



Employment Law Note

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The Corporate Survival Guide to Holiday Parties



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For many employers, the company holiday party is as ubiquitous as the holidays themselves. Many organizations are privy to holiday party legends – some good, some bad. As the holiday season unfolds, companies throughout the Puget Sound region are once again preparing to celebrate the season with their employees. If alcohol is part of your company's holiday celebration, however, you could be at risk for more than just a hangover.

Company-sponsored celebrations that include alcohol can pose liability risks for employers if intoxicated employees get into a car and subsequently cause injury to persons or property. Similarly, persons under the influence can say and do things that can cross the line into unwelcome harassment; therefore, just as you take steps to ensure that your employees have a good time at the party, you should also take steps to ensure that they don't drive under the influence of alcohol or engage in any other alcohol-induced conduct that has lasting consequences.

The following "seven-step program" can help you reduce risks at company holiday parties:

1. Change The Focus Of The Party

Consider re-engineering your holiday party from a traditional food and beverage bash into an event that focuses on honoring employees and promoting good will. Some possibilities include treating employees to in-house massages (by a professional, of course) or

engaging in a group activity—such as caroling or cooking the holiday meal at a cooking school—in order to take some of the focus off drinking. If your company throws a more traditional party, be sure that your planning includes plenty of entertainment and activities so that drinking does not become the main focus of the event.

2. Set A Tone Of Moderation

Before any holiday party, you should set a tone of moderation. Remind employees to be responsible partygoers and, if they will be drinking, to plan alternative transportation home. This can be expressed at a company meeting prior to the celebration or, even better, through a written reminder beforehand. If your party will be during non-work hours, consider inviting significant others and spouses. Some employees may be less likely to engage in potential sexual harassment if their family members are present. Finally, just say "no" to mistletoe, which may seem festive but can invite obvious problems.

3. Plan To "Taper Off" Alcoholic Beverages

It likely goes without saying that electing to ban alcohol entirely from any company-sponsored holiday event may serve to reduce liability risks for employer. Even when alcohol is a part of the holiday celebration, there are steps employers may take to reduce risk. As the party progresses, taper off the amount of alcohol served so employees are not sent out into the night

reeling from its effects. Other suggestions to limit alcohol consumption include:

- Engaging a professional, licensed bartender to serve the alcohol who is trained not to over-serve patrons;
- Providing drink coupons to reduce intake;
- Limiting cocktail time, *e.g.*, to an hour at the beginning of the party;
- Serving food after the bar has closed;
- Providing several nonalcoholic drink options throughout the party; and
- Scheduling the party for lunchtime to curb the possibility of excessive drinking.

4. Hold the Party Off Premises

Beware of onsite consumption of alcohol, including “pre-funking.” WAC 296-800-11025 requires employers to “prohibit alcohol and narcotics from your workplace” and to “prohibit employees under the influence of alcohol or narcotics from the workplace.” Allowing employees to get a head start on alcohol consumption at work before the “official party” will defeat your efforts to maintain sobriety.

5. Keep An Eye Out For The Intoxicated Employee

At the party, watch for intoxicated employees. Refuse further service to any visibly intoxicated individual and take affirmative steps to keep him or her from driving home. Discuss the issue with persons serving alcohol

and ask them to alert you if they have any concerns. Consider designating Human Resources or other management personnel to refrain from drinking and maintain a watchful eye. You may even want to hire a security guard to observe employees leaving the party with the goal of intercepting those who appear to have had “one too many.”

6. Do Not Serve Under-Age Employees

Do not serve alcoholic beverages to employees who are under the legal age. If your party is catered or off site, instruct the caterer or facility to request identification from anyone who appears to be under age 21. Better still, card everyone who appears to be under 30.

7. Have A Free Ride Plan In Place

This is the one time you want to give employees a “free ride.” Literally! You should provide taxi vouchers in advance and at the party, designate drivers, or provide a shuttle service to insure that intoxicated employees don’t get behind the wheel.

These are important steps to follow before you open the bar at any company event, not just the holiday party. They will substantially lessen the company’s risk of liability for alcohol-related accidents and pave the way for safe and joyous celebrations. Happy Holidays!

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