



e2r Alert!

'Tis the Season: Planning for a Safe Holiday Party

The holiday season is just around the corner - yes, already! For many employers, this means gearing up for workplace holiday festivities, perhaps for the first time in-person since the breakout of COVID-19.

To make sure a holiday party is a big success, all employers, regardless of size, should consider their responsibility to provide a safe environment for employees and guests. This means ensuring that proper plans are in place so that employees know what is expected of them, such as highlighting specific workplace policies related to conduct (including 'off-duty' conduct), drugs and alcohol, and harassment.

Employer Liability

While holiday parties are meant to be fun and enjoyed by all, they can also lead to significant liability for employers.

As a general principle, an employer is liable for the actions of its employees at the workplace. But what exactly is the "workplace" you ask? Well, the definition of workplace has expanded to include situations where employees are off-site and off-duty. Courts have found that employers may be held responsible for negative consequences and damages flowing from their work-related social gatherings, including holiday parties.

Impairment

It's the time of year when drinks are flowing – but did you know that employers may be liable for employee incidents related to overconsumption of alcohol? For example, if an intoxicated employee were to drive home following a holiday party, the employer may face liability for any related injury to the employee or to an innocent third party. To minimize this risk, it is a good idea to consider limiting the quantity of alcohol, to arrange safe transportation options for employees to get home (taxi cabs for example), and to ensure that the staff is adequately trained in spotting impairment.

Issues of impairment may also arise from substances other than alcohol, such as recreational cannabis. Employers should review their policies regarding cannabis use and set clear expectations at any workplace function.

Misconduct

Employers have a legal responsibility to ensure that employees are provided a safe and harassment-free environment at any workplace social function. If an employee crosses the boundary of inappropriate conduct by engaging in harassing, discriminatory or violent behaviour, the employer could be liable for those actions.

To minimize this risk, employers should ensure employees are familiar with respect in the workplace policies and reporting procedures. Employers should also be cautious of any games, activities, or decorations that may encourage inappropriate behaviour (e.g. hanging mistletoe). Employees who misbehave should be immediately, and safely, removed from the function.

COVID-19

As we know, the risk of COVID-19 and related health and safety requirements are ever-changing. Employers should be aware of the most recent health and safety requirements and make the necessary amendments to any holiday party plans to ensure the celebration is compliant with up-to-date COVID-19 regulations and your own internal procedures for ensuring health and safety.

Take Away

All this talk of liability, while not exactly merry, certainly does not mean that employers should stop hosting holiday parties! However, employers must be aware of the safety and legal responsibilities associated with workplace events and be proactive in managing risks. Our e2r™ Advisors are happy to assist you with risk management, relevant policies, or related concerns.

Here's to a safe and healthy (and fun!) holiday party! Cheers!