

‘Reining in staff behavior at your office Christmas party’

With Christmas only weeks away, it's common for businesses to celebrate the end of the year through work functions and Christmas parties. Because the celebrations occur outside the usual work environment, it can be difficult to find the balance between setting the standard of what's expected of employees and allowing everyone to have fun.

However, Employers need to be aware that the obligation to ensure that employee behavior is kept in line still applies at officially organised Christmas events.

In years past, Clifford Gouldson Lawyers has covered cases relating to the lawfulness of dismissing employees due to their misbehaviour at said events and if you're interested, you can read more about those cases [here](#) and [here](#).

This year, we take a look at the employer's vicarious (second-hand) liability for their employee's actions and the steps that can be taken to reduce the likelihood of a claim arising.

For instance, under the Queensland *Anti-Discrimination Act 1991 (Act)*, an employer can be found liable for a worker's act of discrimination or harassment in circumstances where the employer is unable to prove they took reasonable steps to prevent that worker from engaging in said conduct.

An employer's liability extends to acts committed both in the workplace and in connection with a person's employment and because work functions are carried out in connection with a person's employment, cases in the past have found that an employer's liability extends to these events as well.

Yet how do you get around monitoring everyone's behaviour when work functions are held in a different environment and alcohol is involved? The potential for an employee to accidentally do or say something inappropriate increases dramatically.

It's important for employers to be realistic with their employees ahead of a Christmas party. Employees should be encouraged to have a good time, yet reminded that the party is still a work function and that the usual policies of the business continue to apply.

This can be done via a brief email to staff well in advance of the party with a reminder that responsible and respectable behaviour is still expected. Reference might also be made to the relevant workplace policies on, for example, workplace health & safety, anti-discrimination, sexual harassment and social media.

It's also important to gently note that a failure to observe the policies of the workplace may carry the same disciplinary consequences as if the conduct was carried out at work.

To curb misconduct at the event, it's a good idea to ensure that the responsible service of alcohol is adhered to and making sure that food and non-alcoholic drinks are available. Special attention should be paid to ensure under-age employees do not have access to alcohol. Businesses may even consider designating a responsible contact person to keep an eye on the event and provide assistance if required.

Employers should keep in mind that, above all, they ensure reasonable steps are taken to prevent employee misconduct and that the issue isn't completely ignored.

If you require assistance in identifying areas of your business where policies or procedures are not to the standard they should be, or require advice in managing employee misconduct, get into contact with one of our Workplace Team for expert advice.

For more information contact our [Workplace Team](#).

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