

Labor & Employment Practice Group

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Labor & Employment Update Holiday Edition

SURVIVING THE HOLIDAY PARTY

By Nicholas Anaclerio and Regina Worley Calabro

'Tis the season to plan for and enjoy the company holiday party. A much-anticipated morale booster for many employees, the annual festivities allow co-workers to socialize and have fun in a relaxed atmosphere of holiday cheer. But we've all seen employees relax *too much* at the holiday party, in the process damaging their careers and credibility, embarrassing themselves and their colleagues, offending their co-workers and creating employment liability while becoming stars in Monday morning's most interesting watercooler stories.

Even Scrooge enjoyed holiday parties, so we'd never suggest cancelling yours. But in this season of lists we *will* humbly offer one more to help your business safely survive another office holiday party, and to keep its employees on the "nice" list and off the "naughty" list:

1. **Going off-site.**

Host the holiday party off-premises, not at the company. In these difficult economic times, it's tempting to cut costs by having the party at your workplace. But the resulting cost savings can be short-lived--especially if the company purchases and provides alcohol on-site, it can increase its liability exposure for alcohol-related injuries and damages to employees and/or third parties.

2. **Going dry (or at least drier).**

Particularly if your party needs to be on-site, consider an alcohol-free breakfast, brunch or lunch. If alcohol will be part of your party, limit the time it is served. Depending on past practice, employee expectations and the nature of your business, consider hosting a partially cash or cash-only bar to encourage moderation. (And yes, we know, even Scrooge enjoyed his Christmas punch.)

3. **Going home safely.**

If the party will involve alcohol, plan safe transportation alternatives for employees. Consider in advance how "over-served" employees will be identified and provided safe transportation home. A call home for transportation, a designated driver or cab fare can prevent a holiday nightmare.

4. **Going off the clock.**

Hold the party after working hours and remind employees that they are invited, *not required* to attend.

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5. Going as couples.

If your company's budget allows, consider inviting employees' spouses or significant others. Making it a family-friendly event can help keep it G-rated.

6. Going by the rules.

Issue a pre-party memo to employees giving them a polite reminder that appropriate behavior is expected and required by the company's civility and anti-harassment policies, which are not suspended during the holiday party but intended to ensure an enjoyable celebration for all. Unfortunately, company-sponsored parties held both in and outside the workplace account for a disproportionate share of workplace harassment claims and allegations that alcohol-fueled "candor" and other lapses in good judgment degenerated into abusiveness.

By following these guidelines, a good time can be had by all and the company can better avoid a holiday party "corporate hangover."

We're here to help, should find yourselves on the "naughty" list after this year's holiday party. Contact Nick Anaclerio at 312-977-4375 or Gina Calabro at 312-977-4870.

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Ungaretti & Harris' Labor & Employment Team provides a full range of labor and employment counseling and litigation services to diverse employers facing an ever-expanding body of federal, state, and local laws affecting their businesses. Our employment claims avoidance services include drafting employment policies, procedures and agreements including arbitration and venue selection mandates, counseling employers on effectively conducting internal investigations, negotiating sensitive terminations and implementing protective separation agreements. We consistently win pretrial dismissals and summary judgments to avoid altogether the risk, business disruption and expense of trial, and we have the jury trial experience to effectively try the most difficult cases where necessary. We provide responsive, insightful and practical advice, and aggressive, winning advocacy.

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