

Christmas Fun

The silly season is approaching and so it's time to take stock and check that you, as the employer, are prepared for Christmas parties. Expect the unexpected as festivities can sometimes go awry.

What might seem a bit of harmless fun can turn drastically wrong - remember the thoughtless practical joke at a Christmas party several years ago, where a staff member's grass skirt was lit, killing him and causing serious injury to another person.

Harassment, fighting and offensive behaviours are other potential headaches.

Are employers responsible for what happens at parties?

Although Christmas functions and similar festivities often occur off-site and outside of work hours, they are generally considered to be work-related.

At work functions, employees are still bound by the matters set out in their employment agreements, and must adhere to workplace policies and procedures. Your obligations, as an employer to employees while they are at work generally extend to include work functions. For instance, you must ensure the safety of employees.

Misconduct could potentially lead to a racial or sexual harassment claim, or to a personal grievance claim.

Health and safety prosecutions are also a possibility when Christmas parties go wrong.

What can employers do?

In the first instance, you should implement policies that make it clear that harassment, violence, and other such undesirables will not be tolerated. Draw these policies to the attention of all employees, and reiterate these messages before a function. Be clear in your expectations. Encourage sensible drinking. Deal consistently with any employees breaking the policies, and attempt to create a culture that reinforces the messages your policies contain.

Before your Christmas party identify and assess the possible risks/hazards, and take steps to eliminate them. Think about providing taxi chits or raise the need to organise safe transport beforehand. Provide plenty of non-alcoholic drinks and food. You might want to cut down on the amount of alcohol provided and use the money saved to buy gifts for your employees.

At the party, monitor behaviour like alcohol consumption within reason. Highly intoxicated people can be hard to handle, and having bouncers/security personnel at the function can assist.

If an incident occurs, employers should thoroughly and fairly investigate it and take disciplinary action where appropriate. Seek advice before embarking on an investigation and disciplinary process relating to misconduct because the steps you should take depend on the circumstances. If other employees have been affected by the incident, you could offer support or counselling. You also need to minimise the likelihood of it happening again.