7 Ways To Avoid The Office Christmas Party Descending Into Debauched Disaster

Tis the season to remind employers and employees it might be best to ho, ho, hold off on the merriment. The very public incidents involving Jian Ghomeshi and Ray Rice, and the suspension earlier this month of two Ontario Hockey League players for nearly a quarter of the season for sexist remarks made public on social media, provide a well-timed reminder that behaviour at "play" can lead to dismissal for cause. Whether online (at work), or offline (at the office party), the test for cause remains the same: Is the behaviour sufficiently odious? Has the employee been warned for similar misconduct? Has the employer clearly set out the consequences of such misconduct? Have the actions caused irreparable damage to the employment relationship? Is a warning sufficient or is the conduct so egregious as to warrant dismissal even without past warnings? One such example is a case where Kitchener, Ont.-based Mitchell Plastics moved quickly to terminate Trevor Huffman after he became drunk and belligerent at its party. At first just noisy, Huffman ended the evening making physical threats to management and a slew of sexually inappropriate remarks toward colleagues and their spouses. He launched a Human Rights complaint, claiming the company was ultimately responsible because management knew he suffered from alcoholism. The Ontario Human Rights Tribunal dismissed his application. Turns out he was fired for being a threatening drunk, not for having an addiction. A holiday party is a work event and the same rules apply. It is the employer's job to ensure its employees know that. Being fully transparent about the repercussions for misconduct will help avoid litigation. Employers usually want to know what they are responsible for if matters go awry? The answer is virtually everything from: Harassment ("I complained about John Smith coming on to me at the party, but no one did anything"), to injuries resulting from a serious automobile accident ("I was clearly drunk when I left the party – no one took away my keys," – yes, you take an employee's keys to prevent them from driving while impaired); and damage to the venue or its property; or even slips and falls caused by drinks carelessly spilled on the floor, if an employee alleges you did not ensure the employees were in a safe place. Be particularly cautious about employee behaviour. Don't assume people will be receptive or playful when the vice-president dresses up as Santa and asks for a kiss under the mistletoe. Holiday hugs might be viewed differently by the recipient. Promises made for an employee's future, in the irrational exuberance of intemperance, also can lead to subsequent legal liability when they are not met.

After reading this sobering reminder, if you still insist on hosting an event, here is some guidance:

Ensure your policies are clear If your harassment policy doesn’t specify it applies to social events, revise it.

Stay sober Ensure you and the management team refrain from drinking so you don’t hamper your ability to manage your employees, just as you would at work.

Make transportation arrangements While you cannot foresee every poor decision your employees might make, the law requires you to make reasonable efforts to ensure no one drives while intoxicated. Make taxi chits or subway tokens available. It is also a good idea to have members from the management team stationed at the exits to spot employees who should not drive.

Hold the party off-site It may cost a tad more, but the restaurant or banquet hall is technically responsible to ensure patrons are cut off when they become drunk. This does not completely eliminate your obligation to take steps to ensure your employees are safe but shifts some of the blame to the restaurant owners.

Use drink tickets Two per person is plenty and don’t give any to non-drinkers. This sends employees a clear message they are there to enjoy a drink or two, not get drunk.

Invite the family In my experience, inviting significant others may reduce offensive conduct and temper obstreperous behaviour.

Don’t insist on attendance Some employees know they can’t handle awkward mingling with their supervisors and alcohol at the same time.

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