

As the Holidays Near, Miller Canfield Offers Tips for a Safe Company Celebration

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It's the holiday season – and for many companies that means an annual party. According to the law firm of Miller, Canfield, Paddock and Stone, P.L.C., if you're planning festivities at your workplace, be sure to take precautions and protect yourself from the legal consequences that could result from serving alcohol.

"Normally, an employer who provides alcohol at a company function isn't held liable for damage or injury caused by employees who become intoxicated, since the proximate cause is the employee's overindulgence – not the employer who provided the alcohol," says Miller Canfield labor and employment attorney, Karla McKanders. "However, employer liability is an issue if employees are required to attend the event, are acting in the course of their job or are underage."

Miller Canfield offers 13 precautionary steps to help employers avoid a legal hangover:

1. Hold your event off company premises to eliminate any implication that work is being conducted before, during, or after the party
2. Make it clear to your employees that their participation is voluntary
3. Let employees know that they are relieved of duty during the hours of the party
4. Issue a "moderation memo" to remind your employees that they are expected to behave responsibly
5. Consider implementing a ticket or chit system that limits each employee's alcohol consumption to two drinks
6. Assign someone to monitor employee behavior during the event, and to intervene if an employee appears to be drinking too much
7. Ask for volunteer designated drivers who will agree to refrain from consuming alcohol during the party and provide rides to anyone who may have had too much to drink
8. If your party is held at a hotel, make arrangements for overnight accommodations for any employee who is unable to make it home safely

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9. Offer to pay a taxi fare for employees who have overindulged
10. Monitor underage employees and make sure they are not served alcoholic beverages
11. Check your insurance coverage and obtain "special events" coverage if necessary
12. Make certain your company's sexual harassment policies address conduct at work-sponsored social events, and that your employees are fully informed of these policies
13. Promptly respond to any known policy violations that may occur at your party

Miller Canfield's Labor and Employment Group is currently helping companies develop policies for safe, stress-free celebrations.

The 330-attorney law firm of Miller, Canfield, Paddock and Stone, P.L.C. was established in Detroit in 1852 and has offices in Ann Arbor, Detroit, Grand Rapids, Howell, Kalamazoo, Lansing, Monroe, and Troy, Michigan. Other offices are located in New York City, Pensacola, Florida, Washington, D.C., Windsor, Ontario, and in Gdynia, Katowice, and Warsaw, Poland.