



## WORDS ON WISE MANAGEMENT

### Managing the workplace during the holidays

by Joseph Godwin

Company holiday celebrations have a well-deserved reputation for resulting in employer headaches. Alcohol consumption at parties, gag gift exchanges, questionable wardrobe choices, *Dirty Dancing* moves, excluding spouses or domestic partners, and a host of other factors have made the office party the “most wonderful time of the year” for employees’ lawyers. You don’t have to turn into Scrooge, but you do need to use common sense and engage in advance planning to ensure that the holidays are fun, safe, and professional.

#### ***Take it outside the office***

Hold holiday parties away from the workplace outside normal working hours, and make attendance truly voluntary. Don’t imply that attendance or nonattendance at the party will have any effect whatsoever on a worker’s employment. It’s also important to remember that for the person in charge of the event, the party is working time. Generally, party behavior is considerably improved when spouses, domestic partners, and dates are invited.

#### ***Manage the drinking***

Many (if not most) of the problems at parties are the result of someone having too much to drink. In some instances, employers can be liable for accidents caused by employees who become intoxicated at a holiday party. You should work hard before and during the party to avoid alcohol-fueled incidents. Never serve alcohol to minors, and don’t provide self-serve drinks. Instead, hire a bartender, and instruct him to refuse service to anyone who’s already “had enough.” Serve plenty of heavy food and nonalcoholic drinks. Provide designated drivers or some other safe form of transportation to those who need it, and have managers or security assist intoxicated employees who appear intent on driving with finding an alternate method of transportation. The party organizers should assign someone to be specifically on the lookout for partygoers needing assistance.

Many charges of sexual harassment arise from misconduct at holiday parties. Before the party, remind employees and management that although it may be a party, it’s still a company event, and all expectations regarding professional conduct still apply.

#### ***Allow diverse office decorations***

The holidays coincide with important religious observances. If you allow a reasonable amount of holiday decorating, then individual employees can include decorations with a religious theme in their personal space. Scheduling events and employee work shifts around religious observances can be difficult, but remain open to discussing accommodations and considering alternatives that don’t unduly disrupt operations.

#### ***Gifts or no gifts?***

Giving presents in the workplace may lead to misunderstandings, hurt feelings, and harassment claims. Employers should carefully consider whether to sponsor gift exchanges. Expensive or personal gifts can be disruptive to professional relationships. Gag gifts, especially those that are in poor taste or personally insulting, can affect working relationships for a long time after the holidays have passed.

#### ***If they’ve not been nice***

The holidays are stressful for many, and frequently, individual performance suffers. Poor performance shouldn’t be tolerated. However, rather than delving into personal employee matters, focus on performance issues such as absenteeism and work quality. For anything other than a major issue, it’s better to get past the holidays before deciding to terminate someone’s employment. Consideration of business needs, consistent treatment, and workplace safety should be balanced with a desire for respectful timing.

#### ***Enjoy—and have a happy 2013!***

Holiday parties can help employees celebrate a successful year at the office, let coworkers get to know each other on a social basis, or just afford the staff a night of fun. However, when getting ready for holiday parties, don’t forget to consider and address the legal issues. Remember, any disregard of the safety and rights of employees can be legally devastating to an employer. If you see problems, treat them seriously, and deal with them immediately.



*Joseph Godwin is a consultant with F&H Solutions Group and assists clients in a variety of compliance matters, with an emphasis on wage and hour issues. You can contact him at [jgodwin@fhsolutionsgroup.com](mailto:jgodwin@fhsolutionsgroup.com) or 828-687-4071. ♣*