

# Blog: How to ensure there are no legal hangovers after the Christmas party

Posted by Sandra Beale, director of SJ Beale HR Consult in [Managing people](#), [Employment law](#) on Mon, 03/12/2012 - 12:56



Christmas music has been played on the radio and in the shops for a number of weeks now which can only mean one thing – the Christmas season is fast approaching along with the anticipation of the associated festivities.

Many companies like to put on a Christmas party for their hard working staff, but with that there comes responsibilities on both sides.

Christmas parties generally have a positive impact on morale and team spirit and it is an opportunity for an employer to thank employees for all of their hard work during the year. However, the boundaries need to be set by the employer to avoid any future problems.

UK legislation is clear - the office party is an extension of the normal work environment, even if it is held at a separate venue or outside of working hours. Employers can be held responsible for employee actions. Therefore, to avoid discrimination and health and safety claims, they need to have procedures in place.

Companies have to make sure that they make it clear to staff what is and what is not acceptable behaviour at social events and follow up any failure to comply with this order with disciplinary action.

Employers may be liable for the discriminatory behaviour of their employees and, ultimately, face significant tribunal claims if they are found vicariously liable. Employees can be disciplined for any breaches of disciplinary rules, including dismissal for gross misconduct, following unacceptable behaviour at the Christmas party.

Therefore, having clear HR procedures in place that are well-communicated and come with training provided are essential.

### **Taking reasonable steps**

Companies need to ensure that managers are careful not to let their guard down when being sociable or allowing alcohol to loosen their tongue and discussing issues such as promotions or pay rises in the informal setting of the Christmas party.

It is important to carry out a risk assessment of the Christmas party venue, considering any particular risks posed to any

disabled employees. It might be a good idea to limit a free bar, if one is planned and, in any case, encourage responsible drinking.

Companies may be liable for the welfare of employees if they suffer alcohol-induced accidents. Consider organising transport home with designated non-drinkers as drivers or paid for coaches/mini buses.

If there is a 'Secret Santa' taking place, make sure that staff know the boundaries confirming that racist or adult gifts, which might offend, are not acceptable.

A decision also needs to be taken as to what extent employers will be lenient with staff on the day after the party, if it is a working day, providing clear information on employee requirements beforehand.

Health and safety should likewise be treated as a matter of utmost importance. Employees should not be expected to operate machinery if not fit to do so. Also the safety of employees driving to work after having had transport home the night before should be considered.

If you take these reasonable steps to prevent inappropriate behaviour, then employees will have to take responsibility for their own actions. Nonetheless, it still might be a good idea to produce guidelines for employee behaviour at the company party.

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