FTR Now

Ensuring a Safe Holiday Party

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The holiday season is a time for people to come together and celebrate. For many of us, this may include workplace parties. While the past few years have looked quite different due to the COVID-19 pandemic, many employers are back to embracing in-person workplace celebrations. No matter the size or type of workplace, all employers should ensure that in addition to traditional party planning, they also develop a plan for providing a healthy and safe environment for employees and guests at any holiday party.

In this *FTR Now*, we are pleased to bring you our annual checklist of potential measures to help plan a safe holiday celebration for all.

Employer Liability

Workplace celebrations can be a positive team-building experience, but they can also attract liability for employers: courts have signalled that employers may be held at least partially responsible for negative consequences and damages flowing from their work-related social gatherings.

For example, should an intoxicated employee drive home following a workplace party, the employer may face liability for any related injury to the employee or to an innocent third party. Liability may also arise where employees or their guests at a workplace function engage in unacceptable behaviours such as sexual harassment or discriminatory conduct.

The Workplace Safety and Insurance Appeals Tribunal has considered workplace functions and in one case found that an injury suffered by an employee during a game at a holiday party was a compensable injury.

This potential liability does not mean that employers need to stop hosting workplace functions, but they must be aware of the possible safety-related liability associated with the event and be proactive in managing the associated risks.

Holiday Celebration Checklist

General

Prudent employers will want to put in place the following health and safety measures:

- In the lead-up to the event, set consistent expectations for behaviour and remind employees that all workplace rules and policies remain in effect during the event for both employees and their guests, including with respect to harassment, sexual harassment, workplace violence as well as health and safety precautions (including any COVID-19 protocols). Where applicable, draw their attention to any policies that prohibit cannabis and/or alcohol use during work-related functions.
- Reinforce to employees that they are responsible for the behaviours of their guests and must ensure that their guests comply with all of the policies and protocols for the event.
- Ensure employees are familiar with the harassment-reporting procedure and are comfortable coming forward with any complaints.
- Do not have any games, activities or decorations that could encourage inappropriate behaviours or workplace injury (e.g., hanging mistletoe, excessive alcohol use).

Alcohol Consumption

If your celebration will include the consumption of alcohol, consider adopting the following safety-enhancing measures.

Before the Event

- Inform employees and guests that they are not to drink and drive.
- Plan to provide a supervised limited bar and serve food.
- Arrange for a trained third party to tend the bar and serve the drinks to employees and guests (they can monitor consumption and/or impairment).
- Set up alternative transportation options for employees and guests prior to the party and be sure to communicate those options clearly to employees.
- Consider establishing carpools 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.

At the Event

- Provide taxi chits to employees at the outset of the event and designate employees to proactively distribute additional chits as necessary.
- Remind employees and guests that they should not drink and drive.
- Close the bar an hour or more before the party ends.
- Designate an appropriate employee to monitor employees' alcohol consumption and to deal with circumstances in which an employee appears to be impaired and/or intoxicated.
- Consider utilizing a ticket system to limit the number of drinks an employee or other guest may be served during the party.

Dealing With Intoxicated Employees

Even when employers take positive steps to limit impairment, some employees may still become intoxicated. If employers identify intoxicated employees or guests, they should take positive steps to ensure that the intoxicated person is not driving.

- Consider implementing a system whereby employees and guests leave their car keys with an attendant at the start of the evening instead of having to remove keys from an intoxicated person later in the evening.
- Arrange to have a sober co-worker drive the intoxicated person home.
- Call the intoxicated person's emergency contact (don't just offer to do so).
- Insist that the intoxicated person take a cab and pay for the trip.
- If all else fails, and the intoxicated person insists on driving impaired, call for police assistance.

By having a plan in place and tailored protocols communicated well ahead of the holiday celebration, employers can help avoid many of the problems associated with these events, including excess alcohol consumption. Some advance planning by employers can help to ensure that an enjoyable, healthy and safe time is had by all.

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

This post has been updated from its original version.