

Social Events & Responsibilities



Most organisations have social gatherings during the year, from the traditional Friday night drinks to the annual staff party.

Whether events are held at the workplace or off-site you need to be aware of your responsibilities when alcohol is available at work functions.

Without putting a dampener on a function, before it starts it is worth reminding employees about expected standards of behaviour, social drinking and the importance of ensuring everyone gets home safely after having an enjoyable time.

Involving employees in the planning and organising of events can also be beneficial. We recommend you inform employees of drink-driving laws and put steps in place to ensure the health and safety of employees during and after functions. This could include:

- Providing information about safe drinking
- Identifying excessive drinking and stopping supply of alcohol if necessary
- Providing food and non-alcoholic alternatives
- Encouraging people to arrange transport home or providing transport options
- Taking particular care of young people

You should also be aware that it is unlawful to supply alcohol to persons under 18 years old without express parental consent, and any alcohol must be supplied in a responsible manner. You could be fined if found in breach of this law.

We recommend you also review existing policies around the use of company vehicles. You can state what the legal limits are and/or reiterate the company's rules around alcohol consumption and company vehicles.

For further information on serving alcohol safely at workplace events please see the Health Promotion Agency's website alcohol.org.nz

Drinking and driving

The law outlines the legal blood alcohol limit for driving. There is a zero-alcohol limit for drivers under the age of 20 years.

The NZ Transport Agency website provides details on the impact of alcohol, driving safely, the legal alcohol limits, and contains the message Be prepared: if you're planning on drinking, plan not to drive.

www.nzta.govt.nz

Incidents at social events

Social gatherings are meant to be enjoyable and provide a good opportunity for everyone to relax and enjoy some time away from work whether in the workplace or at an off-site venue.

Thankfully most functions pass without incident however unfortunately from time to time issues arise, usually where alcohol is involved, that may need to be addressed. It is therefore important to know what needs to be considered before taking any action.

Conduct outside of work

It is well established that conduct that occurs outside the workplace can lead to disciplinary action. What is an appropriate response will obviously depend on the particular circumstances.

Consider how you may respond to the following complaints about behaviour at your annual social function held at a private venue off-site.

Allegations that:

- An employee was verbally abusive to staff at the function venue
- An employee assaulted a colleague after a heated discussion between them
- An employee told a joke which was considered inappropriate by some people in a group

How you respond to each situation is likely to be different and could range from a quiet word with the employee about their behaviour to formal disciplinary action including dismissal in the most serious case. It is important to consider why any alleged behaviour is an issue taking into account the relevant circumstances. As usual the onus is on you as the employer to justify any action.

The fact the behaviour may have taken place at a social event does not rule out the possibility of you taking appropriate action. However, in order to justify taking formal action there would need to be a clear relationship between the conduct and employment.

The Courts have previously stated, "It is not so much a question of where the conduct occurs but rather its impact or potential impact on the employer's business, whether that is because the business may be damaged in some way; because the conduct is incompatible with the proper discharge of the employee's duties; because it impacts upon the employer's obligations to other employees; or for any other reason it undermines the trust and confidence necessary between employer and employee."

Setting Expectations

Prior to an event it is worth reminding employees about your expectations around behaviour, about social drinking and the importance of ensuring everyone gets home safely after an enjoyable function.

Action Points

- Remind employees of your expectations and their responsibilities
- Consider the management and provision of alcohol and food
- Review health and safety duties

This is a brief guide and should not be used as a substitute for professional advice. Please contact EMA AdviceLine, Consultants or Legal services for specific assistance.

Call AdviceLine: NZ 0800 300 362 or AU 1800 300 362

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