

MANAGER TRAINING

Holiday Cheer To All

The holidays are a busy time of year and that chaos tends to spill over into the workplace. After all, we spend more time at work than we do at home. Employers are tasked with making the holiday season enjoyable for all while not offending or inviting lawsuits. This can be a daunting task. Let's see how to handle the various challenges employers encounter throughout the holiday season.



Bows, Tinsel, Lights ... Oh My

While decorations seem to be a given in the workplace during the holidays, they are not always inclusive. When allowing employees to decorate for the holidays, you may want to consider having a Decorating Committee and give all employees the opportunity to volunteer to participate on the committee. In addition, prepare holiday decorating guidelines that encourage holiday décor that is inclusive (e.g. wreaths, greenery and lights) versus exclusively Christmas themed (e.g. a Nativity scene). Other considerations include allowing employees to decorate their personal workspace or holding a decorating contest where workgroups pick different holiday themes and decorate their work area to fit that theme.

Bah Humbug

To give or not give, that is the question.

Gift exchanges and secret Santas are popular activities around the holidays. Keep these type of activities voluntary. Remember that not everyone celebrates Christmas. Furthermore, remind those that do participate that gifts need to be appropriate and tasteful for the workplace.

In addition, gifts that the employer gives each employee should remain generic -- such as money or gift cards. For example, diabetics, recovering alcoholics or those adhering to religious dietary restrictions may not appreciate gifts of food or liquor.

Have Yourself a Merry Little Party!

Holiday parties are a great way to make employees feel appreciated and allow for colleagues to get to know one another better. In an effort to make employees from all backgrounds feel included, you should refer to your office party as a holiday or seasonal party versus a Christmas party. That way all employees feel included.

In order to minimize your risk when having a holiday party, please consider the following holiday party-planning pointers:

Before the Party:

- ❖ Make it clear that employees are not required to attend as a condition of their employment and that employees' attendance at the party is completely voluntary. Also clarify that attendance at the party does not constitute working hours and employees will not receive compensation for attending.
- ❖ Confirm that service or venue providers are properly licensed.
- ❖ Set the expectations before holiday parties through interoffice memos or meetings:
 - Discourage excessive drinking and remind employees that no illegal drugs will be tolerated. Indicate what measures will be taken to ensure a safe event.
 - Remind employees that the Company policies apply to events outside of the normal work hours.

During the Party:

- ❖ Make sure everyone understands (especially managers) that no work is to be conducted at this event. This can be accomplished by:
 - Not conducting business during the party (unless this is paid work time). This includes speeches about business, bonuses, and work awards.
 - Holding the party at an offsite location such as a restaurant, hotel or banquet hall.
 - Scheduling the party on weekends or after normal working hours to avoid potential wage claims.
- ❖ Do not encourage or allow any discriminatory behavior:
 - Be sensitive to diversity in your workforce, consider the theme, decorations, and music.
 - Do not hang mistletoe. Instead host a photo booth with fun costume items.
 - Invite family to attend; such as spouses and children.

For additional information about Harassment and Discrimination

- Once you login to the website, click HR Tasks at the top
- Go to Harassment and Discrimination
- ❖ If you serve alcoholic beverages:
 - Do not have an open bar. When employees have to pay for drinks out of their own pocket, they're not as quick to buy them.
 - Limit the number of drinks served with a voucher system, or only serve alcohol for a short period of time.
 - Provide heavy appetizers or a meal.
 - Have plenty of non-alcoholic beverages available.
 - Hire a separate bartender to serve alcohol. Instruct the bartender to:
 - Refuse service to anyone who is visibly drunk;
 - Card everyone who attends;
 - Provide wrist bands for everyone 21 and over; and
 - Notify an appropriate person if insobriety is observed.

After the Party:

- ❖ Provide alternative transportation options for employees who choose to drink, either by having designated drivers or by using a transportation service (i.e. cabs, Lyft or Uber).
- ❖ Consider providing discounted rooms if the party is held at a hotel.
- ❖ Investigate all complaints that may arise from events at the party.
 - Failure to respond to any single complaint can lead to greater liability than the alleged misconduct.
 - Do not dismiss complaints associated with the Company's holiday party without first conducting a thorough investigation.

For additional information about Investigations and Employee Discipline:

- Once you login to the website, click HR Tasks at the top
- Go all the way down to Discipline & Termination
- Also, please review our Webinar: Mastering Workplace Investigations ([Presentation](#) / [Audio](#))

The above information is a summary providing guidance on the key aspects of the law. Federal and state laws are more complex than presented here. This information is simplified for the sake of brevity and is not intended to be a substitute for legal advice. This information is provided with the understanding that (1) the author and publisher are not rendering legal advice and (2) this information is not a substitute for the advice of competent legal counsel. For more information, please contact a human resource professional or an employment law attorney.

Here's To A Happy New Year!

It is possible to celebrate the holiday season in the workplace provided that you recognize your potential liabilities ahead of time and plan accordingly. Following our tips will help you keep the happy in this holiday season and eliminate holiday-related headaches in the New Year!