

## Employee Wellbeing: alcohol and office parties

At the end of the year it is customary for organisations to celebrate together. The office Christmas party can be an ideal occasion to cement workplace friendships and reward employees for their hard work over the preceding year. Team building and the opportunity to network with colleagues in a less formal environment can be among the positive outcomes of a well organised office party.

However, Christmas parties have become infamous as an occasion for over-consumption of alcohol at the company's expense, often with embarrassing, or worse, consequences.

How can organisations ensure that their office parties are in line with ethical values, without ruining the fun?

This Briefing considers some of the ethical issues which can arise in these situations. It looks at employers' duty of care to employees and company policies on the consumption of alcohol in the workplace, and provides some guidance on how to ensure that festive celebrations are enjoyable occasions.

### Background information

In 2011, the International Labour Organisation (ILO) estimated that up to 40% of accidents at work involved, or were related to, alcohol use.<sup>1</sup> Additional research also suggests that up to 17 million working days are lost each year because of alcohol-related sickness, and the cost to employers of sick days due to alcohol is estimated at up to £1.7bn.<sup>2</sup> The UK Home Office estimates the total annual cost to the economy at £7.3bn (2009/10 prices).<sup>3</sup>

Aside from the potential safety risks of employees working under the influence of alcohol, organisations are now showing consideration of the general well-being of their workforce, including the effect of alcohol.

### Box 1 *Experience of alcohol in the workplace*

A 2007 report<sup>4</sup> commissioned by Norwich Union Healthcare produced the following findings on alcohol-related workplace issues:

- a third of employees admitted to having been to work with a hangover
- 15% reported having been drunk at work
- 1 in 10 reported hangovers at work once a month; 1 in 20 once a week
- work problems resulting from hangovers or being drunk at work included difficulty concentrating; reduced productivity; tiredness and mistakes
- the majority of employers interviewed (77%) identified alcohol as a major threat to employee wellbeing and a factor encouraging sickness absence.

### Workplace culture

Official statistics on alcohol consumption show that those in employment (especially in 'office' professions) are more likely to drink during the week and also to a greater extent than those who are unemployed or economically inactive.<sup>5</sup> Alcohol consumption can also actually be part of a wider workplace culture.

Organisations concerned with employee well-being must also consider how the stress of work can lead people to drink. As a result, line managers need to be trained to be alert to how workloads can affect their employees' state of mind.

As such, it can be seen as an ethical issue which companies need to consider:

1. **International Labour Organisation** (1996) *Management of alcohol- and drug-related issues in the workplace*, [http://www.ilo.org/safework/info/standards-and-instruments/codes/WCMS\\_107799/lang-en/index.htm#\\_blank](http://www.ilo.org/safework/info/standards-and-instruments/codes/WCMS_107799/lang-en/index.htm#_blank)
2. **National Institute for Health and Clinical Excellence** (June 2010) *Alcohol-use disorders: preventing harmful drinking* <https://www.nice.org.uk/guidance/ph24>
3. **Home Office** (November 2012) *Impact Assessment on a minimum unit price for alcohol* [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157763/ia-minimum-unit-pricing.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157763/ia-minimum-unit-pricing.pdf)
4. **Aviva** (2008) *UK employees admit that regular drinking affects their jobs* <http://www.aviva.co.uk/media-centre/story/4048/uk-employees-admit-that-regular-drinking-affects-t/>
5. **Institute of Alcohol Studies** *Socioeconomic groups' relationship with alcohol* <http://www.ias.org.uk/Alcohol-knowledge-centre/Socioeconomic-groups/Factsheets/Socioeconomic-groups-relationship-with-alcohol.aspx>

*“Work and the workplace are often at the centre of a person’s social life. It may be the culture of the workplace which encourages the use and perhaps the misuse of alcohol. Lunchtime and, more often, after-work drinking can be central to office or factory social life. Such activity can often bring a cohesion to the workplace and the way in which people interact with each other at work. But it can also promote over-consumption of alcohol. Alcohol may also be at the centre of the business culture at boardroom level where alcohol is seen as part of the interplay with customers and clients.”<sup>6</sup>*

Further, non-participation in this culture can lead an employee to feel ostracised or mean that they may miss out on valuable networking or information which has been shared.

