

**Employment angles:** (legal tips from Ken Allison, a consultant and speaker who specialises in exploding the myths and removing the anxieties about employment law)

### Christmas cheer!

Whether organised and sponsored by the company, or organised by staff themselves, behaviour at social events that are connected with work are your business.

In 1999 an Employment Appeal Tribunal ruled (*Chief Constable of the Lincolnshire Police v Stubbs and others* (1999 IRLR 81; EAT)) that even a drink in a pub after a day at work was 'merely an extension of work', and that an employer had constructively dismissed an employee by failing to take her grievance, about the behaviour of a male colleague, seriously.

It will be a matter of judgement as to how far you need to go, but here are a few tips to safeguard yourself against potentially expensive claims, and perhaps more importantly, ensure that staff get the respect they deserve: -

- If there have been previous incidents, then remind staff that the standards of acceptable behaviour at work also apply to social events that may be connected to work.
- You may not want to appear a 'kill joy', but if you have an equal opportunities policy, remind them that it applies to such events. If it does not already have a statement about 'out of hours' activities, you may want to add one.
- Set an appropriate tone yourself, people will be watching senior management to help them decide how to behave.
- Take care with 'free bars'. If they lead to excessive drinking, and then poor behaviour, you could find yourself guilty of contributory fault. In 1996 the Whitbread Beer Company (*Williams and others v the Whitbread Company Ltd* (CA; 19 June 1996)) was found to have unfairly dismissed three employees who threw beer around and engaged in a brawl at an event where the Company had provided free drinks. Amongst other things, the tribunal thought it unreasonable to dismiss them given the Company had created the situation.
- Treat any grievance seriously, and remember that if it is put in writing, the aggrieved has a statutory right to an invitation to a meeting, and an appeal against any decision.
- Excessive drinking is not an offence, but the behaviour arising from it may amount to gross misconduct.
- The fact that both parties had been drinking cannot be used as an excuse for poor behaviour.
- And finally, what about your responsibility for the behaviour of third parties such as the comedian you hire, or the 'strippergram' booked for the employee who is also having a birthday that night? If these activities cause offense (for instance of a sexual, racial or religious nature) you will probably be liable.

Happy Christmas!

All reasonable efforts have been taken to ensure that the advice contained in this article represents both best practice, and the law as it stands at the time of publication. It should not be relied on as a substitute for taking advice about specific situations.

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