

*News You Can Use*



*Because You're Different*

## SEASONAL RISK

# LIMITING YOUR LIABILITY DURING THE HOLIDAYS

WITH YEAR-END and holiday festivities beginning, make sure to make safety a priority whether you're just decorating the office or throwing a holiday/year-end party for your staff.

While you obviously want your staff to relax and have fun, you also want to make sure they get home safely and that nobody gets hurt or sick at your holiday party.

Due to their infrequent nature, the liability risks of company-sponsored holiday events are often overlooked. To ensure the health and well-being of all who attend, it is important to be aware of any potential liability concerns that your company may face if the event doesn't go exactly as planned.

### Holiday party safety considerations

- If you are holding a party offsite, inspect the venue first to make sure it meets your safety standards. Keep an eye out for easy-access exits, emergency lighting, and flooring that might cause slips and falls.
- If storms are looming on the date of your party, consider the effects that weather may have on safe travel to and from the event.
- Do you need security?
- Limit alcohol consumption.
- If party-goers are leaving at night, make sure nobody has to walk out alone in the dark to their car for safety reasons.
- Ensure safe food handling, like keeping hot foods warm and covered and not leaving perishable food out for too long to reduce the chance of foodborne illness.
- Have a plan in case someone is injured or needs medical assistance. Know where the closest hospital is and identify staff who know how to use a defibrillator or can perform CPR.

### Reducing liability risk

Remind your employees that rules against harassment, discrimination and conduct apply at the event. Monitor behavior and take prompt action if any activity or behavior exceeds acceptable bounds.

Make the event optional and let your team know that it won't reflect poorly on their performance evaluation, advancement potential or job security if they don't attend. Emphasize this in invitations and announcements.

Take complaints that stem from the party seriously. As you would with any other incident, document, investigate and take appropriate action.

### Liquor liability

Some companies have recognized the liability exposure and have chosen to hold alcohol-free holiday events. If alcohol is served, limit your exposure by:

- Holding the event at an off-site location and hire professional bartenders who have their own insurance and are certified for alcohol service. Speak with the vendor to determine what protocols it uses to keep from serving minors and others who are visibly intoxicated.
- Provide an array of choices of non-alcoholic beverages.
- Don't have an open bar. Instead, hand out a set number of drink tickets to control consumption (two is usually a standard amount).
- Stop serving alcohol at least an hour before the event ends.
- Provide transportation that may include free cab or Uber rides.

*Heffernan Insurance Brokers  
Wishes You a Happy Holiday!*



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## SAFE DRIVING

# NEW RISKS EMERGE AS MORE DRIVERS HIT THE ROAD

AMERICA'S ROADS are getting busy again and new patterns, like busier and longer commute periods, more congestion and unpredictable traffic are driving an increase in accidents, according to a new report.

Although low-speed fender benders are rising during crowded rush hours, the bigger risk for more accidents is the steady increase in long trips and extended daily commutes, according to the "2025 Driving Behavior Report" by accident analytics company Arity. These types of trips create more exposure to severe crashes, higher claim costs and potentially higher premiums.

For motorists, it's important to understand these new driving and traffic patterns and adjust their driving accordingly to reduce the chances of being in a collision.

### How traffic patterns are changing

Arity's report identified several shifts in how and when people drive, which is raising the risk of collisions. Some findings of the report include:

- Drivers are taking longer trips in their vehicles.
- Congestion is rising, resulting in more braking, sudden acceleration and stop-and-go patterns.



- Morning commutes are now the busiest they've been since 2021. That's in large part due to return-to-office mandates which result in more people on the roads.
- Afternoon traffic is less predictable. Instead of one tight evening rush hour, individual commutes now stretch over several hours as workers leave offices at different times.
- Tuesdays through Thursdays carry the highest commuter loads, while Mondays and Fridays remain lighter.

