

Potential problems at Christmas time

Holiday bookings at Christmas

Q. I have booked a holiday in Tenerife over the Christmas period. My employer has refused me time off. Can she do this?

An organisation's annual leave policy should give guidance on how to book time off. However, employers may wish to look at being a little more flexible when allowing employees leave during this period. Employees should remember this may not always be possible as it could be one of the busiest times of the year for the organisation. The key is for both parties to try and come to an agreement and to plan as early as possible while being fair and consistent with all staff.

Some employers may need to restrict annual leave over the Christmas period. This must be stated in the contract of employment, implied from custom or practice, or incorporated into individual contracts from a collective agreement. This can take many forms, but some of the most common are:

- shutting down for certain periods while workers have to use their annual leave entitlement
- nominating particular dates as days of closure when workers are expected to take annual leave
- determining the maximum amounts of leave that can be taken on any one occasion and also the periods when leave may be taken
- determining the number of workers who can be off at any one time

Christmas Parties

Q. Our Christmas party has always been a rather quiet event. However, we took over another company this year and now have a majority of younger employees. They are used to more boisterous celebrations and I'm worried that age discrimination claims will be lodged – how can I make everyone happy?

A. The key to any successful party is to put some thought into it. Try to ensure that there is a mix of music and that any organised entertainment takes account of all ages.

Q. Are there any problems I should consider about the choice of venue and entertainment?

A. The venue should be carefully selected to ensure that all employees may attend if they wish to do so. It must be accessible to disabled people and should not preclude anyone from certain religions. It is also wise to vet any entertainers and speakers to ensure that their comments and acts do not constitute any form of harassment or discrimination.

Q. We usually allow our staff to sell raffle tickets for prizes which are given out at the Christmas party - is there any problem with this?

A. Generally, no. However, no pressure should be exerted on staff who don't want to take part. It's also worth ensuring that the prizes on offer are not going to be unacceptable to those who do not drink alcohol or eat meat.

Q. Last year people failed to turn up for work the day after the party. What can we do to prevent this?

A. Make sure you provide plenty of non-alcoholic drinks and food. Before the party ensure that all staff realise that the provision of alcoholic drinks is not a licence to take the next day off and that disciplinary action could be taken if they fail to turn up for work without good reason.

Q. What if an employee who has clearly drunk too much at the office Christmas party is planning to drive home. It's not my responsibility, is it?

A. In fact, it is. As an employer you have a 'duty of care' toward your employees and as it's the company's party, you need to take some responsibility. Think about travel arrangements and maybe end the party before public transport stops running. Hiring minibuses to take staff home is another option which would probably be greatly appreciated.

Q. If an employee suffers verbal abuse about being gay at the party, which is not on company premises; it's a matter for them, isn't it?

A. Wrong – going to the office party, even when it is off company premises, counts as an extension of work and so all the laws covering discrimination still apply. Make sure the company has policies in place on bullying and harassment and discrimination and that everyone knows what they are and what the penalties are for ignoring them.

Q. My recently recruited manager has issued an email to staff telling them that Christmas decorations breach health and safety rules. Is this right?

A. As long as a proper risk assessment is carried out looking at where and how decorations are sited, particularly if they could pose potential fire hazards, health and safety rules will not normally be breached.

Q. One of my managers has complained that one of her staff cornered her at the office party and insisted on telling her jokes of a sexually explicit nature. How could I have avoided this?

A. Clear instructions on standards of behaviour at such parties are your best defence, particularly if communicated well in advance. A statement should be issued highlighting that employees are there under the umbrella of the company and that as such, normal rules, policies and procedures, including disciplinary and grievance apply. You should outline the conduct expected, provide examples of what breaches might look like and remind people that these will be treated as misconduct in the normal way.

Q. One of my employees took photographs of me when I have had a few drinks. She said she was going to post them on Facebook. Can I stop her?

It is very tempting for users of Facebook and Twitter to upload photos of their colleagues often looking a bit worse for wear. This could raise data protection issues if those appearing in photos have not consented to their images being uploaded on to social media sites. There is also a risk of employees posting inappropriate messages on social media sites which could cause offence or embarrassment to anyone referred to in the post or to the employer.

Such activities could damage the reputation of employees and the trust between colleagues and in serious cases could bring the employer's name into disrepute. Employers are advised to have social media policies in place and ensure employees are informed of the likely consequences or disciplinary action which could result from inappropriate use of social media.