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Eat, Drink and Be Merry—Responsibly! The Importance of Anti-Harassment Training

Holiday parties provide a great opportunity for businesses to show appreciation to their employees and ring in the new year. These parties, however, also have the potential to result in conflicts that can linger in the workplace—or even result in litigation.

Earlier this year, for example, the U.S. Equal Employment Opportunity Commission (“EEOC”) obtained a \$22,500 settlement for an employee in a race discrimination and harassment lawsuit against a car dealership in response to conduct that occurred at a company holiday party in 2019¹. At the party, management publicly presented the employee, an African American individual, with a trophy that contained an overtly racist message. When the employee complained to the general manager, the manager attempted to brush off the incident as an innocent joke. The EEOC, however, thought otherwise. Because of that holiday party event, the company faced over two years of costly litigation. In the end, the company was required to pay \$22,500 in monetary damages to the employee and implement anti-harassment and anti-discrimination training for all employees.

As this case demonstrates, employers have a duty to protect their employees and their workplaces from harassment. This duty is not eliminated when employees clock out and attend a company party. Instead, this duty extends to all work-related activities, including holiday parties, even where the party is hosted away from the workplace.

Anti-harassment training can help resolve issues stemming from a company’s holiday party and effectively cure a company’s holiday party hangover. Harassment training not only aids employers in fulfilling their duties to foster a safe and healthy work environment for their employees, but also promotes a professional workplace culture.

While maintaining a comprehensive anti-harassment policy and complaint procedure is a necessary first step, merely having a policy is likely insufficient to establish a legal defense “if the employer fails to

¹ EEOC v. AOD Ventures, Inc., No. 4:21CV00418 (E.D. Tex. June 2, 2021).

implement those procedures or to appropriately train employees.” On September 29, 2023, the U.S. Equal Employment Opportunity Commission (“EEOC”) issued its proposed [“Enforcement Guidance on Harassment in the Workplace.”](#) According to the EEOC, for anti-harassment training to be effective, it should, among other things, be “provided on a regular basis to all employees.”

Regular anti-harassment training also helps create and maintain a worker-friendly and productive atmosphere. In fact, states such as California, Connecticut, Delaware, Illinois, Maine, New York, Washington, as well as the District of Columbia require employers to provide training on sexual harassment in the workplace in certain circumstances.

Kutak Rock’s [National Employment Law Group](#) offers anti-harassment training services that could help your business foster a more productive working environment and mitigate potential sexual harassment claims. Additionally, if you have any questions about your state’s specific training requirements, or how they may impact your organization, please contact your Kutak Rock attorney or a member of the firm’s [National Employment Law Group](#). You may also visit us at www.kutakrock.com.