### What you can do to avoid accidents

- Build in extra time. Rushed driving leads to sudden acceleration, hard braking and greater crash risk.
- Avoid peak periods when possible. Midweek mornings are now the most congested nationwide.
- Use navigation apps that show real-time delays and safer alternate routes.
- Keep your distance. Most urban crashes happen in stop-and-go traffic where tailgating leads to fender benders.
- Reduce phone use. Distracted driving remains one of the strongest predictors of crash severity.
- Consider a usage-based insurance program if you tend to drive safely. Telematics can lower costs for drivers with good habits.
- Watch weather alerts. Arity's data shows sharp spikes in hard braking and distraction during extreme weather.

### Takeaway

Driving behavior is shifting as more people return to offices, move farther from job centers and juggle flexible schedules.

Longer trips and heavier congestion are raising accident exposure, especially on local roads. These trends could eventually influence how insurers calculate premiums.

While drivers can't control congestion or workplace rules, they can take steps to manage their own exposure. Drivers can protect themselves and their premiums by staying alert, reducing distraction and planning for new traffic patterns.

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## Make Sure That Any Vendors You Use Carry Insurance

### A word about insurance

Make sure that any vendors you use carry insurance. Insist on seeing the certificates of insurance with sufficient coverage and liability limits for:

- Catering and bartending firms,
- Facilities, and
- Entertainers.

When reviewing rental contracts, be sure to note any hold harmless or indemnity agreements that could release the vendor from liability and instead hold your company responsible for losses from situations over which you have no control.

Also, talk to us to make sure that your own insurance policies cover any mishaps that may occur at your company event.

## EEOC ENFORCEMENT

# FIRMS SCRAMBLE TO COMPLY WITH NEW PLAYBOOK

THE EQUAL Employment Opportunity Commission has rolled out the most dramatic shift in its enforcement posture in decades, narrowing some protections and targeting others, especially around diversity equity and inclusion (DEI) and gender identity.

Also, with the confirmation of Commissioner Brittany Bull Panuccio in October 2025, the EEOC once again has a voting quorum. Her addition gives the new Republican majority the opportunity to rewrite guidance, revise strategic enforcement plans and launch higher-profile litigation aligned with the administration's executive orders.

The new enforcement focus, initiated by a series of executive orders by President Trump, stands in contrast to established federal law, opening firms up to litigation by employees that runs counter to EEOC enforcement priorities.

### DEI programs under a sharper lens

The EEOC has trained its focus on what it describes as "unlawful DEI-motivated race and sex discrimination." Programs that once were framed as inclusion efforts are now being scrutinized for potential reverse discrimination.

### Programs under scrutiny

- Mentorship, sponsorship and leadership programs limited to certain demographic groups.
- "Women only" or "underrepresented only" events and resource group activities.
- Hiring, promotion or internship pipelines that expressly prefer certain races or genders.
- Diversity metrics that function more like quotas than broad, aspirational goals.



### Gender identity policies

EEOC Chair Andrea Lucas has directed agency lawyers to back away from gender identity litigation and to revisit harassment guidance that spells out protections for transgender employees.

Bathrooms, locker rooms and pronoun policies are likely flashpoints. Employers that wish to maintain strong protections for transgender and nonbinary workers may need to rely more heavily on state law, company values and reputational concerns as their guideposts.

**Important:** These new policies put employers in a bind. Title VII's ban on sex discrimination, which covers sexual orientation and gender identity, still stands, and many states explicitly protect those groups.

Employers that scale back protections to comply with the new federal posture may reduce the chance of an EEOC probe, but increase exposure to private lawsuits, state agency enforcement and reputational damage.

### How employers can respond

CEOs and HR executives should move quickly on several fronts:

**Audit DEI and talent programs** – Inventory all DEI initiatives, resource groups, mentorships and pipelines. Strip out eligibility rules tied to race, sex or national origin. Reframe programs around equal access and business needs.

**Refresh public and internal statements** – Review diversity pledges, representation goals and reporting. Avoid language that can be read as promising preferences. Emphasize fair processes, bias reduction and inclusion.

