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# 60-Second Memo

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### The Workplace at Halloween: Don't Let Costumes Cost You

By Ken Chang, Esq.

It is that time of year again. The air is cooling, the leaves are changing colors, and children near and far are finally addressing that grave question that haunts us every October: what am I going to be for Halloween?

But Halloween is not just for kids anymore. Enthusiasm among adults for the holiday has never been higher, and it's getting bigger all the time; according to the National Retail Foundation, total spending for the holiday is expected to reach \$5.8 billion. That makes Halloween the second biggest holiday of the year - behind only Christmas - in terms of dollars spent. (In terms of ghoulishness, of course, Halloween remains squarely at the top of the list.)

Given its ever-increasing popularity, it is not surprising that Halloween has made its way into over 37% of American workplaces. As many of these companies have found, allowing employees to dress in costumes at work can boost morale, encourage better communication, and build camaraderie. For observant managers, the holiday can also provide an opportunity to identify those coworkers with a knack for creativity.

Unfortunately, with these opportunities comes the significant risk that an employee will exercise poor judgment in choosing a costume or otherwise misbehave. Obviously, costumes that are entirely appropriate or even common in other environments will not necessarily be suitable for the workplace. For instance, costumes that might seem innocent or "just fun" to one employee might be deemed sexually, racially, or religiously offensive to another. And with an election just around the corner, costumes poking fun at political candidates - even those meant as "just a joke" - may result in an unexpectedly and unnecessarily contentious office party. Far

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worse, such costumes might trigger exposure to hostile work environment claims, which have a tendency to turn well-intentioned, spooky fun into a real nightmare.

To help avoid these pitfalls, employers and managers should keep in mind the following tips:

***Make the event voluntary.*** Make sure all employees are aware that participation in these events is entirely voluntary. No employee should be forced to participate in your Halloween festivities. Some may simply not like to be silly; others may object for more serious, personal reasons. In any event, these personal preferences should be respected.

***Lay ground rules for costumes.*** Before your office celebration, communicate to employees that you hope they will have fun, but remind them that it is a workplace, and that it is necessary to maintain an appropriate level of decorum and professionalism. In particular, remind employees that off-color, offensive, revealing, racist, or otherwise inappropriate costumes will not be tolerated. Invite employees to ask in advance if they are unsure about whether a costume idea would be inappropriate.

***Be interactive.*** Managers should be hands-on in the planning of the festivities and encourage employees to take a part, too. In addition to developing team-building skills, this will help acclimate all involved to the company's expectations for how the event will be approached. It also provides another opportunity for employees to voice any particular concerns they might have about the company's plans. In this manner, you may be able to avoid accidentally offending an employee's closely-held religious or social beliefs.

***Warn against tricks or pranks.*** Remind employees that, even though treats are perfectly fine (and even encouraged), tricks are not appropriate in the office. Reinforce the fact that being in costume does not relieve company employees from adhering to its code of conduct.

***Be prepared to discipline if necessary.*** Despite your best efforts to communicate your expectations, some employees may still take things too far. Be vigilant. If anything inappropriate happens, be prepared to handle the situation according to company policy, making sure to issue discipline in a nondiscriminatory manner. Take all complaints seriously, then respond fairly and evenhandedly. In these litigious times, employers and managers cannot afford to be perceived as condoning costumes or conduct that cross the line.

In the end, of course, remember that Halloween is supposed to be fun. Even though celebrating it in the workplace does present some risks, it is possible to have a successful celebration for your employees to enjoy. All it takes is common sense, communication, and a great costume.

Wisconsin

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