Employer-sponsored holiday parties: What are you liable for?

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Your guests have arrived and it’s time to give the toast! Are you ready to celebrate?

December is undoubtedly the most festive month of the year. It’s a great opportunity for employers to thank their employees for the services rendered during the year, but also for employees to interact with their colleagues in a relaxed atmosphere.

With the parties just around the corner, it’s a good time to remind employers that maintaining the health, safety and dignity of all participants is crucial when organizing such events. Even in these happy times, the employer’s obligation to ensure the health and safety of employees extends beyond normal work hours and outside the regular work premises.

Here are some tips to help you celebrate in a happy, respectful and safe atmosphere for all.

Moderation is always in good taste

First, preventing undesirable situations begins with controlling the consumption of alcohol and other substances that can cause impairment. As psychoactive products that directly and quickly affect brain function, excessive alcohol or cannabis consumption is certainly the main factor that can lead to misdemeanour during holiday parties.

When employees participate in employer-sponsored activities, they attend as part of their job: they thus have the same status that they do when at work within the company[1]. Consequently, employers retain their management and leadership powers during social events. Thus, they can sanction any misconduct committed during a social event.

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In order to limit alcohol consumption and reduce the risk of incidents, employers may, in particular:

Distribute a limited number of alcohol vouchers;
Stop serving alcohol a few hours before the event ends;
Limit the open bar formula, if you have one, to a predetermined schedule.

As for the use of cannabis and cigarettes, including e-cigarettes, it's worth remembering that your guests must respect the smoking ban in or near the premises.

Harassment prevention

Though the movement concerning harassment has prompted employers to increase their efforts to prevent sexual misconduct in the workplace, the *Act respecting labour standards* already obliged employers, since 2002, to take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it[2]. Employers are not exempt from this obligation when they invite employees to a social event.

A safe trip back home

At the party's end, employers should make sure their employees get home safely by providing ways to travel other than getting behind the wheel, including:

Providing taxi vouchers to prevent road accidents caused by impaired driving;
Reimbursing employee travel expenses;
Encouraging employees to contact organizations offering driver services.

Company holiday parties have become a must. Beyond employer obligations and responsibilities, such festivities are a great opportunity for employees to forge ties with their colleagues outside the more rigid work environment and for employers to show their appreciation and thank their employees.

Happy festivities to all!

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1. *Association internationale des machinistes et des travailleuses et travailleurs de l'aérospatiale, district 140, section locale 2309 et Servisair (Avo Minassian),* D.T.E. 2009T-448; *Nettoyage de drains A. Ducharme (2000) inc.* et *Syndicat national des travailleuses et travailleurs de l'environnement* (F.E.E.S.P.-C.S.N.), D.T.E. 2001T-1030.
2. Sec. 81.19 A.L.S.

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