

Top tips for your office Christmas party: How to avoid Employment Tribunal claims

Office Christmas parties can be a great boost for morale after a year of hard work. However, employers should be aware of potential risks such as religious discrimination, sexual harassment, alcohol-fuelled brawls and sickness absence. The majority of claims arising out of the Christmas party are likely to be discrimination based.

We have set out below our top tips for avoiding potential claims.

The invitation and venue

Do not put pressure on employees to attend the office Christmas party. Christmas is a Christian holiday. Some employees may not want to attend on religious grounds because alcohol is served. If the party is out of hours, remember also that some people have family responsibilities that may prevent them coming.

Consider whether the venue is accessible for guests who may suffer from any disability.

If employees' partners are invited to attend, then the invitation must be extended to same sex partners.

Presents

If you are running a Secret Santa, make sure staff are told that gifts should be inoffensive. Some gifts, for example lingerie could offend the recipient and spark complaints. Similarly, having alcohol based gifts only could offend employees of faith groups that prohibit drinking. Therefore, consider providing alcohol free alternatives.

Policies on equality and diversity

The office Christmas party is still a work-related event and therefore, you must ensure that you have an up to date Equal Opportunities and Anti-Harassment policy in place.

The relevant policy documents should set out acceptable standards of behaviour at work-related social events and potential disciplinary sanctions for non-compliance. If there have been issues in the past, inform employees in advance that excessive alcohol consumption, the use of illegal drugs, fighting, sexist or racist remarks and discriminatory comments about disability, age, sexual orientation or religion will not be tolerated.

Harassment

Whilst Christmas parties are normally held offsite and out of office hours, the event is legally an extension of the office environment as it is work related. Employers and the individual 'harasser' can therefore be liable for acts of harassment, discrimination or assault carried out by employees in the course of their employment.

Sexual harassment could present a real problem, where alcohol may cause a loss of inhibition. Examples of sexual harassment would include inappropriate comments on appearance and requests for sexual favours.

The Menu

Have regard to employees/guests of all faiths and remember that employees with certain religious beliefs may be vegetarian or unable to eat certain foods, such as pork or meat that is not kosher/halal.

Provide soft drinks to cater for those whose religion forbids alcohol and as a health and safety measure to help soak up the alcohol!!

Carriages home

There are obvious health risks associated with excessive alcohol consumption and therefore, consider how your employees will get home after the party.

Employers should consider providing transport home, or at the very least provide phone numbers for local taxi firms.

The next day

If employees report incidents after the party, take them seriously and carry out an investigation. The failure to do so could constitute further discrimination and/or a breach of the implied contractual duty to maintain trust and confidence.

Seasons greetings and a happy New Year!