

## Holiday Road – Avoiding Potholes In Holiday Parties

December 4, 2017 | [Employment Lessons](#), [Labor And Employment](#)



**Hannesson  
Murphy**  
Partner

Well, it's already December (where did the year go?) and we're all thinking about the most wonderful time of year – cutting out early and going to office parties! Parties are a great way to reward staff, celebrate accomplishments, foster teamwork, and create the foundation for another great year. What could possibly go wrong? The annual holiday party is rife with traps for the unwary: **What's in a Name?** For starters, what do you call the event? How about a "Christmas Party?" Perhaps use green and red coloring, with an emphasis on Santa and the Reindeer so you avoid any overtly-religious themes? Sounds terrific – if you are a plaintiff's lawyer. This falls under the old adage of no good deed going unpunished. You could just have created a nice piece of evidence that could be used against the company down the road: contrary to everything you have tried to do regarding inclusivity, someone could argue that non-religious employees or those who follow other faiths aren't really welcome in your company and point to the "Christmas Party" as an example. A better option may be to go with the bland, but otherwise perfectly serviceable moniker: "Holiday Party." **Location, Location, Location** As you're getting ready to print invitations – where will you host it? How about at the boss' house? It certainly would send a wonderful message to the employees that the boss cares so much about the staff that he or she is willing to invite them into the family home. Of course, is the home sufficiently ADA compliant such that workers with a known disability can participate (this is, after all, a company-sponsored event)? Beyond that, does the boss want to take the risk that someone might slip and fall on a patch of ice on the walkway leading up to the house? Probably not. On second thought, maybe the office or a neutral site might provide a better venue. **You Look Mahvelous!** Now, with the perfect venue, it's time to decorate! While lights, garlands and trees generally are fine, you probably should avoid any overtly religious themes (as mentioned earlier). Additionally, think twice about hanging mistletoe around the office. Do you really want to encourage employees to kiss? **Nuts!** As your employees and guests admire your carefully curated decorations, what will they eat? Do you know if any employee has a food allergy? If so, you probably should steer clear of offering those items. If you know of an allergy and serve that type of food, it could expose you (and not just the company, you individually) to tort liability for any injuries that an employee sustains. Ultimately, you may regret adding peanut brittle to the dessert tray – perhaps even more than fruit cake. **Cocktails, Anyone?** Of course, no holiday party is complete without some liquid "good cheer" and "spirits." This opens up a veritable pandora's box of potential issues. Who, if anyone, will watch employees who overindulge? Before the party, it might be wise to dust off the company handbook or code of conduct and double-check that it requires employees to

### RELATED PRACTICE AREAS

Labor and Employment  
Management and Employee Training  
Workplace Counseling  
Workplace Culture 2.0

### RELATED TOPICS

Americans with Disabilities Act (ADA)  
Holiday Parties  
Overtime  
Religion

use alcohol responsibly at firm-sponsored events, and if it doesn't say anything, now would be a good time to circulate a memo, fix it, or bah-humbug it and just nix the alcohol altogether. With respect to the offerings, it's probably better to skip the spiked fruit punch as it will be hard to keep track of how much anyone has drunk and opt instead for more traditional beer and wine. Consider spending a little money to hire an experienced bartender instead of relying on untrained employees to serve themselves or (gasp!) supervisors/executives to pour the booze. Also plan ahead for handling potential risks at the end of the night: have a designated or hired driver available and be sure to check in with your insurance company beforehand. **Chit-Chat and Mandatory Attendance** Finally, now that everyone is together, what will you talk about? Well, if a manager is going to talk shop with an hourly subordinate, beware: working time is compensable and this could trigger overtime. All in all, it might be a better idea to avoid talking about work – after all, it's supposed to be a party. And, don't forget that if employees are *required* to attend the party – even after hours - they should be paid for the time spent attending it. In that regard, you may want to consider making attendance voluntary. Now that you've gotten the basics figured out – happy partying!