

Employment

The Christmas Party Season

The unseasonably mild weather might not make us feel that Christmassy but it's that time of year again when the conversation starts to turn to the subject of the office Christmas party. A chance for colleagues to enjoy the festive season and shake off some of the formalities of work and get to know their colleagues a bit better.

For many employees, the Christmas party can easily create a few sore heads from overindulging on the mulled wine: but for employers, the Christmas party can sometimes bring more than just a headache.

Vicarious Liability

Employers generally understand that issues that arise out of the bad behaviour of their employees whilst they are in the office can result in disciplinary proceedings or tribunal claims. However, in certain circumstances, even where the incident occurs outside of the office the employment relationship may still be engaged and the company may still be liable.

The Christmas party can throw up many difficult problems for an employer and we look at a few of them in this newsletter.

Bringing the company into disrepute

In getting away from the office, employees can find themselves enjoying the Christmas party in a public venue such as a pub or restaurant. With the alcohol flowing, some employees may find themselves losing a little self-control. The employees need to remember that they are still a representative of the company and they should conduct themselves accordingly.

If an employee acts in a manner which may bring the company into disrepute, the employer can still consider taking disciplinary action against them. This is not always obvious to the employees, so it is worth advising the team, before the Christmas Party, that they should conduct themselves appropriately throughout the party.



Sexual Harassment

Relationships between colleagues are not unheard of in the office and many employers have policies on the subject. Unfortunately, in the heat of the moment, some employees may forget themselves and overstep the boundaries of acceptable behaviour.

The legal definition of harassment covers unwanted conduct of a sexual nature which is intimidating, hostile, degrading, humiliating or offensive. There is little prospect of an employee successfully defending themselves on the basis that they were drunk and not thinking or because they were at the Christmas party. Behaviour of this kind will almost certainly amount to sexual harassment for which both the employer and the employee may be liable.

Exclusions

It is important to remember that if any employees do not celebrate Christmas, they should not be excluded from any social events. If an employee is excluded from the Christmas party because they do not celebrate Christmas it is quite likely that this could amount to religious discrimination. Make sure that when the invitations go out, they go out to all employees irrespective of their particular faith.

Discrimination

Wherever colleagues get together over a drink or two, there is a risk that the social hot-potatoes of politics or religion may come up for discussion. All employees should be reminded that, even though they are outside of the workspace, they should keep their comments decent and avoid making any discriminatory comments to colleagues.

If you have any questions about the issues that may arise out of your office Christmas Party, please contact our Employment Team.

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