

Holiday Workplace Liability Concerns

The holiday season is generally considered one of the happiest times of the year. It can provide a great opportunity for employers to celebrate recent successes and reinvigorate their companies and employees. But for all the potential holiday season holds, there can be legal consequences for mishandling religious accommodations and company parties.

Employers are required to "reasonably accommodate" an employee's religious observances under Title VII of the Civil Rights Act as long as the accommodation doesn't cause an "undue hardship" for the business. There is no concrete standard for what causes an undue hardship, but if an employee requests time off to attend a religious service, it likely won't create major financial or operational problems. Another thing to remember is that although we associate certain holidays with certain religions, less widely-held faiths are equally protected by law.

It's important to handle accommodation requests on a case-by-case basis and consider all factors before making a determination. Employers should keep in mind, however, that they are not at the mercy of the employee in making religious accommodations. If a non-practicing employee is using a religious observance to merely get time off, the employer has a right to challenge the request and seek proof the employee practices the faith associated with the observance.

The line between doing what's right for a company and respecting an employee's beliefs is not always a definitive one. It would be wise to consult an attorney rather than make an uneducated decision that could result in a discrimination claim.

In addition to religious observances associated with holidays, the next few weeks will include holiday parties for many companies big and small. These events are designed to promote unity and celebrate success, but can result in disaster if precautions aren't taken.

If an employee leaves a party after consuming too much alcohol, gets in an accident and causes injury, the employer could be named in a lawsuit. Likewise, if an employee gets drunk on alcohol provided by the company, and then gets injured, the employer may not be able to use the intoxication defense in a worker's compensation claim. Lastly, when alcohol is introduced, there is an increased likelihood that sexual harassment will occur, and the employer has a legal responsibility to prevent harassment at company events.

Holidays can be an exciting time as long as employers are aware of their legal obligations when it comes to associated practices and events. Anyone who is unsure of how to handle a potential situation or deal with a current situation should contact an attorney.