
- Designated drivers, buses, and other safe transport.
- Use licensed bartender.
- Do not serve minors.
- Food and soft drinks.
- Go to restaurant or other venue outside of office.

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Tip Seven: Take Steps for Safety of Employees and Others

• Limit alcohol and take steps such as designated drivers.
• Safety review of venue, including parking lot
• Directions
• Neighborhood
• Food safety
• Contingency plans for snow and other weather problems.
Tip Eight: Consider Religious Aspects of Events

- Christmas, Hanukah, Kwanzaa.
- Showcase diversity with food and events.
- Celebrate end of year without religious aspects.
- Consider timing of religious holidays when planning events.
- Respect those with no religious affiliations or who do not celebrate holidays.
- Carols and singing.
- Legal and policy training.
Tip Nine: Train and Communicate About Behavior Expectations

- Review work policies.
- Communicate to employees prior to event about policies (ex: harassment prevention, driving, attire, alcohol and complaint system).
- Explain application of policies for office parties.
- Train employees and supervisors, including those on international assignments.
Tip Ten: Strategic Role for Supervisors

- Train supervisors: 1) to be role models for respectful behavior; and 2) about their legal obligations to ensure respectful workplace.
- Place a supervisor at each table and around the event during social gatherings.
- Supervisors should be “on the lookout” for troublesome behavior, and should act quickly and appropriately when poor or unsafe behavior occurs.
Final Thoughts

Employers can reward employees and boost morale with methods that will not likely result in liability:

• Conduct celebration carefully to ensure respectful and safe workplace.
• Reward employees and celebrate successful year in numerous other ways.
Thank You

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