



Keep Holidays Happy with Guidelines for Office Parties

By TDIC Risk Management Staff

When planning a holiday party, one might carefully consider food, décor, entertainment and overall costs. And while choosing the party venue may be a key factor for the average host, it's an even more essential element for practice owners to consider.

Participation, employee dynamics and labor laws all come into play when planning an office party. It's important that employers establish clear guidelines when organizing any work-related event. If care isn't taken, practice owners can be held liable for misconduct.

In one case reported to The Dentists Insurance Company's Risk Management Advice Line, a practice owner held a holiday party for his employees at his home. His wife, who was also the practice's office manager, and another employee had an altercation. The owner witnessed the event but did not intervene. He was aware that his wife and the employee did not get along; however, he advised the employee to try and avoid making his wife upset.

The conflict between his wife and the employee continued when they returned to the practice; the employee resigned a few months later. The employee filed a claim alleging harassment, hostile work environment, discrimination and failure to prevent harassment. During the investigation, the dentist acknowledged his wife's behavior, and admitted to his failure for taking action as he felt he had little to no control over his wife's management style. Other staff members confirmed witnessing events that would give rise to the allegations of a hostile work environment. Due to the problematic nature of these repeated events that transpired, the defense attorney recommended settling the case and it was settled in the high five figures.

When planning the holiday party, the practice owner assumed that the atmosphere of his home would serve as a "family" environment. In the view of the employees however, the venue was not material and their perception was that it was a work-related function.

Even when employers may choose a venue other than their residences, they should still take precautions to protect themselves.

Practice owners need to determine if party participation is voluntary and should notify employees in writing, in advance. If the party is held during work hours, meal and rest breaks should still be observed to avoid falling out of compliance with employment laws.

If the party is held after hours and attendance is mandatory, employers will be subject to overtime pay. Some employers allow employees who are attending a company party during the evening on a workday to go home early, while those who are not attending work their regular schedule.

Alcohol is another risk factor to consider, especially during the holidays.

Many dentists believe that socializing with staff is a good way to get to know employees better. While learning about your staff can promote a team environment, hosting parties and providing alcohol or meeting staff for drinks after work are not recommended as employers are risking employment-related claims when professional behavior is not maintained.

Drinking may hinder employees from using their best judgment. Driving under the influence and underage drinking can also be cause for concern. Even if a party is held after work, employers can still be subject to workers' compensation claims if an employee has an accident or becomes injured at the event.

Remarks or behavior on an employer's part may also become informal and be construed as inappropriate. Once an employer invites most or all employees to a hosted social event or party, it can become an employment function and nothing is off the record. Eliminating alcohol can help employers ward off some of these types of risks.

Though holiday events should be celebratory and fun, maintaining professionalism amongst all attendees is still a must. It's important for practice owners to remember that they are employers first, not friends of employees. Allowing an atmosphere to become too casual risks the introduction of inappropriate comments and unprofessional behavior into workplace events.

As a dentist and employer, your individual style and personality dictate the office environment in which you and your staff work. Maintaining a professional demeanor during parties can help prevent addressing any future performance issues from feeling like personal attacks.

The best action practice owners can take is to include an office policy in their employee manuals, citing specific examples of unprofessional and unacceptable behavior as well as examples of respectful behavior and professional conduct. With unacceptable actions clearly defined, everyone in the office will be less likely to cross the line.

Even when employers and employees are trying to make a kind holiday gesture, the perception of it can cause unintended consequences. All holiday gifts should be appropriate in nature and remain consistent in value to avoid any perceptions of favoritism or discrimination. TDIC Risk Management analysts advise employers to treat all employees the same when it comes to gifting. By including everyone, practice owners can help maintain positive office morale.

Documenting the office's policies and making choices that lead by example mean that everyone can relax and enjoy the holidays.

Questions? Call TDIC's Risk Management Advice Line at 800.733.0633.

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