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THE BUSINESS NEWSLETTER FROM AUSWILD & CO
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The Employer's Guide to the Work Christmas Party: Plan the Fun and Ditch the Risk

The end-of-year work Christmas party is an Australian tradition, a time to celebrate a year of hard work, build team morale and thank your employees for their efforts. But for employers, this festive function, even if it is off-site or outside normal hours, is still considered an extension of the workplace.

This means your legal obligations, including your Workplace Health and Safety (WHS) duty of care, remain in full effect. Failing to plan correctly can lead to a nasty party hangover for employers with issues like workers compensation claims being made or legal action taken related to inappropriate conduct like harassment or discrimination.

The key is to strike a balance: plan an enjoyable event while proactively managing risks to protect your people and your business.

What Can Go Wrong? The Risks for Employers

Work functions carry an increased chance of safety-related incidents and other risks, particularly when alcohol is involved.

- **Inappropriate Conduct**: An employer can be held vicariously liable for misconduct (such as sexual harassment, bullying, or discrimination) by employees during and after the event. In one case, an employee who urinated over a balcony at a work party was dismissed, and a resulting unfair dismissal claim was unsuccessful. However, if the employer has not taken reasonable steps to prevent misconduct, they are far more exposed.
- **WHS and Workers Compensation Claims**: Your WHS duty of care means you must ensure, as far as reasonably practicable, the health and safety of workers. Liability can extend to accidents or harm occurring while travelling to or from the function. Cases have shown employers held liable for injuries where alcohol was served without limitation and proper supervision was lacking.
- **Negligence Claims**: Continuing to serve drinks to an intoxicated employee may lead to liability arising from the law of negligence. This can even extend to an accident involving an employee who is driving home from the function.
- **Discrimination and Inclusivity:** The party must be voluntary. Be mindful that not everyone celebrates Christmas for religious or cultural reasons. Ensure your event is inclusive and does not indirectly discriminate against employees who choose not to attend, such as only allowing those who attend to leave work early.

Planning a Fun and Safe Party: Proactive Risk Mitigation

To create a positive and compliant event, preparation is paramount.

Before the Event: Set Clear Expectations

- **Review and Remind Staff of Policies:** Ensure your policies on bullying, harassment, discrimination and general conduct are up to date and accessible. Send a friendly but firm written communication to

all staff before the party reminding them that the function is a work-related event and that all workplace standards and policies apply.

- **Define the Boundaries:** Clearly state the start and finish times for the party. Make it explicit that any socialising or 'after-party' activities outside these times are not sanctioned by the employer and are not covered by the organisation's policies.
- **Manage Secret Santa**: If you conduct a Kris Kringle or Secret Santa, provide written guidelines to ensure that all gifts are 'G' rated and appropriate, avoiding any that could cause offence.

During the Event: Control and Supervision

Responsible Alcohol Service is Key: The provision of unlimited alcohol without control is a major risk factor.

- **Limit Alcohol**: Use drink tokens or wristbands, limit the bar tab, or specify the hours of bar service.
- **Provide Alternatives**: Always offer a range of non-alcoholic drinks and;
- **Ensure substantial food is served:** Early and generously to slow down alcohol consumption.
- **RSA Trained Staff:** Choose a venue with professional bar staff trained in Responsible Service of Alcohol (RSA) and brief them on cutting off service to intoxicated guests.

Appoint Sober Supervisors: Nominate managers or HR representatives to remain sober and monitor behaviour throughout the event. They should be a clear point of contact and prepared to step in immediately if inappropriate conduct is observed.

Plan Safe Transport: Your duty of care extends to ensuring employees get home safely, especially if alcohol is involved. Choose a venue near public transport or provide safe travel options such as pre-booked ride-share services, taxi vouchers, or shuttle buses.

After the Event: Follow Up

- **Respond Swiftly to Incidents**: If any misconduct or incident occurs, a swift, fair, and transparent response is essential. Any disciplinary action must follow fair process and be based on a thorough investigation. Obtaining expert advice in this instance is essential.
- **Document Everything**: Keep meticulous records of all planning decisions, risk assessments, and communication to staff. This demonstrates that you took reasonable and proportionate steps to prevent inappropriate behaviour. Again, obtaining expert advice as soon as possible to ensure all steps are followed is of vital importance.

By implementing these proactive strategies, you can host a successful celebration that builds team morale while meeting your legal obligations and protecting your business from a costly New Year headache.

This article was written by **Natasha Hawker** *and reproduced with her kind permission. Natasha is a leading HR expert, entrepreneur, author and sought-after media commentator for outlets such as Sunrise (Channel 7), ABC Radio, The Age, the Sydney Morning Herald and The Australian Financial Review. Natasha co-founded* **Employee Matters** *in 2011 to help Australian businesses achieve success through their people. Employee Matters offers proactive support across Australia, providing businesses with seasoned HR and Recruitment Managers.* **www.employeematters.com.au**

OFFICE CLOSURE:

Our office will be closed from 12:30pm Wednesday 23 December and will re-open for business on Monday 11 January 2027.

We take this opportunity to thank you for your support during the year and we wish you and your families a ***MERRY CHRISTMAS*** *and a* ***HAPPY NEW YEAR!***

Important: This is not advice. Clients should not act solely on the basis of the material contained in this bulletin. Items herein are general comments only and do not constitute or convey advice per se. Also changes in legislation may occur quickly. We therefore recommend that our formal advice be sought before acting in any of the areas. This bulletin is issued as a helpful guide to clients and for their private information. Therefore it should be regarded as confidential and not be made available to any person without prior approval.