FTR Now

Planning For a Safe Holiday Office Party

Date: November 19, 2010

It is that time of year again when employers are planning their holiday festivities. Whether the festivity is large or small, it remains as important as ever that employers take proactive steps to ensure the health and safety of their employees who attend office parties or other celebrations.

Over the years, a number of court decisions have signalled that employers face a risk of liability should an employee be permitted to drink too much at an office function. First, there is the potential negative impact on the employment environment generally should an employee become intoxicated and engage in inappropriate behaviour. Depending on the nature and severity of the behaviour, employers may find themselves responding to complaints of harassment or similar misconduct. Second, there is the potential for safety-related liability, which could arise at the party itself or elsewhere, especially should an intoxicated employee drive him- or herself home from the party, with the possibility of injury to the employee or to an innocent third party.

Prudent employers will want to take a number of steps to provide all attendees with a safe and enjoyable environment, as well as safe transportation alternatives for returning home. To assist you in your holiday planning, we have provided a number of options for employers to consider:

- Consider having an alcohol-free event.
- If you provide alcohol, do not provide an open and unsupervised bar.
- Close the bar an hour or more before the party ends.
- Monitor employees' alcohol consumption. Be prepared to keep track of how much employees are drinking.
- Consider utilizing a ticket system to limit the number of drinks an employee or other guest may have during the party.
- Hire a third party (who can monitor consumption) to tend the bar and serve the drinks to employees and guests.
- Prior to the event, inform employees that they are not to drink and drive, and remind them at the start and end of the event.
- Set up alternative transportation options for employees prior to the party, and be sure to communicate them clearly to employees.
- Provide taxi chits to employees, and do this at the outset of the event. Designate employees to proactively distribute the chits.
- Consider establishing car pools with designated drivers who agree not to drink at the event.
- Assist in arranging for hotel rooms for employees who live far from the event, perhaps by arranging a reduced rate with a nearby hotel.

Even if employers take positive steps to limit alcohol consumption, there may be some employees who drink too much and become intoxicated. In that event, employers may have an obligation to take positive steps to ensure that the employee does not drive. For example:

- Take away the keys to the employee's vehicle. Consider a system whereby employees leave their car keys with an attendant at the start of the evening to avoid the situation of having to remove keys from an intoxicated guest.
- Arrange to have a sober co-worker drive the employee home. Alternatively, call the employee's spouse. Don't just offer to do so.
- Insist that the employee take a cab, and pay for it.
- If all else fails, and the employee insists on driving in an intoxicated state, call for police assistance.

By planning ahead of time, employers can help avoid many of the problems associated with excess alcohol consumption, and can ensure that an enjoyable and safe time is had by all.

We wish you and your employees an enjoyable and safe holiday season.

The articles in this Client Update provide general information and should not be relied on as legal advice or opinion. This publication is copyrighted by Hicks Morley Hamilton Stewart Storie LLP and may not be photocopied or reproduced in any form, in whole or in part, without the express permission of Hicks Morley Hamilton Stewart Storie LLP. ©