

Send Your Employees a Safe and Sober Message this Holiday Season

By Elena Carr and Dr. Don Wright

During the holiday season, the workplace is frequently a place where employers and employees get together to unwind and celebrate. Typically workplace parties involve plenty of food and drinks. If the drinks include alcohol, however, they can have unfortunate consequences.

Opinions vary regarding the appropriateness of having alcohol at workplace parties or other company-sponsored events. But ignoring the possibility that some employees or guests may drive home "under the influence" invites trouble.

Improper alcohol use can expose businesses to liability under tort, workers' compensation or other laws. For example, a business may be held liable if a person consumes alcohol at a company-sponsored party and subsequently causes a crash. Some businesses have been held liable because negligent acts by employees under the influence of alcohol consumed at company-sponsored events were found to be within the scope of their employment. In other cases, individuals have been held liable merely because they provided alcohol to social guests.

The only sure way for businesses to avoid potential liability for alcohol-related crashes following workplace parties is to not make alcohol available at them. In this case, businesses should also let employees know they are not to bring any alcohol. However, if a business does decide to provide or allow alcohol at an event, there are measures it can take in attempt to minimize negative repercussions.

Tips for W

orkplace Celebrations:

- **Be honest with employees.** Make sure employees know the substance abuse policy and whether it addresses alcohol use in work-related situations and social functions.
- **Post the policy.** Use different communication vehicles to ensure employees understand the policy. Prior to a party, use bulletin boards, e-mail and paycheck envelopes to publicize the policy and any concerns.
- **Reinvent the party concept.** Why have the typical party? Try something new like an indoor carnival, amusement park outing or volunteer activity.
- **Make sure employees know when to say when.** If alcohol is served at an event, make sure all employees know that they are welcome to attend and have fun, but that they are expected to act responsibly.
- **Make it the party of choice.** Make plenty of non-alcoholic drinks available.
- **Eat...and be merry!** Avoid serving only salty, greasy or sweet foods, which make people thirsty. Serve foods rich in starch and protein, which stay in the stomach longer and slow the bloodstream's absorption of alcohol.
- **Designate party managers.** Remind managers that even at a party, they may need to implement the substance abuse policy.
- **Arrange alternative transportation.** Anticipate the need for alternative transportation for all party goers and make special arrangements in advance. Encourage employees to make use of the alternative transportation if they consume alcohol.

- **Serve none for the road.** Stop serving alcohol before the party officially ends.

It is important to note that if alcohol is provided at workplace functions, state laws regarding its use and resulting legal responsibilities should be consulted.

During the holidays and all year round, businesses have a vested interest in preventing impaired driving* for a range of reasons in addition to lessening liability and making their communities safer for their friends and families and those of their employees. Put simply, helping to prevent impaired driving is good for business.

Each time an employee is involved in an impaired driving crash, businesses pay in the form of increased absenteeism and use of health benefits. According to the National Highway Traffic Safety Administration, the cost of traffic-related crashes to businesses is an estimated \$55 billion each year in direct costs, lost time and workers' compensation.

Moreover, if the employee caused the crash or is arrested for impaired driving even if a crash did not occur, administrative and legal procedures such as court time and traffic school may require further time away. And certainly there is the emotional strain and decreased morale employees experience when a colleague suffers a severe injury or dies—two regrettable, but not uncommon, outcomes of mixing alcohol and driving.

Businesses that maintain drug-free workplace programs probably already have effective channels for sending messages about the dangers of impaired driving. They may incorporate related messages into regular employee education sessions, organizational newsletters, payroll stuffers or workplace displays. Businesses that do not already have a drug-free workplace program may want to visit the Department of Labor's [Working Partners for an Alcohol- and Drug-Free Workplace Web site](#) for guidance in developing one. This site also features regularly updated information about [impaired driving](#), such as alcohol traffic safety facts, related statistics and prevention initiatives employers can support.

Businesses can also play a critical role in preventing impaired driving by recognizing its connection to alcoholism and encouraging employees who have alcohol problems to seek help. If a business offers the services of an Employee Assistance Program (EAP), it can help an employee address an alcohol problem. It can also help an employee determine what to do if someone in his/her family or workgroup has a problem.

Even if EAP services are not available, businesses may still be able to support employees with alcohol problems. For example, they can maintain a resource file from which employees can access information about local therapists and treatment facilities that specialize in alcohol problems. The [Substance Abuse and Mental Health Services Administration's Treatment Facility Locator](#) or a business's closest [National Council on Alcoholism and Drug Dependence affiliate](#) is a source for such information.

Also, some employers may be able to offer reasonable time off when an employee requires treatment, and some may want to consider offering coverage for substance abuse treatment in group health benefits. Doing so may reduce overall health care

costs, since individuals who have substance use disorders and their family members tend to use health benefits more than those who do not.

**Although commonly used, the phrase "drunk driving" is not a legal term because many drivers who are part of the problem do not exhibit visible signs of drunkenness. Rather, "Impaired driving" is used because it better describes the realities of drinking and driving—when someone consumes alcohol, even at low levels, his/her ability to drive is impaired even though outward signs of impairment may not be obvious.*

This information provided by the U.S. Department of Labor is not intended to be a substitute for legal advice and should not be relied upon to determine what steps employers can or should take to address potential legal liability.

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OSHA and NFIB recently formed an Alliance to enhance safety and health throughout the nation's small and independent businesses. As part of this alliance, they will work together to communicate with small businesses about how they can protect their workplaces from the hazards of alcohol and drug abuse.