

## > Making your Christmas work functions safe

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Who would have considered that Occupational Health and Safety and Discrimination legislation would have a place at the work Christmas party? The fact is that the work Christmas party is considered part of the work environment; employers remain responsible for ensuring that they take appropriate steps to avoid employees suffering injury or embarrassment.

Every year the various anti-discrimination tribunals receive complaints of sexual harassment which occurred either during or after work Christmas parties. There are also many examples of employees being injured at Christmas parties. This information sheet provides a guide to making your work Christmas function a safe and happy event, for everyone.

### The legislation

The Christmas party and other similar work functions are considered a “work activity”. This responsibility of care is not confined strictly to the office premises. A workplace can be anywhere that work is performed or ‘work-related’ activity takes place. It can be an off-site party or function; it includes the trip home and doesn’t need to be in normal working hours.

Under Occupational Health and Safety (OHS) legislation safety is a shared responsibility. Employers have obligations to ensure the health, safety and welfare of all employees while they are at work. Employees also have obligations to ensure their own safety and the safety of others in the workplace.

Discrimination laws at both federal and State levels provide an employer liability for employee conduct as long as there is sufficient connection to the employment or the employee’s duties.

### Some tips for making your party or function safe:

#### Before:

- ☆ Send an email, or pin to the notice board, a reminder to staff of EEO and OHS policies and behavioural responsibilities.
- ☆ Designate a “responsible person” to monitor the party to ensure any issues are promptly and properly addressed. Ensure that everyone knows who is designated as the responsible person for the function. This person should have the authority to call the function to a close and should refrain from drinking alcohol during the function.
- ☆ Advertise the beginning and end time of the function and make sure that you adhere to these times (especially the end time).

- ☆ Inspect the venue for possible hazards like slips and trips and make potential risk areas out of bounds.
- ☆ Remind staff that Kris Kringle/Secret Santa gifts should not be offensive or sexual in nature.
- ☆ Suggest a dress code for the party that keeps things professional.

**During:**

- ☆ Alcohol, if served, should be done responsibly. A voucher system may be a useful way to limit alcohol consumption.
- ☆ Have a bartender dispense the alcoholic drinks. Instruct them as to when to limit alcoholic service.
- ☆ Sufficient and appropriate food should be served with alcohol, not just chips and peanuts.
- ☆ Have plentiful supply of low alcohol and non-alcoholic beverages, including water, available and displayed.
- ☆ Buffets present a particularly high risk of food poisoning from foods such as cooked meats, eggs, mayonnaise and cooked rice. It is recommended that food should not be left out at room temperature for more than 90 minutes and stored below 5°C.
- ☆ Don't hang mistletoe. An innocent kiss may have repercussions in the workplace.

**After:**

- ☆ Make a mini-bus or cab charge vouchers available to your staff, particularly those who have been drinking.
- ☆ If an occasion occurs where a staff member has had too much to drink, or too late a night, and who needs to drive or operate machinery the next day give them either time-off or alternative work until they are fit to resume their normal tasks.

**Wishing you and your loved ones a Safe and Holy Christmas**

**Office for Employment Relations**

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