

MOZLEY, FINLAYSON & LOGGINS LLP

ATTORNEYS AT LAW

Holiday Cheer (with a little less beer)

As we are in the midst of the holiday season, many companies find themselves in the midst of scheduling employee lunches, dinners and parties for the benefit of their workforce, clients and friends. Every year we receive a number of inquiries from clients concerning the numerous liability issues that may be involved in such gatherings and how to minimize the liability for those issues. In simple terms, at any company sponsored gathering, liability cannot be totally eliminated. Holiday parties often compound the exposure to these risks, however, given the prevalence of alcohol and the relaxed atmosphere that is often desired. According to some studies, more than one-third (1/3) of all employers report behavioral problems at company parties. These can involve a variety of different circumstances that include excessive alcohol consumption, off-colored jokes, and even physical altercations. Consequently, many companies now hold functions where alcohol is no longer served.

It is up to each company to determine the best manner in which to entertain employees and guests. Several tactics can be employed, however, to help minimize the legal liability associated with these functions:

- Minimize the service and consumption of alcohol;
- Invite spouses and significant others in the hope it will help tame wild behavior;
- If alcohol is served, also serve food and have plenty of non-alcoholic beverage alternatives available;
- Close the bar at least an hour before the gathering's anticipated end and serve only coffee and soft drinks from that point forward;
- Advise managers that they will be expected to keep an eye on the decorum of all employees and guests;
- Instruct all management personnel that they are not to attend any after parties;
- Remind employees that normal workplace standards of conduct will remain in force during the gathering and failure to act appropriately may result in disciplinary action;
- Hire professional bartenders and instruct them to report anyone they suspect of having had too much to drink (also have them require proper identification for guests who may not be of legal age to consume alcohol);
- Both before and during the party, advise employees of the availability of a company-paid taxi service should they feel unable to drive home and/or be prepared to provide hotel rooms for intoxicated guests.

While some of these steps may minimize the "cheer" associated with holiday festivities, they are all designed to ensure that everyone can enjoy a comfortable, festive and (hopefully) litigation-free new year.

If you have any questions concerning workplace functions and the related liability issues, please feel free to give us a call. On behalf of all of us at Mozley, Finlayson & Loggins, LLP, best wishes for the holiday season and a happy new year.