



Christmas is coming, hide the mistletoe

For immediate release

It's the season to be jolly but, says NASDAL lawyer Amanda Maskery, there can be potential for things to go wrong at Christmas. Whether it's a party which is a little too raucous, bad weather, dealing with staff holidays or treating emergencies, Christmas brings around pressures which don't exist at other times of the year. But with careful forethought, and the right practice policies in place, trouble can usually be avoided, she says.

We have all heard of at least one horror story of a Christmas party 'gone bad', when someone enjoys the free bar a little too much and makes an inappropriate comment, or worse, an unsolicited pass towards a colleague. If you are an employer, remember that you could be found vicariously liable for any inappropriate behaviour, potentially resulting in a costly claim for sexual harassment, for instance.

Even if the party is held outside the practice and outside working hours, any inappropriate behaviour is deemed to have occurred '*in the course of employment*', leaving you vulnerable - and it should go without saying that Mistletoe is a dangerous addition to any work party! So here is Amanda's advice for a trouble-free Christmas season:

- make sure your staff know what your policies are, especially on harassment
- show some sensitivity when planning the Christmas party, so that whatever the faith, diet or culture of team members, they feel included
- make it known that any 'suspect' post-party absences may result in disciplinary action.

Employers should also be prepared to deal with any disruption that wintery weather may bring. It's advisable to have a clear policy on what to do if bad weather hits to discourage employees

from taking unauthorised absence. Case law suggests that if the absence from work is unavoidable due to bad weather, staff should still be paid.

With Christmas Day falling on a Tuesday this year, some practices may choose to close on Monday 24th December. But be aware that this could result in part-time employees, who do not work Mondays, seeking an extra day off in lieu.

Finally, there are the thorny issues of Christmas closing and Christmas bonuses. If the practice offers a bonus it is advisable to make it clear what the purpose is. For example, is it being paid in respect of work done over the course of the year, or is it a payment being made to all employees as either a thank you for their continued loyalty or an incentive for future performance? In particular, care should be taken to ensure that employees on maternity leave are not forgotten as they will be entitled to either receive a full bonus, or a pro rated bonus, depending on the purpose of the bonus payment.

Wishing you all a Merry Christmas and a Happy New Year!

Note to editors

If you are interested in receiving further advice on any of the issues raised in this article or have any other employment law questions please contact Amanda of Sintons LLP on 01912267838 or by email to Amanda.maskery@sintons.co.uk or search the NASDAL website for general information: to www.nasdal.org.uk.