

Managing Risk: The Work Christmas Party!

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With the festive season fast approaching, now is a great time to review your policies which are also applicable during work functions. A well-planned work Christmas party can lead to a lot of positives: improved morale, team-building and a good time to be had by all.

However, the well-being and safety of employees must be a priority for employers to avoid any claims or complaints. Proactively managing your risks by taking some simple precautions (as outlined below) will minimise the chance of any potential claims associated with holding work functions.

Policies in place which clearly set out the consequences of any misconduct by employees

Employees must be reminded that a work Christmas party is still a 'work function' and as such they are still required to abide by all policies enforced in the workplace. Despite the festive season fun, food, drinks and music, as the employer you may be held liable for your employees' inappropriate and illegal acts and behaviours. Inappropriate acts and behaviours may lead to perceived harassment, sexual harassment, or discrimination. Injury and assault have also been known to occur at work functions.

There are a few key policies which need to be in operation during work functions. These include Bullying, Harassment, Sexual Harassment and Discrimination Policy, Drug and Alcohol Policy, Social Media, Internet and Email Use Policy, Code of Conduct Policy, Workplace Health and Safety Policy and Workplace Grievance Policy. Most employers will derive immense benefits from having a Work Function Policy in place. This policy makes specific reference to those workplace policies listed above which must be adhered to during any work function.

Employers must take steps to prevent any potential actions or claims. Employers are required to remind their employees of the policies in place and where they are located. It is also extremely beneficial to conduct training in the policies, especially for those managers and/or supervisors who are required to monitor and enforce the policies at events such as work functions.

Make sure your employees are aware of your expectations and standards for acceptable behaviour

A key step is to ensure your employees are aware of what will be occurring at the function. More importantly, inform your employees of your expectations and standards of acceptable behaviour. This can be done simply by conveying emails or flyers before the event. Refer to the relevant workplace policies that are applicable and remind them that such policies prevail even at a work Christmas party held off premises. Further, inform your employees that attendance to the work function is not compulsory or a part of their position's requirements.

Location, location, location...

Being a work function, employers are required to meet their work, health and safety obligations. It is essential to provide a safe environment (before and after the event). Locations such as hotels, restaurants and function rooms are a safe option since they have their own safety obligations.

Locations such as beaches, pools and lakes should be avoided. When sourcing your location, ensure that your venue has accessible public transport or taxis and, most importantly, make sure employees never drink and drive.

Time when the function finishes

Employers can manage their liabilities by setting a strict finishing time for work functions beforehand in writing (in an email or flyer before the event). This allows employees to think ahead, spread their drinks out over the allocated time and plan their trip safely home. While the function may be over, you have an obligation to ensure employees can get safely home. Remind any employees wanting to continue on after the function has finished to be safe and responsible but also that the official workplace function is over at the stipulated time.

Monitor conduct – including the consumption of alcohol

Risks or incidences, such as an embarrassing moment, injury or dangerous activities, occur at work functions when employees are under the influence of alcohol. An employer can manage this risk by arranging other activities (other than drinking), serving plenty of non-alcoholic drinks, water and food. If your function is not at a hotel or restaurant, ensure your bartender will discretely refuse or delay service to any intoxicated employee. Remind your managers and/or supervisors to monitor alcohol consumption and to lead by example and refrain from becoming intoxicated.

Remember to have fun!

The following checklist is a quick reminder of what has been discussed above:

- employers are responsible for arranging a safe work function;
- inform employees of your expectations of their behaviour;
- book an appropriate location and stick to start and finish times;
- serve alcohol in a responsible manner with food and non-alcoholic drinks;
- ensure employees can get home safely: and
- have fun!

There is enough time between now and the end of year to put in place these simple steps to prevent any claims or complaints at your work Christmas party.

Need assistance?

Employer Assist provides all HVIA members with advice regarding all aspects of employment law. We can assist members with drafting policies required for work functions (including a Work Function Policy). Please contact Employer Assist on **1300 694 842** or hvia@employerassist.com.au if you have any questions relating to this article or to discuss any issues that arise in your workplace.

This article is intended for information purposes only and should not be regarded as legal advice. Please contact Employer Assist by Industry Legal Group for specific legal advice.