### Relevant legislation

At present, there is no direct legislation in the UK which requires organisations to implement alcohol policies in the workplace. However, under the Health and Safety at Work Act 1974 employers have a duty to ensure the health, safety and welfare of employees in relation to alcohol at work – see Box 2. The situation is slightly different in the Transport Industry where the Transport and Works Act 1992 makes it a criminal offence for certain workers to be unfit through drink and/or drugs while working on railways, tramways and other guided transport systems – see the Additional Resources section at the end of the Briefing.

#### **Box 2** *Health and Safety Executive (HSE) – [Guide for employers on alcohol at work](#) (1996)*

The Act contains a general duty for employers to ensure, as far as is reasonably practicable, the health, safety and welfare of employees. Knowingly allowing an employee under the influence of excess alcohol to continue working which places the employee or others at risk, could lead to prosecution. Similarly, employees are also required to take reasonable care of themselves and others who could be affected by what they do.

### Alcohol policies

In spite of the lack of the legal requirement to have an alcohol policy, a number of examples of organisations that have one can be found. Research by CIPD in 2007 revealed that just under 60% of organisations had rules

in place about the possession of drugs and alcohol on the premises. A similar proportion had a combined policy for drug and alcohol problems and rules about alcohol consumption during work time.<sup>7</sup> Having such a policy provides clear guidance to staff and should encourage a consistent approach to alcohol in the workplace. Some organisations address this in their code of ethics. Box 3 contains three examples.

#### **Box 3** *How some organisations address alcohol in their code of ethics*

##### **Heineken – the Code of Business Conduct (2013)**

*“We are proud ambassadors for our business, passionate about our brands and about enjoying them in moderation.”*

##### **Gap Inc – Do what’s right, Code of Business Conduct (2012)**

*“You are not permitted to drink, or be under the influence of, alcohol during work hours or on Gap Inc. premises with one exception: If you’re of legal drinking age, you may drink alcohol at company-sponsored functions that are approved by a Senior Vice President or above.”*

##### **Japan Tobacco International – Code of Conduct (2014)**

*“Employees’ work and judgment must not be impaired by alcohol or drug use.”*

Some further examples of alcohol policies can be found in the ‘Additional resources’ section at the end of this Briefing.

Poor behaviour due to alcohol misuse, as well as convictions involving drugs, sexual misconduct or drink driving, can damage an organisation’s reputation or undermine trust and confidence in an employee. The resulting disciplinary action could result in a dismissal for gross misconduct. Therefore, it is important that guidance is given in the form of a policy to guide staff to do the right thing.

An alcohol policy needs to provide guidance for all those employed by the organisation. At Network Rail, for example, as many employees are transport workers, there is zero consumption of alcohol allowed during working time. This is applied to managers as well.

6. **Trades Union Congress (TUC) (2003)** *A potent cocktail* <http://www.alcoholdrugsandwork.eu/resources/mepmis-publication-trade-union-congress-alcohol-and-work-a-potent-cocktail.pdf>

7. **CIPD (Survey Report 2007)** *Managing Drug and Alcohol Misuse at Work*. <http://www.cipd.co.uk/NR/rdonlyres/0731B5C2-3AAA-4A40-B80D-25521BDBA23A/0/mandrgalcmisusesr.PDF>

Different organisations will have different requirements, and the HSE has provided some questions to ask when drawing up a policy – see Box 4.

**Box 4** *Four questions to ask when drawing up a policy for alcohol in the workplace*

- **Question 1** Am I happy for my employees to drink alcohol...
  - ... during working hours?
  - Yes/No/Depends on...?
  - ... during lunch and other breaks?
  - Yes/No/Depends on...?
  - ... on special occasions?
  - Yes/No/Depends on...?
  - ... when entertaining clients?
  - Yes/No/Depends on...?
- **Question 2** Do I expect the same from staff working in safety-sensitive jobs when it comes to not drinking alcohol as I do from staff working in non safety-sensitive jobs or management positions?
- **Question 3** How would I deal with an employee who is finding it difficult to control his or her drinking and whose work is suffering as a result?
- **Question 4** How would I deal with an employee who turns up for work drunk or flouts known restrictions on drinking alcohol?

*From Health and Safety Executive (HSE) – [Guide for employers on alcohol at work](#) (1996)*

## Office parties and Christmas

Alcohol is an especially prominent issue in the festive season, with research suggesting that UK adults consume up to 40% more alcohol in the month of December.<sup>8</sup> One place where this may occur could be the office Christmas party. The provision of alcohol can help make the occasion relaxed and enjoyable, but can also be what gives the office party its reputation as an environment for harassment, injuries, and gross misconduct.

