

## Email Alert – 'Tis the Season to be Vigilant - Holiday Party Etiquette

With the arrival of the holiday season, employers are faced with the annual events associated with holiday cheer. It is extremely important for employers to remember that the holiday season also brings many unfortunate opportunities for employer liability.

### **The holidays are a breeding ground for liability:**

- *Sexual Harassment Claims:* There are obvious risks associated with possible sexual harassment claims at holiday parties, as these parties are essentially extensions of the workplace. Employees who experience unwelcomed advances and/or other harassing conduct at holiday parties may sue their employer for sexual harassment.
- *Alcohol-related Accidents:* Holiday cheer and alcohol consumption can get out of control at holiday parties, and employers may be liable for accidents stemming from this problem. If an intoxicated employee leaves a holiday party and causes an accident, the employer may be held liable. Moreover, the employer's workers' compensation policy may also be affected depending on whether the holiday party is deemed to arise out of and in the course of the employee's employment.
- *Employee Religious Beliefs:* During the holiday season, it is also important for employers to ensure that employees exhibit respect for other co-workers' religious beliefs.

### **What can you do to prevent these issues from arising?**

- *Re-publish Company's Sexual Harassment Policy:* Do this before any holiday parties take place to ensure that all employees are cognizant of the policy.
- *Plan Ahead Regarding Alcohol Consumption:* Determine whether alcohol is necessary for the party. If it is, make sure it is being provided by a professional service that may be trained to spot intoxicated individuals. Make sure there is plenty of food and non-alcoholic beverages available. You should try to ensure that people do not get intoxicated at the company party, much less get behind the wheel of an automobile after the party. Provide alternate transportation if alcohol is to be served. Make sure that managers are reminded of the company's policies and how to enforce them appropriately.

- *Keep Your Holiday Party a "Holiday" Party:* Make sure your party is not tied to any specific religious belief. Consider having your holiday party during the week to avoid any conflicts with religious holidays. Ensure that you attempt to reasonably accommodate an employee's legitimate requests for worship on a particular religious holiday.

Although the holiday season should be a festive one, and an opportunity for employers to reward their employees for the past year's work, be mindful that the holidays do not change an employer's legal obligations to its employees.

Best regards,

Douglas H. Hoang  
Morris Polich & Purdy LLP  
1055 West Seventh Street  
Twenty Fourth Floor  
Los Angeles, CA 90017  
Tel: (213) 891-9100  
Fax: (213) 488-1178  
[dhoang@mpplaw.com](mailto:dhoang@mpplaw.com)

-----  
MPP Employment Law Group  
Morris Polich & Purdy LLP  
1055 West Seventh Street  
Twenty Fourth Floor  
Los Angeles, CA 90017  
Tel: (213) 891.9100  
[www.mpplaw.com](http://www.mpplaw.com)

-----  
*Disclaimer: This email is designed to provide information in regard to the subject matter and is made available with the understanding that the email does not constitute the rendering of legal advice or other professional services. If legal advice is required, such services should be sought. © 2010 MPP LLP. All rights reserved.*  
-----