

'Tis the Season for Company Parties

Avoiding legal issues while making the holidays enjoyable

The holidays are a festive time of year. I begin thinking about preparations for Thanksgiving and Christmas right around the time the kids are talking about trick-or-treating. The festive feeling generally goes for employers as well. A 2009 SHRM poll showed that more than 60 percent of employers planned to hold an end-of-year/holiday party for their employees. Along with all the seasonal cheer, companies must be aware of potential liability issues in planning their gatherings.

Holiday party liability in the form of harassment cases, discrimination suits, or instances where impaired employees injure or kill someone on the way home can make an organization vulnerable. Parties can also be the scene of arguments, fights, or insulting comments among employees. If such thoughts haven't already killed your holiday spirit there are a few actions that can be taken to minimize your risks and ensure that your party is a positive experience. Most of the suggestions apply equally well to other company organized activities such as the annual picnic, athletic activities, and other times where your employees may gather for fun.

Consider the needs and desires of all your employees. Take care in planning to be sure none of your company's employees are excluded. Employees probably differ greatly in age, ethnicity, marital status, and religion. Are there any barriers to participation for employees with disabilities? Some religious observances restrict diets or require fasting during certain periods. Do you try to avoid company parties, award banquets, or related activities during these times? Are you sensitive to scheduling meetings and conferences on days of worship (e.g., those that might occur on Fridays or Saturdays)? Think about dietary requirements. Do you accommodate vegetarianism, Kosher rules, etc.? Do company sponsored events include food for everyone?

Be nice. Remember that most discrimination suits aren't really about discrimination but result because an employee feels he has been mistreated, demeaned, insulted, or otherwise treated badly. Use organizational gatherings to promote positive feelings among employees, not encourage hard feelings.

Mix it up. In every workplace, employees will naturally cultivate friendships with some coworkers over others. When it comes to parties, most people stay with those they are most comfortable. It's probably not a good idea to have one racial or ethnic group or all of your disabled employees sitting at their own tables, for example. It's important to promote diversity, acceptance, and inclusion at all organizational activities. Don't let people feel isolated. Encourage employees to mingle with everyone by randomly assigning seats. At our holiday parties, we have a sit-down dinner with employees and their guests. When they arrive, the employee draws a candy cane from a stocking. The candy cane's design matches one that is sitting on their assigned table.

Take it outside (or off-site at least). Half of the SHRM poll respondents indicated plans to take their party off company premises. The party budget will determine in part what venues are ideal, but consider going off-site especially if alcohol will be served. Try to book early to get the most desirable place at the best date and time. We typically book our party for the next year in January or February.

Give back. The holiday season is usually the time of year we think of giving back to those in need. The holidays are also a time when some are experiencing greater need than throughout the rest of the year. In addition to your company party, consider some type of charitable activity. Make sure employees know that participation is entirely voluntary. Choose a local charity, such as a homeless shelter or crisis center

for children. Many non-profit organizations publicize holiday wish lists. Look for resources in your community to find ways to support these organizations. It doesn't matter how small your company may be: employees can work together with their families and donate time or gifts rather than money.

Are you in the spirit(s)? The decision of whether and how to serve alcohol at your party is one of the most important. At any company-sponsored event, employers can potentially be held liable for employees' actions and any injuries that are incurred. In some cases, employees injured during the party may be eligible for worker's compensation benefits.

If you decide to serve alcohol:

1. Before the party, communicate to employees that excessive drinking will not be tolerated and that inappropriate behavior will result in disciplinary action. Emphasize as well that the party is a purely social event and attendance is voluntary.
2. At the off-site venue, use professional bartenders to serve and monitor consumption. Do not offer an open bar, rather impose a per individual drink limit. Make sure that the bartender understands that you require that young workers must provide ID and that individuals who may be drinking too much should not be served more drinks.
3. Do not allow managers or supervisors to purchase drinks for employees. The bartender should also be introduced to several managers who can provide assistance in these areas if necessary.
4. Offer a wide variety of nonalcoholic drinks, and make sure everyone knows they are available.
5. Be sure that you are serving food along with the alcohol, especially foods high in protein and starch, which slow the absorption of alcohol into the bloodstream. Avoid serving lots of foods that are salty, greasy, or sweet.
6. Hold the party close to access to public transportation, or arrange for taxis for intoxicated individuals.
7. Incentivize designated drivers by making them eligible for special prize drawings.
8. If you are holding your party at a hotel, ask the management to discount a block of rooms for employees.

Entertain me. Be sure you offer other entertainment especially if you are serving alcohol (drinking should not be the focus of the party). Our best party to date took place on a party bus, touring the city to look at light displays. One former employer rented a local movie theater and held a family buffet breakfast, followed by a choice of movies. Many cities have entertainment centers that include games and bowling, or indoor miniature golf. Attend an indoor sporting event, such as hockey. Activities don't have to be budget-busters: one of our past activities included guessing baby pictures (we included guests to make it more difficult); we also asked employees to fill out a series of questions to learn little-known facts. In both instances, we awarded gift cards to the winners.

Control the party atmosphere. Loud music and dancing combined with alcohol can equal rowdy employees. Consider the types of scheduled activities and the messages they may be sending to your employees.

Be prepared. Well ahead of the party, make sure employees know your workplace substance abuse policy. Your company doesn't have a formal or informal policy on drinking alcohol at work-related events? You are not alone: 35 percent of those polled responded there is no policy in place and there were no plans to create such a policy. At minimum, make sure that your party invitations not only include the time and place but also a reminder that company behavior standards are just as applicable off site as on site. Employees should understand that corrective action will follow for those "behaving badly" and who say or do things that are out of line. Make clear that excessive alcohol consumption will not be tolerated.

Put the "lead" in leadership. As with everything else, senior management should lead the way by example. Mixing and interacting with all employees and making a positive, professional reputation can go a long way to building trust and loyalty. It's a great opportunity to make an impression with employees and their spouses/guests. You just want to make sure it's the kind of impression that you want. Don't leave your other managers out: Make sure your managers understand that while they should try to have a good time, they are still held to a higher standard of behavior (as always). Additionally, even though it's a party they remain responsible for their subordinates and should keep a close eye on them and make them comfortable.

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