

How to have a successful Christmas Party

Barry Rees, Director of Human Resources Services at EBS Management Resources Ltd, outlines the points to consider when preparing to party.

The company Christmas Party season is about to begin and offices and factories across the country will be preparing for their seasonal celebrations. For staff this is a special event to look forward to all year.

But from the employer's perspective the Christmas Party is just another 'work activity'. And, regardless of food or drink or location, employers have a duty to ensure that employees and the public (which could include staff partners, your customers or suppliers) are not harmed by work activity. This is laid down under the Health & Safety at Work etc Act 1974.

I am sorry if this is making me sound a bit like Scrooge, but parties have started to give employers a bigger headache than a drink induced hangover.

Consider the following scenarios:

- A senior employee, with a bit too much drink inside them, starts 'groping' a junior member of staff against their wishes and suggests their promotion prospects will be harmed if they object.
- A group of Muslim employees object that the only option for the party is a drinking session in the upstairs room at the pub.
- After making full use of a free bar, an employee crashes their car on the way home.
- A guest of one of your employees thinks it would be really funny to spray people with a fire extinguisher.
- Several of your best customers who ate the prawn cocktail are now off sick with food poisoning.
- Your oldest employee objects to the venue for the party being a club known for its 'dance' music, which they see as only enjoyed by the young.

So apart from Health and Safety, we now need to consider harassment; discrimination on the grounds of sex, race, religion, age or belief and disability; damage to company reputation; criminal damage; sick absence issues the list goes on.

However, if you think about your Christmas Party as just another work activity, it is possible to protect the business AND ensure everyone has a good time. The secret is to plan ahead and being aware of the pitfalls is a major step in overcoming them.

Employee's rights

Employees have the right to enjoy the party free from harassment on the basis of sex, race, religion or sexual orientation. This doesn't just cover the 'groping' or suggestive comments, it can also mean if you are inviting employee's partners to the party, care should be taken to invite the partners of both different and same-sex couples.

In our religiously diverse society, many people do not recognise Christmas and, while there may be a temptation to just rename the party as the 'Winter Festival' or 'Annual Party', you should really consider the wishes of your employees about what sort of event they would like, when it is held and where. You should also consider that there may be some employees who do not wish to attend or drink alcohol. Forcing people to attend against their will can lead to all sorts of trouble. You may also want to consider allowing other faith employees to hold their party at the time of their religious festival.

You should be mindful of the need of any disabled employees (or partners if invited). Are there access issues at the premises you are going to use? This problem should become easier as premises should now comply with the access provisions of the Disability Discrimination Act.

If you have part-time, or shift employees, you need to be careful about not excluding them, either by not inviting them, or by having the event at a time when they have to work. In such circumstances you may wish to hold departmental/team events that can get around such issues.

If you are providing food, you should ensure that dietary considerations are taken care of, (for example covering the needs of vegetarians, diabetics, those with food intolerances and food preparation issues for some ethnic or religious groups). You may also wish to check out the reputation of the establishment or caterers you are using. Be particularly careful with buffets as they can be host to an array of harmful bacteria if not kept at the right temperature.

Identify potential hazards

As with any work activity, it is necessary to anticipate any potential hazards. This applies to both the normal place of work, as well as off-site locations if it is a company sponsored event.

The main problems may well stem from alcohol and if you, as an employer, supply the alcohol, or encourage its liberal consumption, you may then be responsible for employees' actions while under its influence. So if one of your employees, or their guests, set off that fire extinguisher, you could be paying for the clean-up bill.

You also need to consider the actions of any speakers or comics booked to "entertain" your employees. In the past an employer was held liable for the harassment of its staff by a speaker, as the employer could have controlled his actions (Burton and Rhule v De Vere Hotels (1996)).

You may wish to take particular care if you have invited clients or customers to the party. Seeing your employees with their hair down may not be the best way to impress!

However, your liability stretches beyond the end of the party. If alcohol is being drunk then you have a duty to ensure that your staff can get home safely. This could mean making sure that they get a lift from a non-drinking colleague, hiring taxis, or even encourage an overnight stay at the venue.

You should make it clear that drink-driving will not be tolerated. In essence that liability continues until the employee is sober.

When you hold your party can also have big implications for you. If it is held at lunchtime, or on a weekday evening, you may have the issue of people coming back onto your premises whilst they may still be under the influence of alcohol. This can be especially dangerous for those operating machinery, even the next day, if copious amounts of alcohol have been consumed.

By planning ahead, you may be able to schedule your event for a Friday night, letting all (or at least most) of your workforce to have the weekend to get over it. Of course Friday night may be unsuitable for Jewish employees, so do take care to find out.

Setting a 'party policy'

If you treat the party as a work activity it is sensible to make sure your employees know the boundaries of acceptable behaviour. A simple 'party policy' serves to remind employees that they are representing the company and must therefore act appropriately. The policy should be communicated to employees ahead of the party, so you may want to send it out with the invites and ask your managers to reinforce it at team meetings.

In discrimination cases, employers have a defence if they can show that they had taken reasonably practicable steps to prevent the discrimination from occurring.

The party policy could cover guidelines for consuming alcohol and the need to make arrangements to get home safely. If you have to hold your party midweek, you should also make it very clear as to how many people will be allowed to pre-book the following day as holiday leave. You may wish to nominate a senior person to take responsibility for the party and keep an eye on things.

You should also point out that the primary purpose of the event is to have fun, but that breaching other company policies such as health & safety and anti-discrimination will not be tolerated.

Make it clear that any inappropriate behaviour will be investigated under your disciplinary procedures (and remember that ALL companies, regardless of size, have been subject to at least the new minimum standards of discipline and grievance procedures that were introduced in October 2004). By setting the boundaries of acceptable behaviour, you will allow your employees to focus on having a good time.

After the party's over

If, despite all of your planning and best endeavours things did go wrong then you need to deal with any complaints or grievances quickly.

Whilst it is easy to dismiss inappropriate behaviour as "banter" or "the drink talking", any harassment complaint must be taken seriously. Failure to do so is likely to cost you dear if you end up in an employment tribunal.

However, where you have implemented a party policy, there will be little defence for someone who has gone too far knowing the potential consequences of their actions.

Checklist

1. Discuss with your workforce what they would like to do. This will give all employees an opportunity to put their views across.
2. Ensure you are up to speed on the latest legislative developments with regard to discrimination and communicate to employees that you will not tolerate discriminatory behaviour.
3. Treat the party as a work activity and introduce and circulate a 'party policy'.
4. Identify potential hazards and put measures in place to minimise the risks.
5. Treat any allegations seriously and investigate by following the correct procedures.
6. Enjoy the festive season with the peace of mind that you have taken the necessary precautions.

Before saying 'Bah humbug!' and cancelling everything altogether, remember that staff parties can boost morale and loyalty, and the Inland Revenue allows employers to spend up to £150 per head on such events in a single tax year, without tax or national insurance liability.

If you would like to discuss any of the above issues, or if you need to implement a disciplinary or grievance procedure, please call Barry Rees on 01844 211084, or email him on barry.rees@ebs-hr.co.uk, or visit our website: www.ebs-hr.co.uk.

About EBS Management Resources

EBS Management Resources is a multi-disciplinary provider of business support services to companies with 15-100 employees. Service portfolios are provided for the key functions of Human Resources, Occupational Health, Health & Safety, Marketing, Sales, Finance and General Management.

EBS can provide specific services to support your Human Resources needs, including:

- Dispute Resolution
- Getting Age Right
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- Management Training
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