

The Company Holiday Party: Tips For Having A Worry-free Time And Avoiding Legal Hangovers

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Employees of all levels of seniority and experience can take a company holiday party as license to relax standards of professional behavior. With the holiday season approaching, employees and employers should keep certain points in mind that can help prevent or address sexual harassment or other inappropriate conduct that occurs all-too-often at events that should be considered an extension of the workplace.

Sexual Harassment – Still Not Allowed Away From the Office. Many people do not realize that sexual harassment may give rise to legal claims even if it is committed outside the office, by non-employees (such as clients, vendors and the friends or family of other employees), or when employees are “off the clock.” Employers should ensure that employees are aware of the fact that workplace standards of conduct still apply at company events and parties, and should redistribute the company’s policy against harassment and code of conduct in advance of such occasions. Employees also should dress appropriately and consistent with workplace standards of dress at company events – simply because an event is a party or away from the office does not mean that anything goes.

The Buddy System. Employers should consider inviting spouses and significant others to company parties, as their presence can inhibit inappropriate behavior. Employees also can help monitor one another’s alcohol consumption (servers must be advised not to serve alcohol to any inebriated guests) and ensure that safe transportation home is obtained by everyone. Employers should ensure in advance that employees will have safe alternative means of getting home from an event at which alcohol is served other than driving themselves. Liability for harm caused by an inebriated party guest (such as in a DWI accident) varies by state, but, regardless of the law, employers should do all they can to help moderate alcohol consumption (such as by using a ticket system, limiting open bar time, going alcohol-free, serving lots of high-starch/protein and low-salt foods, etc.).

Report and Respond To Inappropriate Conduct. Employees who experience or witness inappropriate or unlawful conduct should report the conduct promptly and review the company’s complaint policy and procedure. Supervisory employees should be made aware that they must set a good example at company events, monitor alcohol consumption, and should report any inappropriate or dangerous conduct to higher management and/or Human Resources immediately (and intervene themselves when necessary). As with all employee complaints, the employer should conduct an investigation and take remedial or disciplinary action where appropriate. Retaliation against an employee who reports unlawful sexual harassment is prohibited by law, and the employee should consult an attorney in the event this occurs.



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