

Christmas comes but once a year with no excuse for drunken antics...

Despite the financial gloom, many businesses are still planning on a Christmas get together with their staff. It's a chance to celebrate this year's successes and to look forward to next year's challenges. It should be enjoyable for everyone and like most other people, we like a good party. However, despite the publicity, some employees still see it as a chance to drink a bit too much and behave a bit too badly, assuming that at the office party they are free from the normal rules of the workplace. This is particularly the case where the party is organised after work hours and not on work premises.

Over the years there have been a number of tribunal cases, particularly discrimination cases, establishing the principle that as it is a work event, you, the employer, can be vicariously liable for the actions of your employees.

What can you do to protect yourself?

In practice, the employer will either have to show that he took reasonable steps to prevent the particular act or that he took reasonable steps to prevent that kind of act in general. The defence is limited to steps taken before the act. It is not sufficient to show that the complaint was promptly dealt with.

The defence typically contemplates the implementation and enforcement of guidelines for appropriate behaviour. But merely having such guidelines is not enough: tribunals will also consider whether they have management backing and disciplinary sanctions. If an employee does behaviour inappropriately and is subsequently dismissed, the fact that you have guidelines will also help you defend any subsequent unfair dismissal complaint.

What do we recommend?

Shortly before the party, send a memo covering what behaviour will incur a disciplinary response. Typically, this can include:

- A reminder that this is a work do governed by the company's disciplinary policy;
- Be sensible about drinking alcohol and don't drive home if you are likely to be over the limit – the company could usefully arrange taxis or provide booking details for taxis;
- Don't get into arguments or fights, particularly if you have had a few drinks;
- Don't be persistent about getting that kiss under the mistletoe – unwanted sexual advances can cause a great deal of offence;
- If you don't arrive at work the following day you will be disciplined unless you have already booked time off;
- If you are caught taking drugs or behaving in any other way the company considers to be unacceptable, it will be dealt with under the disciplinary procedure and could result in your dismissal.

If your party is on work premises, you might also want to remind employees that photocopying bits of their anatomy is not only forbidden, it is also old hat and not funny, even after a few!

Whichever way you and your staff decide to celebrate the end of another working year, we hope that you have a wonderful time.

For more specific information or to discuss your requirements please call either Amanda Galashan or Julie Calleux at EmployEase on 0845 123 3741, or email us at info@employease.co.uk.

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