

# When What Happens at the Party Doesn't Stay at the Party: Workplace Parties and Relationships

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## 'Tis the Season...

**64% of companies are planning parties this year.**

**And when the party ends,  
the legal risks might just begin**



## Agenda

- Framework & Areas of Risk
  - Wage & hour concerns
  - Workers' compensation
  - Third-party liability
  - Harassment & discrimination
    - Disability
    - Religion
    - Family Status
    - Sexual Harassment
- Workplace Romances

## Wage & Hour Pitfalls

- Mandatory vs. Voluntary Attendance Matters!
- Non-exempt employees must be paid for work time
- Work performed at “social” events can trigger liability
- Injuries?



## Third Party & Vendor Risks

- Off site = still your liability
- Vendors can harass (or be harassed)
- Alcohol service & transportation liability
- Vendor Contracts



## Alcohol

### Why alcohol changes everything:

- Inhibits judgment, blurs consent, amplifies inappropriate behavior.
- Can trigger both **harassment** and **negligence** liability.

### Risk management options:

- Limit drink tickets or bar hours
- Hire trained bartenders
- Provide transportation or reimbursements
- Require supervisors to remain sober

**Remember:** An employer's *duty of care* extends beyond closing time.

## Harassment & Discrimination: The Usual Suspects

Disability /  
Accessibility  
Issues

Religion

Family Status  
& Caregiving  
Considerations

Alcohol

Subtle Biases  
& Exclusion

Sexual  
Harassment

## Accessibility & Disability Issues



- Accessible venues & transportation
- Dietary & allergy considerations
- Inclusive activities & participation
- Alcoholism

## Religion & Belief

- Scheduling conflicts with religious holidays
- Dietary or ritual considerations
- Respectful participation & décor
- Inclusive environment



## Family Status & Other Protected Classes

- Caregiving obligations & attendance flexibility
- Inclusive activities for all employees
- Consider who is invited (spouses, partners, plus-ones)
- Avoid subtle exclusion or favoritism



## Sexual Harassment: When Headlines Hit Home

- The Coldplay Incident: Power, relationships, and blurred boundaries
- Off-duty conduct can still create workplace risk



## Two Types of Sexual Harassment

### *Quid Pro Quo*

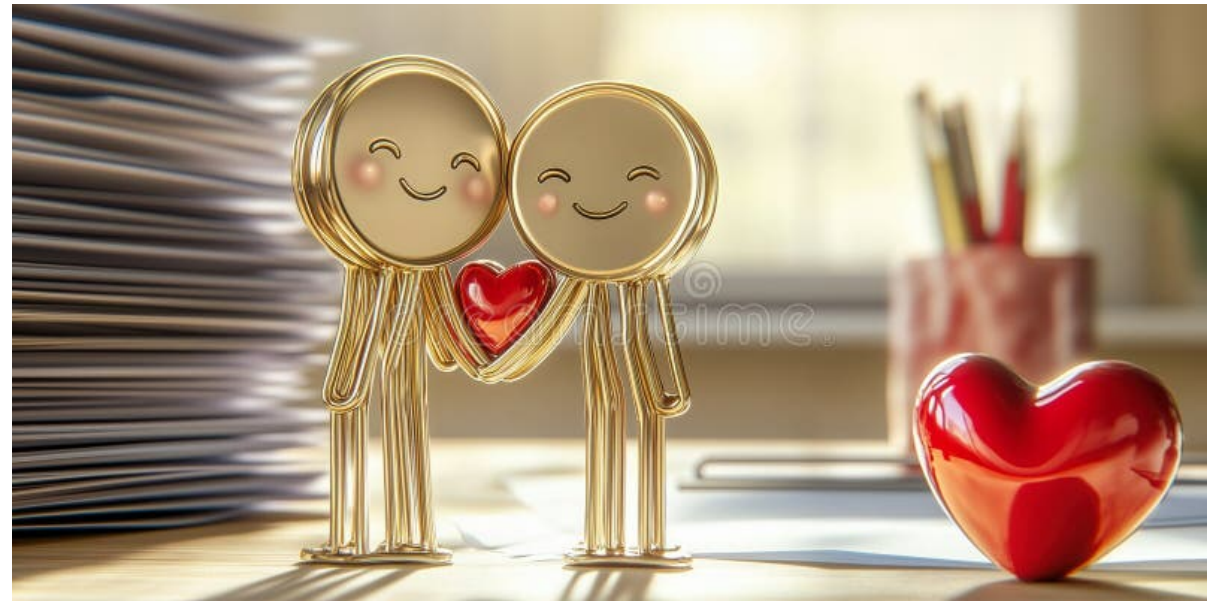
- Seeks sexual favors in exchange for an employment benefit to a subordinate employee
- Unwanted/unwelcome
- Strict liability

### Hostile Work Environment

- Protected class
- Unwelcome
- Based on sex/gender
- Severe or pervasive
- Objectively/subjective offensive
- Basis for employer liability
- Possibly defense

## Office Romance and Relationships

- Defining the issue and risks
  - More than friendships/colleagues
  - Legal risks
  - Reputational risks
  - Morale risks
  - Productivity risks
- Ethics / Conflicts of Interest



## Unique Issues with Workplace Romances

- Power imbalance between participants
- Unreciprocated feelings
- Impact on those outside the relationship
- Working together after the relationship ends
- Technology
- Public displays of affection

## Addressing Romance Issues

- Explicit policy barring relationships for direct-reports/spouses
- “Love Contracts”
- Settlements/Separation Agreements
  - Requiring non-disparagement/non-disclosure
    - Be mindful of state requirements
- Consider investigating if/when warranted
  - Internal vs. external?

## Practical Tips for a Low-Risk Good Time

- Limit alcohol
  - Professional bartenders
  - Arrange transportation
- Make attendance optional
- Review and update workplace policies
  - Anti-harassment policies
    - Consider state requirements for sexual harassment policies
  - IT/social media policies
  - Romance policies
- Train employees



## Practical Tips for a Low-Risk Good Time

- Make it voluntary (and mean it!)
- Communicate expectations clearly
- Keep it inclusive & accessible
- Remind everyone: policies still apply

Questions?

Thank you

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