

## Amorous Advances at Christmas Parties and How to Avoid Disaster

By Grania Sweeting  
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Now that the festive season is upon us, here are a few words of advice to you as an employer, to ensure the Christmas party is a successful event with no disastrous consequences.

Any social gathering that's organised by the Company, held inside or outside of working hours - either at office premises or at another venue - constitutes an extension of the workplace, according to case law. This means you're likely to be held liable for the behaviour of your staff who may become a little 'too intoxicated' or who become 'too ardent' towards others. So it's vital you monitor and deal with any improper behaviour that may occur, as it could be regarded as an act of harassment and you could be liable for any claim made.

The recent Equality Act 2010 now provides greater protection from third party harassment (who may be colleagues, clients, suppliers, contractors or even members of the public). This can be critical where you don't have exclusive use of the Christmas party venue. Additionally, unwanted conduct of a sexual nature (even jokes or banter) can amount to sexual harassment, even though the behaviour was unintentional – this is irrelevant as the main consideration is the effect it has had on the recipient. Where alcohol is provided or on offer at the Christmas party, you also need to be aware of the potential implications: according to case law, if a member of staff is dismissed following inappropriate behaviour at the party which was alcohol induced, such dismissal could be considered unfair, since you may be seen as partially condoning such behaviour by having provided alcohol in the first place.

### Preventive Steps

- Remind your staff of what is/isn't acceptable behaviour towards others, perhaps by circulating an email prior to the party and reminding them of the Company's disciplinary procedure and its Equal Opportunities policy.
- Impress upon staff the need to portray a professional image of the Company at all times and not to act in a way that could cause offence to others or bring the Company into disrepute.
- Try to ensure that staff don't drink excessive amounts of alcohol (which could trigger aggressive behaviour) and remind them that they are not permitted to drive whilst under the influence of alcohol. For those who have to work the following day, remind them that alcohol can stay in the system for some hours afterwards, so they might even be over the limit in the morning, should they need to drive to work.
- Consider how staff will get to and from the party: it may be possible to provide some form of transport or at least issue local taxi numbers for them to use if required.
- Warn staff that any alcohol induced absence will be treated as a disciplinary offence and decide what action will be taken should this arise.

Finally, a properly organised Christmas party will reap benefits in terms of team building and motivation so it should not be abandoned altogether – however a little planning and forewarning could make all the difference.

### About the Author

Grania Sweeting is a CIPD qualified Human Resources specialist, providing HR expertise to help senior teams manage their people more effectively. She provides outsourced HR support to organisations on a retained, ad hoc or consultancy basis. Her company – Grapevine HR Ltd - was established in 2005 and her clients include SMEs to PLCs. Her commercial experience and friendly yet discreet approach has led Grania to work across a variety of industry sectors.