



E-LAW ALERT

The Holiday Season is upon us and many employers are planning holiday parties. Now is an appropriate time to be reminded of some prudent policies and guidelines to consider to help make those events safer and enable employers to avoid potential liability. We hope the following draft **“Policy On Holiday or Similar Parties”** will be helpful to you in that regard.

If you have any questions or comments, please feel free to contact any of the following members of our firm’s Employment Law Group: Steve Schwarzb erg, David Spector, Chris Duke, Lorraine Rogers, Arlene Kline, or Kerry Raleigh at (561) 659-3300.

POLICY ON HOLIDAY OR SIMILAR PARTIES

Attendance

Attendance at the Holiday Party cannot and should not be mandatory.

Check your insurance policy

An important step in your party planning should be reviewing your business insurance policy. Confirm that your comprehensive general liability policy covers liabilities arising from the event. Contact your insurance agent for details.

Alcoholic Beverages

If alcohol is being served, be sure a third party is serving it. If you decide to serve alcohol at your party, don’t hold the party in your office. Have the party off premises and make sure the servers have a liquor license.

Have a drink limit or an alcohol-free party

It is advisable to limit the number of alcoholic drinks served to any one individual. Drink tickets are one way to do this. If there’s no behavior-altering substance available to your employees, or if you limit their access to it, chances are employees will be calmer and more in control of their actions. In addition to averting injuries, limiting alcohol consumption could prevent other types of actionable activities, such as property damage and sexual harassment incidents. The presence of alcohol can make people do things they normally wouldn’t, and after the party is over, claims for damage or harassment could be filed.

Use caution with cash bars

While having a cash bar instead of an open bar may limit drink consumption, be careful. Having your employees and guests pay for the alcohol they consume on your property does not

automatically limit your liability if an alcohol-related accident should occur. Also, if you're charging for alcohol, you may need a liquor license and or other liability protections.

Be clear with your employees before the festivities begin

Make sure that your employees know your policy on substance abuse and that this policy covers any work situation, including an office party. Post the policy in your employee handbook and on office bulletin boards, and send it out by email as a reminder before the party.

Lead by example and exert your authority

Ask that one or more members of your management team stay "stone sober" to set an example for the rest of the employees. Employers should intervene when necessary and have the authority to tell their employees "you've had too much to drink... we'll get you a cab home."

Provide transportation

Keep your employees from getting behind the wheel of a car if they've been drinking by providing alternative transportation, both to and from the party. One suggestion is having a free taxi service for any employee who requests it. This service must be "no questions asked" to ensure that it won't be held against the employee the next day.

Make sure your caterer is licensed and insured

You may be held responsible if a guest at your event becomes ill after eating food prepared by an unlicensed caterer. Licensed caterers are subject to health department inspections of their cooking facilities without notice, which ensures that the food they serve is prepared in sanitary conditions that are governed by law. In addition, licensed caterers are required to carry insurance, while unlicensed caterers are not.

Have yours be a "Family-Friendly" party

Take the focus off the typical "sit and drink" party by inviting your employees' spouses and children to the gathering. Plan activities for the children; perhaps hire a musician or storyteller. This type of party recognizes the employees' family, not just employees.

Anti-Harassment Policy

Remind your employees of your policy on harassment, including sexual harassment. There is no place at your party for mistletoe. Behavior that is inappropriate at the office is also inappropriate at your party. Further, don't allow employees to use the party as an opportunity to advocate their faith or the faith of anyone else. Religious discrimination and religious harassment claims are among the fastest growing areas of discrimination claims.