



Christmas Parties

Everyone looks forward to the work Christmas party, be it the annual, slightly out of tune, rendition of Wham's Last Christmas during the office karaoke, the first turkey dinner of the season, or perhaps the free bar.

Unfortunately, for those who may have had a little too much prosecco, this time of year can be less about being jolly and more about being sorry!

As an employer it is worth bearing in mind that you can be held liable for your employees' actions which occur "in the course of employment".

In the 2016 case, *Bellman v Northampton Recruitment Limited*, the Managing Director attended the work Christmas Party. After the party, the Company provided taxis to a nearby hotel where some of the employees were staying. Around half the guests and the Managing Director went on to the hotel for some after party drinks.

Shortly after 2am and following a discussion which had turned to work, the Managing Director punched an employee. Another employee tried to hold the Managing Director back, but he broke free and punched the employee for a second time.

The second blow knocked the employee to the floor, fracturing his skull and rendering him unconscious. The employee was diagnosed with severe brain damage and is unlikely to ever work again.

Who is responsible?

Also in 2016, the Supreme Court held that a large supermarket employer was liable when an employee assaulted a customer at one of the petrol stations whilst he was at work.

However, to the surprise of many employment lawyers, in the above Christmas party case, the High Court found that the employer was not ultimately responsible for the actions of its Managing Director, one of the reasons being because the act occurred during the 'impromptu drinks' which took place after the Christmas party.

This is a controversial decision and so employers are recommended to exercise caution when hosting events and providing alcohol for employees. So without wanting to be perceived as the 'fun police' what steps can you, as an employer, take to try and protect yourself?

We have provided some useful tips below:

- ensure that you have appropriate policies and procedures in place which highlight behaviour expectations and prohibit any behaviour that may constitute harassment, discrimination and/or bullying;
- prepare an internal communication in advance of the party, reminding staff of these policies;
- control the amount of free alcohol available;
- supply plenty of soft drinks and food;
- avoid discussions about potentially provocative issues including any talk about work;
- be clear about the start and end time of the party; and
- deal with any complaints seriously and in line with the grievance and/ or disciplinary procedures.

If you do have any queries regarding this article, or indeed any employment related matters please contact our employment law team at sarah.furniss@adamsandremers.com.

This article is not intended to be a full summary of the law and advice should be sought on all issues.

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