

Article by **Orla Bingham, Solicitor in the Employment department at Payne Hicks Beach** first published by CityAM in print and online on 30 November 2016 and is reproduced with kind permission <http://www.cityam.com/254656/hosting-christmas-party-without-hangover>



Orla Bingham  
Solicitor, Employment

## Hosting the Christmas party (without the hangover)

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Your office party is the one part of Christmas where you want to avoid surprises (Source: Getty)

The Christmas party season is upon us again. For many, it is the highlight of the year – an opportunity to celebrate and be rewarded for a year of hard work, and to strengthen relationships with colleagues. But even if you're not drinking, many employers find the Christmas do an annual headache, with disciplinary issues to deal with afterwards.

Regardless of when or where the party is held, it is an extension of the workplace. This means that employees remain bound by normal expectations of behaviour, and employers remain responsible and liable for behaviour which takes place. However, encouraging employees to relax and enjoy themselves outside the office environment can blur the line between work-appropriate behaviour and merriment.

### Very merry

Invariably these events involve alcohol, which is often a major contributing factor to problems that arise. A number of employees will take advantage of the provision of free alcohol, drink excessively and behave out of character, as a consequence. Romantic relationships within the

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workplace are rarely a good idea, and are often brought about through alcohol consumption at social events.

While behaviour by drunk employees is generally harmless and unproblematic, there is a duty of care towards employees. By discouraging them from further drinking, or encouraging them to go home, you'll safeguard the employee's wellbeing and prevent an embarrassing scene later.

However, staff behaviour can become unacceptable. People may become aggressive to a manager or colleague and offload a year's worth of pent-up frustration. While any serious grievances which might arise should be dealt with separately, aggressive behaviour of this kind should not be tolerated.

## **Banter**

People often become more extrovert at the office party and say things they would not normally, but it is very easy for banter and joking to morph into offensive and discriminatory behaviour.

It is important to remember that an affected employee can take action for discrimination or harassment against the individual responsible, as well as the employer, who is vicariously liable for employees' actions. Not only does this behaviour need to be strictly prohibited, any complaint about a colleague's behaviour must be investigated thoroughly and appropriate disciplinary action taken to protect both the employer's and employees' position. However, any disciplinary action should always be delayed until after the event.

Nobody wants to be a killjoy at Christmas, but prevention is always better than cure in these situations. Case law suggests that tribunals will not be lenient towards employers who disproportionately dismiss or punish employees for bad behaviour resulting from unlimited free alcohol, so exercising caution is important.

Everyone wants to enjoy themselves and relax, but a limit on alcohol provided is sensible.

A reminder prior to the party about standards of behaviour and intolerance of discriminatory or offensive behaviour would also serve as a warning to employees, and may protect the employer should incidents arise.

If you plan to hold your Christmas party on a weeknight, be clear about expectations for attendance and punctuality the following day. Relaxing start times the following morning may limit the number of employees calling in sick or arriving overly late for work. However, employees who flout any attendance rules should be dealt with in accordance with the normal attendance and disciplinary policies to avoid setting a precedent of tolerance of this behaviour in the future.

**Orla Bingham is a solicitor at Payne Hicks Beach.**



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