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# Trick or Treat: Tips from Halloween-Themed Lawsuits

It's Halloween, and we employment lawyers would be remiss if we didn't comment on the ways that workplace Halloween costumes can sometimes go wrong. The negative flack that celebrity [Julianne Hough](#) is receiving in the news for her blackface Halloween costume highlights the reality that, while Halloween revelry at work can be great fun, it can also come with a risk that an employee crosses over a racial, cultural, political, or other line and offends someone.

As such, it is a good idea to be thoughtful about office festivities and costumes. A little time spent on the front end can allow employees to have fun without unwanted consequences. To bring home this point, here's a sampling of a few real life lawsuits in which employers learned the hard way what doesn't fly in the office on Halloween:

1. In a trio of cases – [Devane v. Sears Home Improvement Products, Inc.](#), [EEOC v. Body Firm Aerobics, Inc.](#), and [Perez v. Horizon Lines, Inc.](#), - employers faced legal claims after employees made inappropriate and sexually harassing comments to other employees in connection with Halloween. Similarly, an employer was sued in [Swinney v. Illinois State Police](#) after an employee forwarded an email about sexually themed Halloween costumes.
2. Employers have also faced racial discrimination claims following Halloween. In [Heard v. Board of Trustees, Jackson Comm. Coll.](#), a racial discrimination claim included allegations that an employee was offended when another employee talked about how the employee's daughter and friend were dressing up for Halloween as Kanye West and Taylor Swift.
3. Halloween can also bring out religious differences. In [Morales v. PNC Bank](#), an employee objected to participating in a workplace party for religious reasons, noting that she didn't celebrate Halloween or participate in Halloween events. One of the allegations in the employee's subsequent lawsuit was that she had been falsely told by a company manager that a Halloween pumpkin carving and costume party was merely an employee appreciation party and not a Halloween party.

Again, some thoughtful planning can help you steer clear of such lawsuits. Some steps that an employer might consider include sending a communication to employees ahead of time encouraging tasteful and respectful workplace costumes and sending a worker home if a costume is racially or otherwise inappropriate.

With these tips in hand, have fun out there today!