

Seven Legal Survival Tips for Your Office Holiday Party - Asset Protection

November 28, 2011 By [Ike Devji, Asset Protection Attorney](#) ©



This week marks the traditional start of the holiday party season for many businesses and most readers will attend multiple holiday parties and perhaps even host one or more. Attending a few of these events myself I'm always surprised to see employers with exemplary employee interaction throw all caution to the wind at this time of year, often with unpleasant results. While I certainly don't want to scare you out of having a party and sharing the holiday spirit with your valued employees, we must address the way people really behave at these events and what it means for your practice.

As discussed in previous columns, employee liability is a major issue that we are always trying to be proactive about. Most employment liability centers around a lack of clear rules and procedures and perhaps most importantly, a set of well enforced behavioral expectations that they support. Below are some simple tips and issues to consider when planning your party.

Invite your "guests" — don't require their attendance.

Make it clear that the party is an optional perk, not a required work activity that is linked to their job requirements. If they are required to attend it raises your liability.

Lead by example.

"The boss" or some kind of hall monitor being present goes a long way. Be friendly and collegial but control your drinking, get people to eat, and make sure someone is clearly in charge and visible as the host. Many of our clients have been involved in lawsuits related to the conduct of their partners while everyone was making sure the guests were behaving. The rules apply to everyone, especially you and all management.

Set the tone with a dress code.

Make sure your colleagues and employees understand that this is a business event, not a nightclub atmosphere. Encourage appropriate dress for the event and set guidelines if you know some attending may dress in a manner that is inappropriate or overly suggestive. Communicate it clearly and in advance so your guests are not surprised or embarrassed.

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Feed them first.

Put some food in your guests, before the drinks are really flowing if possible. This will keep them busy, slow their drinking and help ensure they don't drink until they are full.

Control and limit the booze.

It's not realistic to expect that many offices will abstain from serving alcohol completely, but this is the number one source of problems at most parties. Remember that you are responsible for just about everything that happens during and even after the party, including liability for those who may injure themselves or others (even people not in attendance) as a result of excessive drinking or as their lawyer will put it, "being over served." You can do this by limiting service hours at the bar, providing drink tickets for a specific reasonable number of drinks, or by having the drinks passed and served at intervals.

Consider the venue and limit access if it's at the office.

During the day everyone knows where they are allowed to be and what is and is not appropriate, the lines get blurred after a few cocktails. Consider hosting your party off-site. It's often more fun and helps transfer liability on some issues to the "professional" hosts at a restaurant or other venue.

Make sure the venue itself does not create additional liabilities or an environment that may promote inappropriate contact or behavior or excessive consumption; cross the "Home of the Barber Shop Shot Chair and Mechanical Bull" bar off your list. If logistics don't allow that, limit access to the office and request that the computers not be used. The last thing you want to happen is to have four employees gather in a cubicle watching Internet porn (true story).

See that items that are sensitive, controlled, or dangerous are off limits and inaccessible. Remember that you may have strangers in your office like caterers or delivery people and that no one will be watching them.

Have a good time.

Have some genuine fun and make sure others are doing the same. We often see that "boring" parties create the most issues as people drink, fight, argue and gossip to keep themselves busy. On the other hand a well-organized party with a flow that keeps people talking, eating, moving, and interacting reduces the opportunity for much bad behavior.

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