



Employment Law- Our advice for your office party

The office party is usually seen as a highlight of the working year, when employees are treated to a night out at the company's expense. Likewise, the employer hopes that it will benefit from increased staff morale following a hopefully enjoyable evening. However, it is a commonly held myth amongst both employers and employees that workplace disciplinary rules do not apply at social events held outside of normal working time. This could not be further from the truth.

Work social events can be viewed by the courts as an extension of the working environment, and the same legal obligations which apply in the workplace can also be relevant to the Christmas party. This creates risks for both the employer, and to employees.

Disciplinary Offences

Statistics suggest that one in 10 workers know of someone from their organisation who had either been disciplined or sacked for inappropriate behaviour at the Christmas party. Of these, nearly one-third said the reason for action was fighting and over one third said sexual harassment, bullying or other forms of discrimination were to blame.

What one person sees as a bit of fun or a friendly gesture may not be interpreted in that way by another. It is simple fact that people's perceptions vary and one individuals "banter" can be seen as bullying and harassment by another. It is the recipient's perception of the behaviour will be key in determining its nature.

Employers who fail to properly investigate allegations of bullying, harassment or discrimination and instigate disciplinary proceedings where appropriate, may find themselves the subject of legal action from offended employees. This will make for a very unhappy New Year for all concerned.

A guide to conducting a fair disciplinary procedure can be found in the [Employment Law](#) section of the Alsters Kelley LLP website.



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Alcohol consumption

In many cases it is excessive consumption of alcohol that leads to problems at the office party. Perhaps worryingly, employers can find themselves liable for a drunken employee's actions. If there is damage to the venue, employers may have to foot the bill.

A word of warning to employers - it could be difficult to take disciplinary action for events that occurred as a result of staff being under the influence of alcohol if the employers themselves have "encouraged" such inebriation. Therefore, if free alcohol is provided, employers should make sure this is done in moderation, and consideration should be given to those employees who do not (or should not) drink alcohol, for example, underage employees, pregnant employees and those employees who do not drink for religious reasons.

As the office party is a "work activity", employers have a duty to ensure the health and safety of their employees, and this only ends when all employees get home safely. However, with some simple precautions, any risks to both employer and employees can be reduced.

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If you need any further information about matters in this information sheet, please do not hesitate to contact us.