

Follow the Fa La La Standard

Family

- By inviting spouses/significant others/family this decreases the argument that the event is work-related as opposed to simply a social event.
- Having spouses present often naturally deters sexual harassment in the workplace.

Alcohol

- Consider not serving alcohol.
- Beware of employees who arrive at the event already intoxicated.
- Avoid open bars or use a ticket-system that limits the number of drinks that are served.
- Ensure that the bartender is trained to avoid serving too much, checking for underage drinking, and determining when guests have had "too much."
- Offer beverages such as soda, punch, and water.
- Offer food and other snacks.
- Hold "last call" a few hours before the end of the event to prevent OUI's/DUI's.
- If the event is at a hotel, see if discount rooms can be reserved for the event.
- Provide safe ways for people to get home if they have had too much:
 - Designated drivers
 - Uber discounts
 - Taxi phone numbers
- State Dram-Shop Liability.

Location

- Strongly consider an off-site location. This supports an argument that it was strictly social and not work-required.
- Consider hosting your event after-hours or on the weekend, to further support an argument that it is not worked related.

Liability Insurance

- Workers' Compensation
 - "Incurred in the pursuit of an activity, the major purpose of which is social or recreational."
- Commercial General Liability
 - Check your general liability insurance policies for alcohol-related to party-related exclusions.
- Employment Practices Liability Insurance

Attendance

- If not required to attend, clearly indicate that on the invitation.
 - If not required, do not "encourage" attendance by implying that failure to attend will affect opportunities for advancement.
- Indicate on the invitation whether time will be paid or unpaid.
- Upon learning who is attending, consider designating certain managers to oversee the event and watch for employees who may be "too friendly" with other employees.

Atmosphere

- Do not conduct work activities, training or award presentations at the event.
- Similarly, be careful of inviting vendors, clients, or other business associates which could lead to work-focused discussions.
- Provide activities or entertainment that appeal to a broad range of people.
 - Avoid physical activities (Twister + Alcohol = Bad Choice)
- Make sure that you are hosting at a location that does not create a hostile atmosphere, including locations that are naturally viewed as provocative (strip clubs, casinos, bars).
- Stay away from mistletoe!
- Be direct with expectations. Remind employees of EEOC, discipline, and other company policies.
- Religion
 - Stay away from terms that could connote a preference towards one religion or another.
 - If music is being played, limit or restrict faith-based songs.
 - Recognize that some religions will restrict attendance/participation.
- Social Networking
 - What to do if Pictures/Videos of the event are shared online

After the Party It's the After-Party

- Investigation: Despite how hard you work to have a liability-free event, sometimes inappropriate things happen. If you receive any complaints regarding activities or conduct at the event, make sure that you respond swiftly and investigate the allegations.

Local Real-Life Examples of Liability

- *Berry v. Dixfield Convalescent Center, Inc. (ME)*-1983 Holiday party in which employee sued employer after drinking to excess and being involved in a car accident that killed his wife.
- *Fernandes v. TPD, Inc. (NH)*- 1997 Holiday party where employee was given a container of "penis butter" and "boob lube" and later alleged sexual harassment after she was terminated.
- *Rolfs v. Home Depot U.S.A., Inc. (NH)*- 2009 Holiday party where District Manager made lewd comments (concerning sex) to a store manager about a customer and store manager later sued for hostile environment sex harassment.



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