



No Rampaging Santas...

This catch line from a recent clever marketing campaign by Tower for business insurance, which is based on a true story, caused me to think about Christmas and the upcoming “silly” season. It is not called the silly season for a laugh. Leading up to Christmas can be a busy time for all and a potential pressure cooker for problems of the employment variety.

Most businesses throw Christmas parties, not only for their staff, but also their clients, and you may be about to hold or attend a traditional Christmas function. You may remember the ill-fated Auckland Christmas party where a party-goer set fire to another party-goer's costume with the tragic result that one person died and another person was seriously injured.

Things to be aware of

First, the workplace Christmas function is sufficiently linked to the employer that the normal health and safety obligations under the Health and Safety in Employment legislation apply in relation to both staff and guests. The host has to take all practical steps to eliminate or minimise hazards and guests are still responsible for their behaviour. What goes on a Santa tour does not stay on tour.

So how to stop a Santa going bad? Essentially, it is basic common sense:

- Alcohol access and consumption - choose your range of alcoholic beverages carefully, perhaps limiting the number of alcoholic drinks or limiting the type of alcohol available.
- Provide a range of non-alcoholic options – low or non-alcoholic beers, juices and fizzy drinks. Perhaps you could ask for a **mocktail** to be added to your list of drinks.
- Good food – snacks and nibbles may not be enough. There needs to be enough food to aid the absorption rate of the alcohol.
- Provide and use alternative transport arrangements - taxis or a bus service for your staff and guests.

Before the Christmas function, employers may remind employees of any relevant codes of conduct and policies that they may have about functions.

What about when all else fails and Santa does go on a rampage? Staff behaviour is within the reach of the employer at and after a function if sufficiently linked to the workplace. Things to be on the lookout for are opportunities for harassment (Santa's knee? Mistletoe?), and opportunities for the employee to bring your workplace into disrepute (Grumpy Santa? Misused photocopiers?). If these occur, they may have to be dealt with formally within the workplace. Of course, smart Santas (and their elves) get advice before disciplinary action is commenced.

Remember, if the function is during the week and employees are expected to show up at work the next day, hangovers can be just as hazardous as the actual function itself. Statistically, accidents and injury mostly occur when a person is either fatigued or hung-over. This will be a greater hazard for some more than others, depending on your work site.

This is not about the **Fun Police**. Functions can mean a lot more to an employee than the next bonus or pay rise as they can help staff feel engaged and valued, which ultimately can lead to a better and more stable workplace.

The key is to plan ahead, be safe, be sensible and remember, **you do have to see those people the next day.**



CAROLINE MCLORINAN

Associate

BSocSci, LLB

Caroline has recently joined the commercial team. With ten years experience in the employment field Caroline is an employment law specialist.

Caroline takes a wholistic approach to her practice.

If you would like further information on any of the topics in this article, please contact the writer.