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The "After-hours" Workplace: A Holiday Word to the Wise
by Robert Reid

The festive season can be a time of relaxation, fun, and refreshment. Often it is an opportunity for employers to entertain staff, and for employees to enjoy one another's company outside the work environment.

Here's a word of warning: employer responsibility for a safe and discrimination-free workplace can continue after normal working hours and away from the usual business premises. The company party, reception at the manager's home and even informal gatherings at the neighbourhood pub when sanctioned by the employer can be extensions of the workplace.

This means that the same rules apply as at work: sexually inappropriate conduct, for example, is off limits. Gone are the days when "what happens at the office party stays at the office party". Supervisors still occupy a position of power when outside the workplace, and their interaction with employees must be appropriate. In the same way, the employer through its managers must continue to ensure that contact between employees is appropriate. Jokes, horseplay, innuendo, and risqué remarks can be just as offensive in the off-site gathering as in the normal office or shop environment.

Not all employees come from a background where the religious connotation of traditional carols and holiday trappings are comfortable. We have become a more pluralistic society. Awareness of that issue should lead the employer to temper what might be overtly religious comments or actions and to ensure that those who choose not to participate are able to opt out without negative response from others.

Our sensitivity about serving alcohol has increased thanks to the courts and some well-publicized cases where injuries occurred after drinking and driving. When the employer is involved in providing the alcohol, or even providing the facility where the drinks are served, the potential for some liability exists. This is so even where the party is off-site, or at someone's home, and even when employee consumes more at another location after leaving the event. Risk management is the key: be aware of how much is being consumed. Use "Smart-serve" trained servers, or a facility that normally serves alcohol. Provide a safe way home.

The holidays can and should provide occasions to build relationships within the workplace. They present one of the few times in the year that people can freely interact in a social, friendly and relaxed way. Awareness of the issues, setting some expectations in advance, and taking steps to provide a safe environment will help maintain the best holiday tradition.

For more information please contact Robert Reid and/or Leanne Standryk.

The foregoing is provided to you for information purposes only. We caution you to obtain legal advice specific to your situation in all circumstances.

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