

NEWSLETTER

December 2006



We wish you a very Happy Christmas and a Prosperous 2007.

This month's newsletter is dedicated to Christmas:

LYNC HR has been asked numerous times over this festive season about issues that have occurred and that you are concerned about.

HR Management at Christmas Time

There are often many questions about employment issues during the Christmas period. The employee's contract of employment, employee handbook and company policies are the first place to seek answers to any related questions. However, if the information is not contained within these, the following may give some guidance.

CHRISTMAS PARTIES

There are a number of issues that may arise during office parties. They include:

1. **Alcohol and drug consumption.**
 2. **Unreasonable behaviour.**
 3. **Damage to property.**
 4. **Personal injury.**
- 1) Alcohol and drug consumption – the employer has a legal right under the health and safety at work act to refuse employees to work when they are under the influence of alcohol and/or drugs. The employer must:
- o Send employees' home on paid suspension. An investigation must be held with the employee on their return to work when they are sober.
 - o Limit the amount of or do not provide alcohol to employees at an event for example during a Christmas dinner.
 - o Report any use of drugs to the police. Taking drugs is a criminal offence and the employer can be prosecuted under the Misuse of Drugs Act 1971 if they are aware that illegal drugs are being used or distributed on the premises.

The employer also has a duty of care towards its employees who attend a Christmas party. To avoid employees' potentially drinking and driving it is strongly recommended that:

- **Non-alcoholic drinks and food is provided. This will also help with absenteeism that can occur the day after the party.**
- **The party ends before the last train, bus, etc departs.**
- **You provide employees with local taxi numbers and encourage employees to use them.**
- **You hire minibuses to take people home.**
- **You book employees into a nearby hotel or the hotel where the party is being held (if applicable).**

2) Unreasonable behaviour – the employer is vicariously liable for employees' conduct associated with their employment, even if it is outside of normal office hours. For example, employees who meet in a bar prior to attending the Christmas party. Any unreasonable behaviour is the responsibility of the company. The employer would be wise to:

- **Re-communicate the company Equal Opportunity Policy and Harassment and Bullying Policy prior to the company's Christmas event.**
- **Train and re-train employees on harassment and bullying.**
- **Remind employees that they should behave responsibly at work events and that inappropriate behaviour will be dealt with through the company disciplinary procedure.**
- **Appoint employee representatives to stop matters getting out of control.**
- **Deal with any subsequent employee grievances promptly and professionally.**

3) Damage to Property – The company will be liable to pay for damage that an employee causes to someone else's property during a company social event.

The company may not be able to claim the money back from the employee unless it states otherwise in the employee's contract of employment. The money cannot be legally claimed via the employee's wages, another method of payment must therefore be sought.

4) Personal injury – the company has a duty under the health and safety at work act to take care of employees' health and safety including eliminating risks at the party venue. It is normal practice that personal injury claims do not cover over-zealous celebrations.

GIFTS FROM SUPPLIERS, CLIENTS, ETC.

Where gifts and/or tips are allowable under company policy the employee must be made aware that they must notify their manager and the Inland Revenue upon receipt of such items.

LATENESS DUE TO EMPLOYEE HANGOVERS.

Employees who report to work late as a result of over indulging are in effect in breach of their contract of employment. The employer must:

- **Not let the matter go un-noticed.**
- **Speak to the employee and record the incident on the employee file.**
- **Consider disciplinary action.**

- **Consider deducting the equivalent monies from the employee's pay. This will only be legal if indicated in the employee's contract of employment.**

BANK HOLIDAY AND HOLIDAY ENTITLEMENTS.

The legal minimum holiday entitlement is four weeks (pro-rata). This entitlement may include bank holidays. For example, most people who work full-time get 20 days holiday each year, however, if bank holidays are included this means 12 days are holiday days and 8 days are bank holiday days.

It is usual practice that the employee has the right to dictate the times when they wish to take their holiday leave, after management approval.

The employer:

- **Cannot enforce a shutdown unless the employee's contract allows for this.**
- **Must consider requests for holiday days over this period in the usual way.**

USING THE COMPANY MAIL SYSTEM TO SEND CHRISTMAS CARDS.

Where there is no policy, using the company postal system without permission would amount to theft.

If an employee was found to be using the system without authorisation then it would be prudent to implement the company disciplinary procedure. Dismissal would be viewed as too harsh a penalty unless the use of the postal system was prolonged.

USING THE COMPANY COMPUTER TO ORDER CHRISTMAS PRESENTS ON LINE.

It is prudent for the company to make it clear to employees who have access to the Internet, whether they are allowed to use the Internet for personal use and whether this extends to ordering presents on line.

Reminding employees about their expected conduct over the Festive Season and during company events can remove headaches and anguish at the start of 2007. As an employer you should be able to enjoy this holiday period too.

LYNC HR is there to offer advice if any of the above has happened and you need guidance on dealing with the issue. Do not leave issues – they will fester and linger and will send the wrong message to your employees.

This newsletter is sent to you by-monthly and includes useful information about employment legislation changes and top tips on an employment subject in a concise form. Further advice must be sought before any subsequent action is taken. The information published is without responsibility on our part for loss occasioned to any person acting or refraining from action as a result of information published herein. We welcome your feedback and views so please feel free to email us at: lyn@lynchr.co.uk

In the event that you wish to unsubscribe please email us at: lyn@lynchr.co.uk