

The Work Christmas Party and Additional Covid Considerations.

It's that time of year again where employers are considering holding a social event to mark the end of another working year. This year planning an event comes with extra considerations as employers need to ensure not only are they protecting themselves from the usual issues that may arise, but that they are also compliant with all Covid protocols and public health guidance in place on the date of the event.

The main risk outside of the current public health situation is that employers 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.

Employers can take a number of steps to ensure they are reducing the risk of complaints of any nature in advance of and during any event.

Steps Employers Can Take Before the Event Are:

- Ensure all employees have received a copy of their contract of employment, employee handbook and a clear policy on behaviour at social events
- 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
- Employers should ensure that the venue is safe and appropriate, bearing in mind its suitability for any disabled employee
- Coach managers on appropriate behaviour and have them address this with their teams
- Advise employees of the mechanisms available to address complaints if they do arise
- Ensure all employees are advised of public health guidance, covid policies and any venue-specific Covid-19 specific guidance
- Ensure any venue used is compliant with all public health guidance and protocols in place

Additional Steps to Take on the Night Are:

- Don't have an open bar – issue a defined number of prepaid drinks
- Have a specific end time for the event. This makes nightclubs/late bars unsuitable venues as end time cannot be defined where the venue stays open
- Advise managers to lead by example
- Ensure at least one member of the senior team is not drinking

- Managers are advised to avoid work-related discussions at all costs
- 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
- Ensure there is clear and signposted access to hand sanitiser, hygiene facilities etc.

After the Event:

- If the event went well acknowledge this and thank staff for showing respect to the company and the venue.
- If any inappropriate behaviour occurs, investigate all complaints promptly upon return to work in line with established company procedure.

What is the Exposure?

The most common complaints tend to relate to harassment be it sexual or otherwise, where a member of the team acts in a manner that demeans the dignity of another through actions or behaviour.

There is also a risk of discrimination if employees are found to have breached the Equal Status Act.

Both of these are serious complaints and while the management cannot be responsible for the actions of each individual, they are responsible for the type of environment they provide at the event and their response to any complaints that are received. Failure to act accordingly in these areas is where the employer's liability increases at tribunal.

Another area to consider is **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 remind employees that the social media policy covering email and internet usage extends to work related events and they must respect the right to privacy of their colleagues at all times.

Covid Considerations:

This year employers must also pay attention to the guidance and protocols in place regarding Covid-19 and ensure that any social event is held in compliance with these.

It is important to note that Covid-19 digital vaccination certificates will continue to be required for entry into indoor hospitality venues, including bars, restaurants and indoor events. If the event is to be held in an indoor hospitality venue, employers must

communicate the requirement for a digital vaccination cert in advance and must ensure that employees are aware that this is a requirement to gain access to the venue.

In planning events, employers and lead worker representatives must have regard to the latest and current Government guidance on public gatherings. Employer's intending to hold events indoors in hospitality venues should be clear that they are not making any assumptions around vaccination status based on attendance or nonattendance and that the venue is not sharing any vaccination data with the employer.

Risk assessments should be carried out for any planned event in advance and ensure that it can be held in line with current public health guidance. Special attention must be paid to any high risk or very high-risk employees.

It is important to note that some employees may not be comfortable attending social events in the current climate. Employers should communicate in advance that there is no expectation or requirement to attend if an employee is not comfortable doing so.

A memo should be circulated in advance outlining that workplace Covid polices regarding hand hygiene, respiratory etiquette, social distancing etc. must continue to be observed while attending work social events.

Specific guidance is awaited on large-scale indoor events but it is understood that mask-wearing will also be required except when eating and/or drinking.

Fixed capacity limits and COVID-19 vaccinations certificates will no longer apply to outdoor events.

If you would like to discuss this further, please contact 01-6622755 or HR@ISME.ie.