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TO PARTY OR NOT TO PARTY? THAT IS THE HOLIDAY QUESTION.

Has anyone thought it was a bad idea to throw a holiday party for all those hard-working, sometimes underpaid employees who have given the better part of each day to make your company great? Or even for those who may not be such ideal employees?

A party is a party and, as an employer, you always look good and gain karma points for having one. Right? Sure! But have you given thought to what that party may cost you and your employees? We're not talking about the grilled salmon, cheesecake bites and bar tab costs. We are talking about bigger and potentially much more enduring costs.

Let's talk about what can go wrong and how to minimize the damage:

Problem: You have new employees and/or some long-term employees who may not know what to expect from a company party and grudgingly show up and get drunk and unhappy.

Solution: Tell them what to expect, and not to expect, and have employees review and sign a party disclosure/waiver. The document should ensure that employees are aware that participation in the event is

strictly voluntary, that employees will be required to act responsibly in arranging for transportation to and from the party and in consuming alcohol, and that they will have to see the same co-workers the next work day. This document should also remind employees that, despite the ease of immediate access to various social media (almost everyone has a smart phone these days that can instantly post their photos to Facebook!), employees should be considerate of co-workers and ask permission to photograph or to post party photos (incriminating or not). While this type of document may not insulate the company from all irresponsible actions, it will, at minimum, set the tone for behavior and attendance expectations.

Problem: Employees driving home drunk, getting injured, and/or injuring someone, as your employee.

Solution: Restrict the amount of alcohol that is served at your party and make sure food is also served. Do NOT make it an open bar party. Have several designated teetotalers (er, designated sober people) who are charged with monitoring the inebriation level of the drinkers, especially the ones who can supposedly drink five martinis and not get drunk! Perhaps

those can be your well-trained supervisors? Most importantly, don't let the drinkers drive when they leave the party. Provide taxi vouchers or a company-sponsored taxi service.

Problem: Employees getting drunk and becoming inappropriately touchy, intimate or belligerent with co-workers or other guests.

Solution: See Solution, above. Before you get there, send out a written reminder of your policy against harassment and violence and ensure that your employees read it BEFORE they are allowed to drink.

Problem: Employees getting drunk and disorderly and complaining about co-workers or the company. Loudly. Because they are drunk.

Solution: Well, the obvious opportunity for a solution happens before the company event — listen to problems and minimize them before the complaints are vocalized. But, employees are human. And, given

enough scotch and an audience, they will complain. So, to minimize the harm of the few or the many, plan party-related activities. In other words, keep them busy! Activities such as treasure hunts, trivia contests, karaoke, etc., can divert the energies of employees while making the entire event more memorable and entertaining. Also, consider having the company party be inclusive, rather than exclusive. Invite employees and their families and they will be more likely to drink less, behave better, and realize their pride in working for you, such a generous employer!

Notice a theme? Free flow of alcohol comes with a price. And it's more than just the bar tab. So, will you have a party this year or just pass out those coveted and safe grocery store gift cards? We say party!

But, we're attorneys, so you know what we think about when we hear "office party." Most of our clients are not so jaded, and do not think about everything that can go wrong.

Perhaps happiness lies somewhere in the middle.

Happy holidays!

Did you know...

That ECJ's Employment Law Department has a blog? For a more candid, unvarnished look at employment laws and employer practices, as well as additional employment law related insights and commentary, please visit our "Staff Infection" blog at: <http://www.ecjlaw.com/news/ecj-viewpoints/staff-infection/> and subscribe to receive updates via e-mail or RSS feed. With blog articles like "Kick Us While We're Down", "Give 'Em What They Want? Over My Dead Body!" and "Much Ado About Something", you are sure to find something that will pique your interest...and leave you thinking.

Well, now you know!

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