

Akerman Practice Update

LABOR & EMPLOYMENT

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Holiday Parties – Is Your Workplace Prepared for the Festivities?

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As the holidays quickly approach and the planning of holiday parties is underway (perhaps on a lesser scale this year due to the economy), human resource professionals and members of management should take the time to consider the appropriate guidelines for holiday parties. The following points are tips to keep in mind for these gatherings.

Workplace Rules

Prior to the date of the event, the entire workforce should be reminded that all workplace rules, including the rules regarding discrimination and harassment, apply equally at holiday parties and off-site events with the same force and effect as they do during the workday (i.e., leave the mistletoe at home). Likewise, the Substance Abuse, Dress Code and Workplace Conduct Policies must be followed. During holiday parties people tend to be relaxed and their sense of what is appropriate is diminished greatly by the consumption of alcohol. The office party is not an excuse to blow off steam or act out, therefore a reminder that proper decorum and dress attire is warranted.

Alcohol Consumption

Employers should consider limiting an Employee's consumption of alcohol by allowing only two drinks per Employee at these functions. This can be accomplished by distributing two drink tickets upon admittance and instructing the staff of the venue at which a holiday party is held not to provide drinks to anyone unless they have a drink ticket. Further, do not allow Employees to circumvent the two drink limit by reminding the Employees that they are not to give other Employees their unused drink tickets.

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In conjunction with the drink ticket allocation, Employers should provide an alternative means of transportation for any Employee who is impaired due to alcohol consumption. It should be a no questions asked service provided free of charge.

One of the biggest problems with the abuse of alcohol at these parties is that it is often the impetus behind other inappropriate conduct at the party including, but not limited to, foul language, inappropriate remarks and jokes and improper touching. As such, you may want to consider having an alcohol-free party. As an alternative to having a party where alcohol is served, consider having a family-friendly party that would take the focus off the typical stand around at the bar and drink event by inviting spouses and children and providing kid-appropriate entertainment, such as bounce houses and clowns.

Management Should Lead by Example

Management should make it a point to set an example for the rest of the Employees with regard to proper behavior. Refraining from engaging in inappropriate behavior and keeping a keen sense of awareness at a holiday party will allow management to intervene when necessary and have the authority to tell an Employee when he or she has acted inappropriately, had too much to drink, or when the Employee needs to leave the event.

Attendance

Attendance at the holiday party should not be made mandatory. Rather, Employees should be invited to attend on a voluntary basis. Because the party is an out-of-work event and not related to the business of the Company (unless, of course, clients are invited and the holiday party is used as a marketing tool), it should be the Employee's decision whether or not the Employee wants to attend. Further, the holiday party should not exclude anyone by making the party specific to any one religion, and thus, result in making others feel uncomfortable (i.e., by calling it a Hanukah or Christmas Party).

Insurance

Make sure to review your current insurance policy and confirm that your comprehensive general liability policy covers incidents that may arise out of the event. You should contact your insurance advisor for additional details and guidance.

“Check whether the venue you select for your event is licensed and insured.”

The Venue

Check whether the venue you select for your event is licensed and insured. A licensed caterer or restaurant is subject to Health Department inspections of their kitchens, without notice, and are subject to other requirements that help ensure that the food is prepared in accordance with the standards governed by local law.

Certainly other situations and concerns might arise that are not covered herein; however, the above should provide at least a starting point for planning your holiday festivities. Should you require additional guidance, please do not hesitate to contact one of the attorneys in our Labor & Employment practice group who will be happy to provide assistance. Happy Holidays from all of us at Akerman Senterfitt!

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