

# Legal Connections



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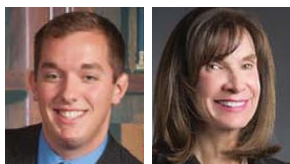


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## HOW TO HAVE A SAFE, ENJOYABLE, LIABILITY-FREE OFFICE PARTY

Employers have long sponsored social events to reward employees for work well done or simply to create good will and a positive office culture. While the day of the “wild office party” is mostly a thing of the past, many employers continue to host various social events where alcohol is served as a perk for its employees. Whether it is an end-of-the-work-day happy hour, a holiday party or a company sponsored picnic, a well-intentioned employer may expose the company or firm to potential legal liability or put an employee at risk if they are not prudent in organizing the event. With some thoughtful planning, however, there are certain steps an employer can take not only to avoid legal liability but also to assure a safe, enjoyable event for its employees.

Ohio law provides that an employer is generally not legally liable when acting



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as a social host in sponsoring firm social events, so long as the employer is not providing alcohol to underage persons. This should not be construed as providing employers with a free pass to throw a wild office party without restriction. There are certain situations that could result in employer liability and, through its actions, put its employee in harm's way. For example, if an employer hosts a happy hour after regular business hours and requires the attendance of its employees, then the employer could expose itself to

liability through the doctrine of respondent superior. Moreover, if an employer encourages its employees to drink excessively and an employee goes on to harass or assault another employee, the employer may be at risk of a hostile work environment claim.

What can an employer do to decrease its risk of liability and responsibly host a social event for its employees? Some suggestions include making the event voluntary, as this helps preclude any claim that an intoxicated person was acting within the course and scope of his/her employment. This should be coupled with the event taking place during non-working hours and clarifying that the social event is not an extension of the workday. Employers should also take the time to recognize the effect alcohol may have on employee behavior and make clear that any company policies regarding appropriate conduct toward others applies

at social events, as well as the office. Some other options to ensure a safe, enjoyable and liability-free office party are to hold the event at a public restaurant, serve food, do not offer unlimited alcohol, stop serving an hour or more before the event ends and offer free cab or ride sharing services to employees.

By taking these simple steps, well-intentioned employers put themselves in a much better position to avoid potential exposure to liability. Most importantly, it allows the employees to spend time with their fellow co-workers in a safe and enjoyable environment, which should be the goal of any office social gathering. ■

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## CRISIS MANAGEMENT SOLUTION PROTOCOL

No matter how well you believe your business may be doing, you will likely face a work crisis of some magnitude, whether it be a death, natural disaster, theft, loss of a major customer, etc. How do we best prepare for a plethora of potential problems? There are three salient steps to creating and implementing your crisis management protocol.

First, pro-active preparation is critical. Early in the business formation, assume any number of problems could occur and then proactively prepare. Assume the worst and ascertain how you would deal with the crisis. This is called



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“pre-mortem analysis.” Here are a few examples: if there is an untimely death of an owner or key employee, ascertain who will take over. Has someone been taught, mentored and groomed as a replacement? Is there appropriate life insurance in place? If there is an internal bookkeeping theft, is there commercial theft insurance that can cover losses? Do you have an independent person/entity regularly review the books? If you have one major customer, do not assume that will always be the case. Instead, develop at least two customers as a base. Do you regularly backup all computer systems and data? Did you create policies and procedures for your employees that they can rely on?

Second, do not fall victim to the classic psychological “denial” response. Most business owners do not want to assume or accept the worst. We only like to hear information that comports with our views, known as confirmation bias. This often leads to denial which can be fiscally deadly, among other things. To combat our psychological denial response, ordain someone in your company to be a “naysayer” on a regular basis. That will force you to deal with the other side of the argument when contending with ongoing business ideas, plans and issues. However difficult it may be, this approach leads to healthy discussions, which creates successful decision-making. And it gets you far ahead of potential problems. Ultimately, if confronted with a crisis that

may become or is public, hire a Public Relations (PR) Professional to contend with it, realizing that you are not an expert in PR.

Third, surround yourself with the best experts and employees you can find, whether it be accountants, lawyers, insurance and financial advisors, publicists, social media and computer professionals, and so on. Laying this foundation will allow your business to flourish.

In sum, diligently following these three basic, important steps on crisis management protocol will keep your company as successful as possible. When faced with stress, you will be fully prepared and able to act. ■



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