

When Holiday Cheer Goes Too Far

Everyone loves a holiday office party. Employees dust off their finest party duds and hit the dance floor...and the bar. What happens when an employer provides alcohol to an employee at a company soiree? Are employers liable for employees' actions when intoxicated, if the alcohol was consumed at a company party?

In Colorado, an employer is usually not liable for an intoxicated employee's actions, even if the tipsy employee imbibed on the employer's dime, at (or after) a company party. At common law (the body of law that exists in cases decided by decades of judges, rather than in statutes), Colorado courts have held that it was the drinking of liquor that was the cause of the injuries, not the provision of liquor to "ordinary able-bodied persons."

Colorado statute codifies this general rule, and clarifies that employers are probably "social hosts." C.R.S. § 12-47-801. However, if they are found to be "licensees," a legal distinction, they may be found liable for serving visibly intoxicated adults. Under Colorado statute, a social host is only liable if that host serves a minor or provides a minor with a place to drink.

What does this mean to you, and your party? Well, it means that you must exercise common sense. Please do not view this statute as an excuse to sit back and ignore the actions of your employees. Instruct employees to have a great time, within reason. If your employees are drunk, cut them off. If you are not in control of how much they drink, direct your bartenders not to serve anyone who appears intoxicated. Provide sober rides for your employees. Give free cab passes to those who cannot walk home. Consider the benefits of a cash bar, as opposed to an open bar.

These common sense admonitions can feel a bit paternalistic, and they may be. But a few precautions, however costly in the short term, may keep your employees safe, and save your company costly litigation expenses in the long term.

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