Eat, Drink (A Little), And Be Merry

We are gearing up for holiday party season, with numerous parties and events meant to boost employee morale and give everyone an opportunity to socialize and celebrate the holidays. Everyone has a story about that time someone did something inappropriate at a work holiday party and, in some cases, look forward to the event in the hopes that someone does engage in improprieties. Besides resulting in a "career limiting move," these incidents greatly increase the risk of liability for an employer who hosted the event.

It's easy for everyone to forget that the law considers holiday parties to be "work-related" and to take place in the "workplace," even if the event is held offsite at a restaurant, bar, house, or other venue. It is not uncommon for harassment claims to arise in the New Year following the actions of an employee who had too much to drink or simply let him or herself forget that they are among colleagues and not out with friends on the weekend.

When planning your holiday function, it's crucial to remember that the employer: a) is liable for the actions of its employees; and b) has a legal obligation to ensure a safe and healthful workplace, as well as a workplace free from harassment. You must keep these obligations in mind when planning your events. Failure to do so can result in very costly legal claims and reputational damage.

To that end, we provide some tips and considerations for your holiday planning:

1. Host an alcohol-free daytime event, such as a catered lunch at the workplace.
2. Invite employees' spouses, or host a family-friendly event with employees' spouses and children.
3. If hosting an event with alcohol, limit the number of alcoholic drinks per person (using a drink ticket system), or have a cash bar.
4. Ensure all servers and bartenders you hire are properly trained by the Smart Serve Training Program (https://www.smartserve.ca).
5. Control the alcohol: don't be afraid to close the bar or cut off an employee if it appears that the employee is intoxicated.
6. Prior to the event, remind employees that all workplace policies apply to the holiday party, including your policies against workplace harassment, violence, and safety.
7. For your managers and supervisory employees: prior to the event, ensure they understand the company's policy on alcohol for the event and that they are expected to enforce it if necessary. If necessary, consider doing refresher training on your company's policies against workplace harassment, violence, and

safety.
8. Ensure everyone gets home safely by providing taxi chits to limit the risk of any employee driving under the influence.
9. Review any entertainment, shows, or presentations in advance for appropriate content.
10. Vet the event space for accessibility issues, ensuring all employees have the opportunity to attend and participate.

Last Updated: November 4 2014

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