

Have Fun, Be Festive, Don't Get Sued: Tips For Employers This Holiday Party Season



Holiday parties are a great way to boost morale, but they can also expose employers to liability if not managed properly. Employers may be held responsible for the actions of their employees during workplace gatherings, even when those actions occur offsite and outside normal working hours.

Holiday parties, especially those where alcohol or cannabis is consumed, can lead to inappropriate behaviour by employees. Harassment, discrimination and bullying can occur in these settings, and employers may be held liable for such conduct if not properly addressed. Under employment and human rights legislation across Canada, employers have a duty to provide a safe, discrimination and harassment-free environment, which extends to employer-sponsored events. Similarly, if an employee is injured during a workplace holiday party, the injury may be deemed work-related and subject to a workers' compensation claim. Employer liability may also extend to accident or injuries resulting from an employee driving intoxicated after attending a holiday party, causing injury to themselves or others.

To help make your event a success without compromising safety or professionalism, consider the following tips:

- **Foster inclusivity:** Create a welcoming environment for employees of all backgrounds. Choose neutral themes, offer diverse participation options and accommodate cultural, religious or mobility needs.
- **Reinforce policies:** Before and at the event, remind employees that workplace policies regarding discrimination, harassment, violence and respectful conduct apply to all employer-sponsored events. Consider sending a memo or holding a brief meeting to reiterate these expectations of employees and their guests. Ensure employees are aware of the procedure for bringing forward any complaints or concerns that may occur during the event.
- **Consider choosing an off-site venue:** Whenever possible, choose a venue away from the workplace. Opt for accessible locations near public transit with safe transportation options. Ensure the venue is accessible to all employees, including those with mobility or other needs.
- **Prevent work-related injuries:** Ensure the venue complies with all safety regulations. Document safety measures taken and ensure that decorations, planned activities or games are safe and appropriate.
- **Check insurance coverage:** Confirm your liability insurance adequately covers risks associated with the event.

- **Keep attendance optional:** To avoid potential compensation issues, clearly communicate that attendance is optional. If employees are required to perform work-related tasks at the event, such as cleaning or staffing, they may be entitled to compensation for their services.
- **Serve alcohol responsibly:** While an alcohol-free event can reduce risks, if you are serving alcohol, hire professionally trained bartenders to oversee service and monitor signs of intoxication. Avoid unsupervised or open bars, and consider limiting consumption through drink tickets. Provide ample food and non-alcoholic options.
- **Provide safe transportation:** Remind employees not to drive after consuming alcohol or cannabis. Provide taxi vouchers, rideshare credits or reimbursement for safe travel home.
- **Monitor and support:** Designate a responsible individual to oversee the event and liaise with bartenders. They can help ensure safety and inclusivity and offer assistance if needed.
- **Promote health awareness:** Encourage employees feeling unwell to stay home.
- **Protect privacy:** Be cautious when collecting or using employee information, such as photographs or personal anecdotes. To avoid privacy issues, obtain explicit consent for any photos or personal information collected and clearly communicate how they will be used.

The holidays are a time to celebrate, but they are also an opportunity for employers to demonstrate leadership, compassion and commitment to a positive workplace culture. This blog post addresses only a few of the issues employers may face during the holiday season. Incorporating these best practices will help your organization enjoy a memorable and safe holiday season while reducing the risk of liability. Thoughtful planning ensures the focus remains on celebrating and fostering camaraderie among employees.

If you have questions about holiday-related workplace policies or potential liabilities, our [Labour and Employment team](#) is here to help. Contact us to ensure your organization is prepared for a safe and festive season.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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