

ALERT

TIS THE SEASON TO BE JOLLY CAREFUL!

The festive season is upon us and annual work Christmas parties and end of year celebrations are fast approaching. While such events are generally eagerly anticipated and intended to be enjoyed by all involved, the reality is they can give rise to inappropriate, harmful or otherwise unlawful behaviour by staff and expose your business or organisation to legal claims and reputational risk as a result.

Indeed, the recent allegations of lecherous and predatory behaviour by various Hollywood identities towards people with whom they came into contact in their work should serve as a timely reminder to employers of the need to be vigilant to ensure that their workplace (including their end of year function) is free from all forms of sexual harassment, bullying and discrimination.

To ensure that your end of year function is safe and fun for all, employers should consider taking the following key steps:

1. Before the function occurs, review workplace policies in relation to sexual harassment, bullying and discrimination to ensure they are up-to-date, clearly set out the types of behaviour that are unacceptable, and are expressed to apply to the Christmas party and other work related functions
2. Once the above policies are finalised, send a reminder to all staff prior to the function with a link to the policies and a clear reminder that behavioural standards continue to apply. You may wish to provide training to staff in relation to the policies
3. Clearly communicate to staff the start and finish times of the work function
4. Alcohol should be served responsibly during the function, with food and non-alcoholic drinks also available
5. Avoid officially sanctioning, organising or paying for "after parties", where there is no control or supervision on what occurs
6. Ensure that staff have a safe way to get home after the event, including public transport options
7. Assign at least one "moderator" or "monitor", a person who is not consuming alcohol and who has the skills and authority to deal with intoxicated staff members and ensure expected standards of behaviour are met during the function

Notwithstanding the best laid plans, unfortunately incidents may still arise. If any allegations of inappropriate or unacceptable behaviour at the function are raised, employers should take the necessary steps to swiftly and properly investigate the allegations before taking any discipline action, which may include dismissal.

Should you have any queries, please contact the author **Martin Alden, Partner – Employment & Industrial Relations** m.alden@cornwalls.com.au Telephone: +61 3 9608 2273.

Disclaimer

The statements herein are not intended to amount to advice and should not be relied upon without first obtaining specific advice applicable to your situation.

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Cornwall Stodart Level 10, 114 William Street, Melbourne VIC 3000, Australia
Phone +61 3 9608 2000 Fax +61 3 9608 2222 enquiry@cornwalls.com.au www.cornwalls.com.au