



e2r Alert!

A refresher on refreshments, and navigating seasonal celebrations

'Tis the season of celebrations! Hosting a staff holiday party is a great way of showing appreciation to employees, boosting morale, and celebrating year end. These celebrations can come in all shapes and sizes of fun, but they can also expose employers to liability, if not managed properly.

Employer Liability

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. The courts have signaled that employers may be held at least partially responsible for negative consequences and damages flowing from their work-related social gatherings.

The most common types of legal issues employers face as a result of staff parties fall into two broad categories: misconduct and impairment.

Impairment

Alcohol and other substances can feature prominently at many holiday parties, and employers should be aware of possible repercussions for over-serving and over-consuming at holiday parties, and employers should be aware of the risks associated with going too far. 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 (Uber reimbursement, or taxi chits for example), and to ensure that the staff is adequately trained in spotting impairment.

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 (or

have over-consumed) should be immediately, and safely, removed from the function.

Take Away

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. 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 season!