

Legal Update

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DON'T BE TARDY FOR THE PARTY AND OTHER WAYS TO ENSURE YOUR COMPANY'S HOLIDAY PARTY IS "INCIDENT-FREE"

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It's that time of year again – time for employees to pull out their holiday sweaters, put on their dancing shoes, and try not to be the person who ends up in the punch bowl at the end of the annual company holiday party. Many articles are devoted to how an employer can minimize the legal risks associated with hosting a holiday party. Less effort, however, is spent on tips that can be shared with a company's employees regarding how to help make the holiday party what it should be – a fun event that rewards hardworking employees for a job well done.

Most employers are well aware that inappropriate employee behavior at a holiday party (especially after a few drinks) can expose an employer to potential liability for a hostile work environment claim of sexual harassment or for allowing an intoxicated employee to get behind the wheel of a car. But employees, too, can suffer severe adverse consequences from their own foolish behavior. To name just a few examples, inappropriate holiday party behavior may include ill-advised jokes, vulgar language, unwelcome sexual advances (including inappropriate touching), and threats to safety. Holiday party mischief can also impact the career paths of unsuspecting employees by damaging their reputations with co-workers or – worse – causing them to lose their jobs or even face criminal charges. In contrast, a well done holiday party can strengthen relationships and provide employees with a forum to demonstrate their value to an organization on all levels.

Accordingly, here are some **employee-focused** tips to help make sure everyone has a fun and successful holiday party season. We encourage you to share these tips with your organization's employees.

- **DON'T BE THE BEST CUSTOMER AT THE BAR.** A holiday party should be a festive event. Alcohol, if served and consumed within reason, can promote that festivity. You are certainly welcome to have a drink or two, but always remember that a party is a work-related function. Keep in mind the culture of your workplace when deciding whether it would be more acceptable for you to have a simple glass of wine or to order a round of shots for your whole team. Focus on socializing with your co-workers, rather than on maximizing the open bar. Avoid overconsumption, especially if you are going to be driving. If the bartender refuses to serve you another drink, don't get angry. Heed the advice. Many

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holiday party horror stories involve alcohol, and **you** don't want to be the reason that next year's holiday party is a dry event or canceled.

- **DRESS FOR SUCCESS.** Wear something appropriate to the occasion. If it's a casual event, don't be too flashy. If your holiday party is a black tie affair, you should certainly dress for the occasion, but your attire should be tasteful and not provocative. The next day, your co-workers should be talking with you about the great time they had, not talking behind your back about your inappropriate outfit.
- **PARTICIPATE.** You may feel that going to the holiday party is a drag, especially if it is held during non-working hours. Remember, your employer has undoubtedly spent considerable time and effort putting the holiday party together. It is generally frowned upon to miss the party entirely unless you have a really good reason. In addition, if you miss the party, you miss a valuable opportunity to interact with your fellow employees in a casual environment where you can learn new things about them and where they can learn that you bring to the table more than your talents and work ethic.
- **DON'T TRY TO MAKE A LOVE CONNECTION.** The holiday party is not the place to seek romance. Don't flirt with either co-workers or guests. Getting to know your co-workers and guests is definitely encouraged, but save your "moves" for another occasion that has nothing to do with work.
- **DON'T BRING UNINVITED GUESTS.** If your employer allows you to bring a spouse or significant other to the holiday party, then you should feel free to do so. But it is a big "no-no" to bring an additional, uninvited guest. Your employer is holding the party as a reward for its employees and so that they can socialize, relax, and continue to strengthen their relationships in a casual environment. If you bring an uninvited guest, you are not only being rude, but also you are missing out on a valuable opportunity to network.
- **DON'T BE UNCOOUTH.** A holiday party is not a license to tell inappropriate jokes and use foul language or discuss religious or political beliefs. Be respectful of your co-workers and of the festive environment. Have fun and be merry, but be mindful of the environment and what your workplace considers appropriate behavior and conversation topics.
- **DON'T BE TARDY FOR THE PARTY.** You wouldn't show up late to an important meeting at work, and you also shouldn't show up late to the holiday party. Doing so is disrespectful and will result in your having less time to make connections with your colleagues.
- **DON'T BE THE LAST ONE LEFT ON THE DANCE FLOOR.** Enjoying the holiday party is highly encouraged, but overstaying your welcome at the party is not. This is especially true if the holiday party is at your boss's home. Pay attention to your co-workers and be aware of when the party is wrapping up.

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- **DON'T CLEAN OUT THE BUFFET.** Eating too much is almost as perilous as drinking too much. It could be considered rude or excessive to overindulge at the buffet. In addition, juggling a plate of food plus a drink is a recipe for spills and stains. Definitely enjoy the food, but try to keep one hand free for hand shaking and/or eating.
- **DON'T BE A BROWN NOSER.** Take the opportunity to speak with your boss and co-workers, but don't use the time to monopolize or "suck up" to your boss, or to have an in-depth discussion about your latest project. A holiday party is the time to talk about light-hearted topics, celebrate the accomplishments of the year, and take a genuine interest in others – not climb the corporate ladder.
- **DON'T BE THE PAPAZZI.** No one wants to feel like they are being stalked by the paparazzi, including your co-workers. Although you can certainly take photos at the event, be mindful of texting the photos to other people or posting photos of or comments about your co-workers or employer on any social media site without permission. Almost everyone has a camera phone and some sort of social media presence these days. Many people really enjoy texting photos to friends and family or sharing their lives through the internet, but not everyone wants such information shared. Failure to obtain permission before posting or sharing could cause embarrassment or even more serious repercussions for you or your co-workers. Accordingly, respect your co-workers' privacy and be sure to obtain permission before publishing any photos, comments, or other material to the world at large. When in doubt, don't send or post a photograph.

At the end of the day, remember that, in general, people are more concerned about themselves than they are with you. So don't stress about every little thing that you say (or don't say). Instead, focus on enjoying the opportunity to mingle with your colleagues in a low pressure environment. If both employers and employees approach the holiday party as an enjoyable occasion to celebrate the hard work and successes of the past year and to learn more about one another, then your company's holiday party is certain to be a success for everyone. Happy Holidays!

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