

The Work Christmas Party – Employers Beware!

‘Tis the season to be jolly, right? As we approach the festive season many employers may be considering arranging a Christmas Party. Whilst this might sound like a great idea, employers need to be aware that they may also find themselves liable for complaints of inappropriate behaviour like insulting conduct and unwanted sexual advances, etc, which may have occurred as a result of excessive alcohol consumption during the event. So what are employers’ liabilities and how can you do to pre-empt such activity?

Discrimination. The most common risk for employers is discrimination by employees against each other. In recent one case an employee was awarded €5000 after he was verbally abused for being a Member of the Travelling Community. In another, the Tribunal awarded €12000 to an employee after she was sexually harassed at a Christmas Party. The key issues that influenced the Tribunal’s decision were the employers did not investigate the employees’ complaints, and did not have a policy covering how the company expected employees to conduct themselves at social events. As a result employers were found liable for discrimination, as the employees would not have been discriminated against had they not been working for their respective employers.

Employers should be wary of discrimination against their employees by a third party. It is crucial that any complaint made by an employee of any discrimination by a third party (i.e. an employee of a venue) be investigated promptly and thoroughly.

Social Networking and Christmas Photos. With the ability for people to upload photos instantaneously onto social networking sites, any unwitting employee can publish photos from a party on their network without realising the huge consequences to both individuals and the company as a whole. Therefore, it is recommended that employers implement a comprehensive social media policy covering email and internet usage, which extends to work related events. Employers are also advised to explain to employees that they must respect the right to privacy of their colleagues at all times.

Pre-emptive Action

As employers you don’t have the automatic entitlement to take disciplinary action following an incident at a work related event, because employees have a reasonable expectation that what they do outside of working hours is not subject to company disciplinary rules.

However, employers can take the following steps:

- Ensure all employees have received a copy of their contract of employment and employee handbook and which should contain clear policies on bullying, harassment, email and internet use and disciplinary procedures.
- Issue a memo to staff in advance of the event to ensure they are aware that they may be subject to disciplinary action for unacceptable behaviour.
- Remind staff to drink alcohol responsibly and in moderation.
- Consider arranging transportation for employees to and from the event to reduce the likelihood of drink-driving and help ensure that employees get home safely.
- Employers should ensure that the venue is safe from appropriate, bearing in mind its suitability for any disabled employee.
- Managers are advised to avoid work-related discussions at all costs.
- Consider appointing someone to take photos at the work related event.
- Coach Managers on how to respond to any unwanted conduct that may occur at the event.
- If any inappropriate behaviour occurs, investigate all complaints promptly upon return to work, making reference to the memo mentioned above.

If you would like to discuss this further, please do not hesitate to get in touch with the HR Team on 01-6622755 or HR@ISME.ie.