

The season to be legal

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Get out your reindeer antlers, stock up on the mince pies and drink to the health of your boss with ... mineral water please! According to Personnel Today (2006) nine in ten UK employers are vetoing the Christmas party to prevent potential tribunal claims. So what has happened to our Christmas cheer? Are the days long gone when confessions of undying devotion to the boss's wife due to high levels of alcohol consumption were the highlights of the party? Or swinging from the dance floor chandelier while criticising the managing director's strategic plan was part and parcel of the event!

For many organisations the Christmas party is a vague but distant memory from years gone by. For those party poopers, precautionary tales are a waste of time as Christmas has been cancelled, well at work at least. The office party can be a potential 'Christmas cracker' 'for discrimination claims, and breach of Health and Safety laws'. Not failing to mention potential insurance claims when damage is caused for not switching the untested Christmas tree lights off. Essentially employers must show that they have done everything that is reasonably possible to prevent a breach of the law to avert any potential litigation. It is easy for some employees and employers to forget that laws that govern the workplace are not suspended just because it is Christmas. They still apply during the season to be merry!

Yet for those spontaneous party goes in the workplace, how can you enjoy the festive season and at the same time reduce organisational liability? No big secret. It comes down to Human Resource policy and practice initiatives with disciplinary enforcement. There needs to be clear HR conduct policies which need to be communicated with staff so that they fully understand the repercussions for policy breaches. Often managers and staff alike are not aware that fun activities can have consequences. Even 'Secret Santa' can cause offence if an unsuspecting person receives a gift that is offensive. It is important to manage the Christmas party expectations by establishing guidelines of what is acceptable behaviour. In addition, remind staff that Health and Safety still applies at Christmas; underage drinking is not excused and nor is the taking of illegal substances or discriminatory comments to colleagues.

Such past merriment has led ACAS to see yuletide hazards as a reason to provide an employer guide on: 'How to throw a problem-free staff Christmas party' (www.acas.org.uk). This was due to receiving hundreds of complaints during the Christmas season from employees and organisations over diverse party antics (Personnel Today 2006). Rita Donaghy, Acas Chair gives sound advice (www.acas.org.uk) and comments "Don't let potential hazards put you off organising something for Christmas. Staff will feel valued if you treat them right'. With this in mind, the next time you feel tempted to swing from the chandelier with a bottle of Bollinger between the teeth in the spirit of Christmas, remember you might not just be waking up with a hang over the next morning. The consequences may be legal for all concerned!