**Map gender identity and facility policies to actual law** – Chart federal, state and local requirements for every location. Where you maintain sex-specific facilities, consider options like single-user restrooms and clear procedures for handling complaints.

**Boost religious accommodation practices** – Ensure there is a clear, documented process for addressing religious objections, including objections to DEI content or pronoun expectations. Train managers to respond promptly and consistently.

**Keep doing adverse impact reviews** – Even if the EEOC is stepping back, continue to test hiring tools, promotion systems and layoff criteria for disproportionate effects on protected groups.

**Invest in investigation capability** – Make sure complaint procedures, investigation protocols and documentation would hold up under scrutiny from private plaintiffs, state agencies or the EEOC under its new priorities.

### Takeaway

Finally, ensure that your business secures an employment practices liability policy, which can protect your firm from employee-initiated actions like discrimination or harassment complaints.

These policies can cover the cost of court costs, attorneys' fees, discovery expenses, settlements or judgments and other related costs.

## WEATHER DAMAGE

# HOW TO PREPARE THE CONSTRUCTION SITE FOR SEVERE STORMS

EVERY CONSTRUCTION site needs a storm preparedness plan to ensure a safe environment during hazardous weather. It is important to take the necessary time to develop a good plan several months before the storm season begins.

Contractors and builders lose millions every year from storms because of a lack of preparedness. But a plan can be executed in just a couple of hours, and the investment is very small.

When you compare the invested amount to the potential losses, it is easier for any contractor to get started with making a plan.

The following checklist should be completed far before the start of the storm season.

### Storm preparedness checklist

- ✓ Clean the construction site daily.
- ✓ Take photos of the site daily to record project progress.
- ✓ Complete current jobs before starting new ones.
- ✓ Conduct regular maintenance for electrical and mechanical equipment.
- ✓ Maintain an adequate number of sandbags or water-detention systems.
- ✓ Secure staging areas and trailers one month before storm season.
- ✓ Store small items that can be blown or washed away in buildings.
- ✓ Include subcontractors' supplies, property and workers in the plan.
- ✓ Ensure all electronic devices have battery power backup.
- ✓ Give the emergency power generator system a checkup and tune-up.
- ✓ Check all of the batteries in emergency exit signals and emergency lights.
- ✓ Stock offices with emergency kits, flashlights and other safety gear.
- ✓ Buy enough bottled water to last all site workers at least five days.
- ✓ Make sure there are always enough office supplies to last several days.
- ✓ Keep important documents in a safe place where water cannot damage them.
- ✓ Educate key workers about what steps they must take if there is an oil spill.
- ✓ Provide employees with phone numbers for all state and local emergency agencies.
- ✓ Give all workers specific assignments to help execute the plan.
- ✓ Develop a system to inform workers about when to come back to the site.
- ✓ Carefully review the building insurance policy for storm damage details.
- ✓ Find out how many extension days the contract allows for weather interruptions.
- ✓ Post the completed plan in a location where it is easy for all workers to see.

- Personnel must assess and clean the site to remove debris or hazardous objects.
- Dismount and secure all scaffolding.
- To prevent damage from sand accumulation, protect underground drains and pipes.
- If there are scheduled deliveries, postpone them for at least two days.
- Disable all of the power lines and remove any temporary connections.
- Any hazardous or contaminating materials should be covered and secured properly.
- Secure and cover every window or glass feature with storm shutters.
- If time allows, booms can be laid down or the load line can be hooked to a low point.
- If dumpsters cannot be removed from the site, cover and secure them.
- If there are any open excavations, close them to prevent water from accumulating.
- Disassemble every temporary structure or fence that might be swept up by the wind.
- Make sure all catch basins and storm water inlets are free of debris.
- Secure all of the heavy equipment in a safe area.
- Designate in advance all crews for shifts, relief, cleaning and standby.



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### Action plan

After the preparedness plan is in place, it is important to develop the plan of action. Workers should understand the difference between the two plans, and they should know that the action plan is only implemented when a severe storm is imminent.

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