

Employment law and the work Christmas party

As we are now halfway through December, across the country the work Christmas party season is in full swing. Whilst this can be a great exercise in team bonding, employers would be well advised to take a moment to consider the potential employment law issues and brush up on relevant existing workplace policies. The Christmas party is effectively an extension of the workplace and employers are likely to have the same legal responsibility for what happens during the Christmas party as they do during working hours in the office.

Some of the main legal issues to consider include harassment and various other types of discrimination. Broadly defined, harassment is any unwanted conduct that has the purpose or effect of violating dignity or creating a hostile or intimidating environment, where the conduct occurs on the grounds of sex, race, disability, sexual orientation, gender reassignment, religion, age or belief. The Christmas party may be conducive to unwanted conduct occurring, because it blurs the lines between work and play (particularly if the party takes place away from an employer's premises). In addition, alcohol is invariably involved, which has the potential to diminish individuals' inhibitions and increase the risk of unwanted conduct occurring.

There are a number of discrimination concerns for an employer to consider. For example, there may be employees who do not celebrate Christmas for religious reasons and employers must be careful not to exclude such workers from the festive activities taking place. There may also be employees who do not drink alcohol for the same reasons and non-alcoholic alternatives should be provided. If an employer has any disabled employees, it will need to consider whether any reasonable adjustments or physical assistance is necessary so that such employees are able to join in the festivities. Therefore, an employer will need to try and cater to the needs of everyone who will be attending the party to avoid discrimination. It may be worthwhile employers reviewing any equal opportunities policy they have for a reminder of their responsibilities.

Another important consideration is health and safety. This will be particularly important where the Christmas party is held at the employer's own premises. The employer should carry out an assessment of the potential risks before the event is held, check where the first aid box is and that it is well stocked and, during the event, keep a watchful eye out for any unacceptable behaviour. There may also be insurance concerns for the employer.

Another policy worth reviewing is the sickness policy. There is the potential for employees being absent from work the next day or coming to work in an unfit state (e.g. tired or suffering from a hangover), due to the activities of the evening before. Employers should review their sickness absence policies and make clear to their employees exactly what is expected of them and what will not be tolerated and they must be sure to apply their sickness policies fairly across all their employees. Depending on the circumstances, an employer may have to consider taking disciplinary action and should refer to its disciplinary procedure for guidance. A good tip here is for employers to hold their Christmas party on a Friday, where the employer operates Monday to Friday working hours.

Employers must be careful to apply all of the policies referred to above in a consistent and clear manner to all employees or they could face a discrimination claim.

Wishing you a happy Christmas and a successful 2015.

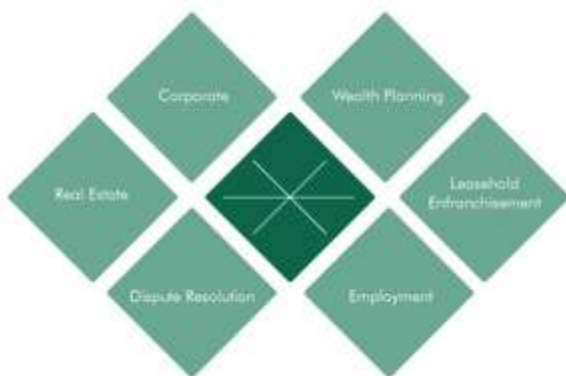
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