

Christmas Cheer Caution

Ho Ho Ho!

It's that time of the year again when workplace Christmas parties and other social functions are in full swing and everyone is getting their share of Christmas cheer and goodwill.

But not everyone can handle too much cheer and goodwill.

Sometimes, there are serious consequences that don't emerge until the following day or later.

However, there are ways to minimise the risk.

Employers are advised to adopt principles of responsible service, and safe consumption, of alcohol to help protect themselves against potential claims.

Prior to the start of workplace parties and social events, employers should make their Responsible Service and Safe Consumption of Alcohol Policy clear to all employees, together with a reminder of the company's Code of Conduct and its associated expectations around the responsible consumption of alcohol.

Under the *Work, Health and Safety Act Queensland 2011*, persons who carry on a business or undertaking (PCBUs), have a duty of care to protect the health, safety and welfare of all people (workers and others) at their places of work, including company work functions where alcohol is served. While everyone in the workplace has a role to play in terms of WHS, the ultimate responsibility for providing a safe workplace, including a safe work Christmas function, rests with the PCBU.

While many PCBUs will have policies in place to minimise risk from their own Christmas parties and other functions, it is worth noting that their liability can extend to any social function their workers, or clients, attend at their request.

Remember the liability can extend to the Officers of a corporation.

With regards to WHS, PCBUs should:

- prior to conducting a function – consult with all workers and undertake a risk assessment to identify any foreseeable risks and ensure appropriate procedures are in place to reduce incidents occurring;
- make appropriate transport arrangements for their employees;
- ensure employees are aware that compliance with company policies is required during work functions;
- remind workers (for example via e-mail) of their obligations during the "silly season"; and
- ensure responsible service, and safe consumption, of alcohol principles are adopted.

Alcohol Consumption

With regards to responsible alcohol consumption, PCBUs should:

- set clear start and finish times for all functions;
- ensure all workers vacate the premises at the end of the function (if held at the workplace);
- limit the possibility of workers consuming alcohol excessively; and
- serve adequate food with alcohol.

Harassment and Inappropriate Conduct

Sexual harassment is the number one key risk that PCBUs need to be aware of. No business owner wants a sexual harassment claim and no worker wants to be in a situation where they have reason to launch one.

Office party + alcohol = potential lawsuit.

It's amazing how alcohol can result in altered states of perception and understanding of the line never normally crossed by an individual.

Circulate your Workplace Harassment Policy and Code of Conduct Workplace Policy to all workers before the office party.

Make sure employees fully understand the expected behaviour and conduct standard.

Provide training to staff and managers alike on this issue.

A sexual harassment or bullying claim can be costly in many ways - so make the effort.

Social Media Risks

The advent of social networking sites has added more risks and headaches to business. PCBUs can face claims of harassment and discrimination from an employee's activities on social networking sites. The reputation of your corporate brand can go downhill very quickly if workers use social media sites with a free rein to say, and do what they want regarding fellow workers and their employer.

Circulate a Workplace Social Media and Blogging Policy to all staff. Make sure all workers are aware of the consequences of discussing fellow workers or posting inappropriate pictures online.

If you have any concerns or further questions about particular aspects of your Christmas party planning or would like assistance with the drafting of policies or procedures for your business, please contact **Michael Sing Lawyers Pty Ltd.**

We enjoy a good party and we can help you to enjoy yours without the risks.



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