



## To All a Good Night: Minimizing Risk at Office Holiday Parties

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Posted November 20, 2012  
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With the holiday season approaching, many companies may be planning holiday parties to show appreciation to their employees and staff. Because alcohol may be served, exposure to lawsuits arising out of workers' compensation law, employment law, and negligence is heightened.

Injuries arising out of and in the course and scope of employment are covered by the South Carolina Workers' Compensation Act, but what about injuries occurring at an office party? In *Leopard v. Blackman-Uhler*, 318 S.C. 369, 458 S.E.2d 41 (1995), the South Carolina Supreme Court adopted a three part system to determine when a recreational or social activity is within the course of employment. Such an activity will fall within the course and scope of employment when:

- (1) They occur on premises during a lunch or recreation period as a regular incident of the employment; or
- (2) The employer, by expressly or impliedly requiring participation, or by making the activity part of the services of an employee, brings the activity within the orbit of the employment; or,
- (3) The employer derives substantial direct benefit from the activity beyond the intangible value of

improvement in employee health and morale that is common to all kinds of recreation and social life.

To avoid liability, you don't have to eliminate the office holiday party altogether. Instead, here are ten tips to help limit your exposure during your company party:

- (1) Make the holiday party voluntary and avoid discussing work matters. If formal invitations are sent to employees, specify that attendance is not required.
- (2) If you have an office policy on employee standards of conduct and rules, remind employees the policy applies during the holiday party.
- (3) If the event is on-site and during business hours, do not serve alcohol.
- (4) Try moving the party off-site to a restaurant or other location and use professional bartenders to serve drinks.
- (5) Make sure the bartenders have been trained to request proof of age from anyone who looks too young to drink; to not over-pour drinks; and to not serve alcohol to anyone who is visibly intoxicated.

(6) Do not encourage over-drinking, such as taking shots or playing beer pong.

(7) Have a variety of non-alcoholic beverages available as an alternative to alcoholic beverages.

(8) Limit the length of the party and discourage “after parties.”

(9) Stop serving alcohol at least one hour before the party is scheduled to end.

(10) Do not hang mistletoe.

If you have any questions on how to limit your company’s exposure to liability for employees or third-parties while planning your office holiday party, give us a call.

Happy Holidays!

Kristian

### **About Kristian Cross**

Kristian Cross is an associate with Collins & Lacy practicing in Workers’ Compensation and Retail / Hospitality / Entertainment law. In addition to her position on the South Carolina Bar Workers’ Compensation Committee, Kristian serves on the executive board of Sexual Trauma Services of the Midlands. Kristian received her Juris Doctor from the University of South Carolina, where she served as the Secretary of the Student Bar Association, as well as the Academic Assistance Program Property Tutor. During law school, she also served as a law clerk for Collins & Lacy and another local firm. Prior to joining Collins & Lacy in 2010, Kristian worked as an attorney for a Columbia-based firm practicing in the areas of business, commercial and insurance litigation.

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