

November 3, 2009

### **Minimize Risks Associated With Employer-Sponsored Holiday Parties**

Yes, the holiday season is just around the corner! As employers plan work-sponsored holiday parties, they should keep in mind that excessive drinking may lead to inappropriate behavior between guests which could expose employers to, among other things, potential sexual harassment claims. It is advisable for employers to distribute their harassment prevention policies as the holiday season nears and remind employees that their obligations under those policies apply to company-sponsored events. Employers should also bear in mind that individuals, including non-employees, may attempt to bring potential claims against them for damages or injuries sustained by either themselves or their property because of an intoxicated guest. It is not too early, therefore, for employers to start considering certain strategies designed to minimize their liability this holiday season.

Ideally, an alcohol-free holiday party is the safest route for an employer. If, however, an employer chooses to make alcohol available to guests, it should explore measures aimed at preventing guests from becoming intoxicated. Employers, for example, may hire professional bartenders because they arguably are better equipped to determine when someone has had too much alcohol to drink. Employers also may choose to place a limit on the number of drinks that guests consume by keeping track through some sort of voucher system. Ideally, the system should require the presentment of identification to confirm that the voucher being used was in fact issued to the particular guest seeking to obtain a drink. An employer also may consider making alcohol unavailable after a certain hour in order to decrease the likelihood that a guest will drive too soon after having consumed a drink. If a guest is visibly intoxicated, an employer should consider arranging for a taxi service, family member, or friend to take the guest home; taking away the guest's car key if necessary; and/or calling the police if necessary.

We hope these tips help employers avoid liability this holiday season. If you have any questions, please contact [Farah Mollo](#) at (212) 758-1078. Have a happy holiday season, and be safe!

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