



Office Christmas parties – the good, the bad and the ugly

It's that time of year again – the West End is adorned with spectacular lights, the merry (if not somewhat overplayed) voices of Wham! and Mariah Carey blast on the radio, and disappointment mounts at yet another rather sad looking tree in Trafalgar Square.

Certainly, the festive season can be both joyous and somewhat of a headache – especially for employers contemplating the question of 'the office christmas party'. To round off the year, we take a look at the time-old story of the office christmas party – the good, the bad, and the ugly and give some tips and reminders for employers on how to manage the uncertainty of Covid-19 (and the pesky new Omicron variant) as well as the do's and don'ts for any office social situation.

The Good: Time for bonding and celebration

- Unlike last year, Christmas parties can actually go ahead this year! Although some employers are taking a more cautious approach, at the time of writing, government guidance does not include a requirement to cancel social gatherings. However, employers should continue to keep an eye on this.
- After a year where many employees have not been able to interact with each other as normal, a Christmas party can be a great way for your employees to bond and celebrate each other's achievements.

The Bad: The Omicron factor – what should employers do to mitigate the risk?

- Host smaller scale events: many businesses have already announced they will be hosting smaller team Christmas gatherings as opposed to a large-scale event.
- Voluntary: let employees know that if they do not feel comfortable given the potential Covid-19 risk, they do not need to attend.
- Testing: where possible, ask your employees to take a Covid-19 test before attending any office event. At the time of writing, the government guidance requires face coverings in some indoor settings, but not in hospitality settings.
- Location, Location, Location: if possible, ensure your location for any party is well ventilated and suitable for people to not be sat directly next to each other.

The Ugly: Christmas parties from hell...and how to avoid them

- Keep up to date with the [government guidance](#) and make sure you adhere to them.
- Physical fighting, drug use, and 'sexual behaviour' are words often cited in stories of hellish Christmas parties, and employers can be vicariously liable for this behaviour – see the Court of Appeal [judgment](#) in Bellman v Northampton Recruitment Ltd where an employer was vicariously liable for a manager assaulting an employee at a Christmas party.
- “In the course of employment” - it’s important to remember that a social event, even if it takes place outside the office, can still be considered as ‘in the course of employment’ so employers can mitigate the risk of any untoward behaviour and potential fallout by...
 - a) Reminding employees of expected standards and what constitutes harassment: take a look [here](#) at our recent article on Harassment in the Workplace.
 - b) Arranging transport home and preventing employees from drink driving or ending up in hotels and after-party locations together.
 - c) Minimising alcohol consumption as much as possible.

This note is for information only and is not legal advice. It reflects the position as of 15 December.