

Jingle all the Way... To Court: An Employer's Checklist for Holiday Parties

December 4, 2023

Source: Saiber Employment Law Alert

It's the most wonderful time of the year! But for HR professionals, it can be the most stressful. While organizations throughout the country are preparing to hold their annual holiday celebrations, employers may unwittingly overlook some critical steps to ensure a safe, festive and hopefully liability-free celebration for their employees.

Therefore, while planning holiday events, employers may want to consider taking the following precautionary measures:

- Limit and/or monitor the amount of alcohol served and consumed. Consider holding the event at a location that has a liquor license and/or hiring a professional bartender so alcohol is distributed by a professional who is trained to recognize when individuals may have over-indulged. It is not advisable to allow employees to serve themselves because then no one monitoring their consumption.

-

Remind employees of the Company's expectations in terms of proper behavior and provide specific examples. Review or issue policies relating to behavioral guidelines at employer-sponsored functions. Such policies should provide that when alcohol is served, employees are expected to enjoy it responsibly.

-

Consider offering alternatives to alcohol, e.g., "mocktails," for those who do not or cannot consume alcohol.

-

Be mindful of mental health during this time of year and remind employees of employee assistance programs that may be available to them.

-

Remind members of management to set a good example.

-

Review your insurance policy to confirm you have adequate coverage.

-

Remind employees that policies against discrimination and harassment continue to apply equally at all work-related events.

- If applicable, remind employees to give work-appropriate gifts for any holiday exchanges.
- Ensure holiday customs are work-appropriate and avoid any, for example, that may give rise to sexually-charged scenarios, like hanging mistletoe.
- Confirm that any vendors are appropriately licensed and insured to avoid injuries, for example, from serving contaminated foods.
- Arrange for transportation to and from the event.
- Ensure all employees are included and invited.
- Consider holding the event after working hours and remind employees and contractors that attendance is voluntary.
- If attendance is mandatory, ensure wage and hour laws are followed.
- Avoid sponsoring or attending after-parties.

An office holiday party can be one of the highlights of the year when proper steps are taken to minimize the risks associated with an employer hosting the event. Have fun, but proceed with caution! Should you have any questions about implementing policies for your upcoming party, please contact Jennifer O'Connor or Catherine Soliman of Saiber LLC's Employment & Labor Law Practice.