If an alcohol policy outlines to staff what is expected of them in the workplace, then the office party should apply the same principles. UK legislation is clear on this – the office Christmas party, regardless of venue, time and location, is an extension of the normal working environment. As such, employers have ‘vicarious

liability’ for the conduct of all their employees. For the purposes of discrimination legislation an employer will be liable for discrimination or harassment committed by an employee in the course of employment. The employer will not be liable if it can show that it took such steps as were reasonably practicable to prevent the employee from committing the discriminatory act. The office Christmas party is a particular time when employers should be aware of this.<sup>9</sup>

An ethical culture is one which applies the same principles to the ‘way things are done around here’ whatever the situation. A celebration is not a reason to leave ethical values in the cloakroom. Good practice would be to ensure that the office party is in line with the company’s ethical values. Acting with integrity is not about being the office kill-joy; but, for example, an organisation which has ‘Respect’ as one of its values should show consideration in the selection of its venue and its approach to the office party.

Misconduct related to boisterous office parties carries possible reputational consequences where the company could be considered to have behaved unethically. Organisations which wish their office parties to be in line with their ethical values should consider the following risks: binge drinking, harassment, under-age drinking and religious discrimination. These are now explored.

### Binge drinking

The purpose of the office party is to have fun and to celebrate the season and a hard year’s work. It is not intended to provide employees with an opportunity to get so intoxicated as to cause themselves (or others) harm (both physically and professionally). Maintaining a free bar throughout the evening will encourage excessive alcohol intake, and could cause people to forget personal or professional boundaries.

Companies may consider restricting the amount of free alcohol offered. In one case, three employees had a fight after seven hours of drinking at a free bar supplied by their employer. They successfully argued that their resulting dismissals were unfair, based on the fact that the employer had provided a free bar and by extension was considered to have condoned their behaviour.<sup>10</sup> In another case, in the Netherlands, one employee’s drunken behaviour at the office party was so extreme

8. **Addaction** *Christmas Statistics* [#](http://www.addaction.org.uk/page.asp?section=414)

9. **MarsdenRawsthorn Solicitors** (2010) *Office Christmas Party Dos and Don’ts!* <http://www.marsdenrawsthorn.com/news/2010/12/14/christmasparty/>

10. **Outlaw.com** (2011) *Trouble-free Christmas Parties* <http://www.out-law.com/topics/employment/discrimination/trouble-free-christmas-parties/>

that he was dismissed with immediate effect. The employee appealed, arguing that this was an isolated incident which had occurred outside working hours and away from his place of work. He also blamed the company as it had chosen to “*let the drinks flow lavishly*”.<sup>11</sup>

### Harassment

Although complaints of sexual harassment at the office party are often excused as ‘just a bit of fun’, they are no less serious than had they occurred in the usual course of work. A company’s ethical values apply wherever employees come together and behaviour that is unacceptable during a normal working day should not be tolerated during a party. The TUC/RoSPA have addressed this issue, stating:

*“If a party is held at the employer’s expense, and is clearly a works party, it’s likely any harassment would be covered by sexual harassment at work rules. In any case, behaviour of this sort is unacceptable, particularly if people make it clear they don’t like it.”*<sup>12</sup>

### Those who do not (or should not) drink

In planning an office party, organisations should remain respectful of those who do not, or should not, consume alcohol. For those who choose not to drink for personal or religious reasons, there should be sufficient alternatives provided and these employees should not feel pressured to compromise their personal or religious values. Organisations also need to be vigilant of members of the team who have had problems with alcohol in the past.

Another group which requires specific attention is employees under the age of 18. Ethics in the workplace is about duty of care, therefore, employers cannot allow under-18s to consume alcohol. No matter how mature 17 year-old apprentice thinks he is, it would be unethical for the organisation to supply alcohol to someone who is under age. Sometimes, adults can either forget how young someone is, or offer them alcohol irrespective. In organisations which employ under-18s, good practice would be to ensure that the policy on this has been clearly communicated in the run up to the event, and that everyone is aware of it.

### Religious diversity

Religion and belief is another area with which organisations grapple during the festive season. This is a topic which needs to be discussed with sensitivity, but sometimes not wishing to offend can inadvertently cause feelings of alienation among the workforce. Christmas in the 21<sup>st</sup> century is, some would argue, more about good will, gift giving and the end of the year, than it is about an event in the Christian calendar. The annual office party has similar motivations.

