
Rachel Demarest Gold Featured in amNY Law on Holiday Harassment Risks

FEATURED ATTORNEY



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This article was published in the December 8, 2025 edition of amNY Law.

In her latest Employer Alert for amNY Law, [Abrams Fensterman](#) Partner and Director of the Employment & Labor Law Practice, [Rachel Demarest Gold](#), was recently featured in *amNY Law* with her latest article, “***Employer Risk Alert: Holiday Harassment.***”

This timely article reinforces Rachel's reputation as a trusted advisor to employers navigating workplace compliance, risk management, and evolving employment regulations. We will continue sharing Rachel's media publications as they are released.

View Rachel's feature as published in amNY Law below.

OP-ED

BY
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Employer risk alert: Holiday

It's that time of year again: Update your handbooks and conduct your harassment training — and get it done before the office holiday party.

Every employer in New York State, regardless of size, is required to provide harassment training to each of its employees every year. This is not news. What is often unheard of, however, are the many and unexpected ways that you as an employer can end up exposed to liability when you fail to provide that training.

Loose lips

Holiday party refreshments usually include adult beverages of some kind. Adult beverages can lead to childish behavior, or at least behavior that is less inhibited than workplace conduct. And while everyone knows that you are not supposed to grope or grab (or really touch at all — just keep your hands to yourself at work), sometimes the biggest problem lies with people who suddenly feel comfortable speaking their mind after the cocktail hour.

Dirty jokes, racial slurs, and comments about people's appearance are bases for harassment lawsuits and can be just as much of a problem for employers as physical contact.

While under the federal standard ("severe

and pervasive") such an indiscretion might slide, the New York standard is much lower and sometimes a single comment can be enough to impose liability. Especially if employees are not trained to recognize and address it.

Dirty dancing

Actions speak louder than words. But in the sexual harassment arena, they come with the same penalties. And while people have the right to enjoy themselves, seemingly innocent behavior can go too far fast — and staff needs to know those limits, the consequences, and their affirmative obligations to intervene, under the law.

This is also important because, as mentioned below, their behavior impacts those witnessing it, and employers are responsible to those employees as well.

Drunk dialing

Exposure to liability does not end because the party does.

When people are dealing with colleagues, they are, for the purposes of the human rights laws that govern harassment, always at work, and all the same rules apply.

That means that social media posts when you are connected with co-workers, and text messages sent from home late at night to a personal cell, for examples, pose the same threats as words spoken in person at the office.

The group effect

Colleagues getting cozy at work is a problem. This is no less true at the office party.

Legally, it may be found hostile and harassing to those witnessing it. Often more problematic, though, is that if employees perceive favoritism because of the relationship, it opens their employer up to charges of disparate impact and discrimination.

Red flags

There are situations that come across my desk again and again that, just like sexual harassment and the holiday season, are predictable. The problem is that if employees are not educated on the law, they do not recognize them, and allow situations to fester and exacerbate.

A common such error recently pre-

