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## Holiday Parties: “I’ll take the egg nog.....with a side of Sexual Harassment, please”

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It’s almost that time of year again! Time for merriment, hot chocolate, egg nog, sexual harassment, and mistletoe. Woohoo! **Wait a minute... sexual harassment doesn’t belong on that list. But it’s definitely one of many HR nightmares, we mean *challenges* that holiday parties present for all employers, large and small.**

Company Holiday Parties are such a hot topic, especially this time of year, that there’s even a movie being released this holiday season addressing these soirees! One visit to the movie’s trailer and you’ll know what we are talking about! <http://www.officechristmasparty.com/>

Below are some of the possible challenges and liabilities that organizations may face when planning their next holiday party, as well as some considerations to keep your company out of legal hot cocoa.

- **Inappropriate Behavior/Harassment:** Many holiday parties open the door for inappropriate behavior, especially when everyone lets their guard down in an intimate and comfortable atmosphere. The hierarchy tends to go out the window once a few glasses of hard cider have been enjoyed. Be clear about your company’s code of conduct and expectations during work hours and special events. Setting clear expectations regarding the company’s policies and procedures will help minimize the legal risks that may arise in social settings. **Talk to your managers BEFORE the Company Holiday Party about appropriate behavior.**

- **Serving Alcoholic Beverages:** Many companies are faced with the decision to permit alcoholic beverages during their holiday celebrations. There are many considerations in deciding whether to allow alcohol or not, such as: the average age of your employees, where the party will be held (onsite/offsite), what time of day will the party be held, are there employees in recovery for alcohol dependency, how will you deal with intoxicated employees? AND the list goes on...
- **Pay Implications:** Will employees be paid for attending the holiday party? If the party is held during normal work hours, they will have to be compensated for their attendance. However, if the party is held offsite and after hours, will they be compensated for their time? Generally, attendance for non-mandatory events, that are outside of the normal hours of operation, are not considered working hours under the FLSA.
- **Employment Practices Liability Insurance:** Check with your insurance carrier to determine what incidents or emergencies will be covered under the company's EPLI. For instance, if an employee is injured during a holiday party they may not be covered under worker's compensation insurance.
- **Menu Planning:** Take into consideration possible food allergies and food preferences when planning the menu for the event. Food allergies have become more prevalent, especially resistance to peanuts and gluten. Consider accommodating religious beliefs and vegetarians as well. Offering a menu that satisfies everyone's preferences will be sure to please everyone.

Creating clear expectations and planning to reduce risks is the best way to plan any special event. When looking for legal guidance or support on reducing the liabilities for your next event, contact McCloskey Partners, we can help.

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