

# Tis The Season To Get Sued – Employers Beware Of Holiday Party Liability



Hosting a holiday party is a great way to thank your employees for their hard work and to celebrate your company's successes in the last year. However, if a holiday party gets out of control or is not reflective of your workforce's ethnic/cultural diversity it can create unforeseen liabilities, particularly where alcohol is involved. As a "best practice", the following suggestions will assist your organization in planning and holding a safe and inclusive holiday event:

- Hold an alcohol-free event. This is the lowest-risk option for employers.
- If you decide to provide alcohol at the event, speak to employees before the event about the risks of over-drinking.
- Employees should also be reminded that this is a workplace function and they are expected to behave in a way that is not harassing, discriminatory, intimidating or otherwise inappropriate.
- Holding a morning (brunch) event rather than an evening event where alcohol is served may reduce the consumption of alcohol.
- Do not provide free and open access to alcohol.
- Provide non-alcoholic drinks as an option.
- Avoid serving alcohol if your event includes physical activities, or serve the alcohol after the physical event is completed.
- Do not serve alcoholic beverages to under-aged employees or employees who are already visibly intoxicated.
- Have food available throughout the party, and accommodate diverse palates
- Provide alternative transportation for employees (i.e. taxi cabs). Encourage employees before the event to leave their vehicles at home and take advantage of the alternative transportation you are providing to get to and from the event.
- Arrange for a nearby hotel to have rooms available for employees who are unable to get home.
- Stop serving alcoholic beverages at least an hour before the party is over.
- Be respectful of the different cultural and belief systems among your employees when planning your event. Make sure the date of your event, your menu and activities reflect your workforce's religious and ethnic diversity.
- Where your workforce is culturally diverse, consider creating a holiday planning committee of representative employees to plan your event, and plan your event around the many religious holidays being celebrated around this time.
- Consider inviting your employees' family to accommodate those who may be unable to leave young children at home.

- Allow employees to opt out of your holiday event without a consequence or negative connotation.
- Make sure the venue is accessible to those attending your event.
- Consider creating an electronic-free event, where use of cell phones and other mobile/recording devices are limited. This will help to ensure that your event and your employees don't end up on social media.

As employers start to plan their annual holiday events, now is the time to keep these tips top of mind in order to reduce the likelihood of human rights complaints, harassment allegations or claims for social host negligence if an employee ends up being seriously injured after leaving your event. A well-planned, inclusive holiday event will not only foster a positive climate in your workplace but will go a long way in reducing the chances of your company ending up with a costly piece of litigation in its Xmas stocking!

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