Regardless of religious belief, all employees should be invited to join festive celebrations based on these principles. A recent case which made the news was one of a Muslim woman who sued one of Birmingham’s biggest cinemas claiming she was not invited to the staff Christmas party because of her race and religion.<sup>13</sup>

The Employee Forum on Belief suggests that “*The Christmas we know today is also built on many other traditions of mid winter celebration and some argue that playing down its religious significance can avoid upsetting or alienating non-Christians*”.<sup>14</sup> Unless an organisation has a strong Christian foundation or ethos, seasonal rather than religious imagery is unlikely to offend.

### Social media

The rise of social media may make it very tempting to post unorthodox or compromising photos of party-going managers or colleagues on the web. This could lead to a loss of reputation and trust between staff, and in serious cases could bring the organisation into disrepute. The organisation’s social media policy should offer guidance.<sup>15</sup>

### After the party

Organisations have an overarching ethical responsibility to employees’ well-being. One way to approach this is to ensure that employees plan in advance how they will be getting home. This is especially important for those who usually drive to work, those under the age of 18 and more vulnerable employees. Employers should consider their responsibility if anything goes wrong at a work function, including on the way home.

11. Swart de Schepper Advocaten *Drunk at a Staff Party* <http://swart-deschepper.nl/en/termination-law/summary-dismissal/drunk-at-a-staff-party>
12. TUC/RoSPA (2004) *Office Party Planner* <http://worksmart.org.uk/officeparty/officepartyplanner.pdf>
13. Birmingham Mail (2014) *Muslim worker claims she was not invited to Birmingham cinema’s Christmas party because of her race and religion* <http://www.birminghammail.co.uk/news/muslim-worker-claims-not-invited-7893326>
14. <http://www.efbelief.org.uk/publications.php?action=search&category=8&page=2>
15. See IBE Briefing 22: *The Ethical Challenges of Social Media* (December 2011) which offers guidance. [http://www.ibe.org.uk/userassets/briefings/ibe\\_briefing\\_22\\_the\\_ethical\\_challenges\\_of\\_social\\_media.pdf](http://www.ibe.org.uk/userassets/briefings/ibe_briefing_22_the_ethical_challenges_of_social_media.pdf)

## Conclusion

An organisation which wishes to do business ethically, will apply ethical values to all of its activities, including the office party. Giving staff guidance as to what behaviour is expected of them helps encourage them to 'do the right thing' and can protect the company from reputation risks resulting from poor employee behaviour. In addition, organisations have a duty of care to their employees, especially vulnerable ones, and so should consider ways to ensure that the party is both enjoyable and safe. An ethical culture indicates that the organisation is a great place to work.

## Additional resources

### The Transport and Works Act 1992

<http://www.legislation.gov.uk/ukpga/1992/42/part/II/chapter/I>

Part II, Chapter I of this Act relates to 'Offences involving drink or drugs'. Under the Act, not only would the worker on the transport system be guilty of an offence, but also the operators of the transport system, unless they had shown all due diligence in trying to prevent such an offence being committed.

### Some examples of alcohol policies

**Imperial College of London** - Education: [Employee Alcohol and Substance Misuse Policy](#).

**NHS Grampian** - Healthcare: [Consumption of Alcohol Policy](#).

**Kier Group** – Construction, Services and Property: [Drugs and Alcohol Policy](#).

**Quattro Plant Limited** – Services: [Statement of Drugs and Alcohol Policy](#).

This policy has quite specific requirements: *"you must start work with a zero or near-zero alcohol level. In order to achieve this you must not consume any alcohol in the 8 hours immediately preceding the beginning of your shift and should not consume more than 7 units of alcohol (approximately 3 ½ pints of normal strength beer or larger) in the 16 hours immediately preceding the beginning of your shift."*

**Network Rail** - Transport: [Don't let drink or drugs cost you your job](#) and [Our Drugs and Alcohol policy](#).

The guidance provided also covers the consequences of alcohol consumption and how it affects the workplace. Their policy includes mandatory alcohol and drugs tests.

**Exxon Mobil** – Oil and Gas: [Alcohol and Drug Use Policy](#).

This policy encourages employees with alcohol problems to seek help: *"No employee with alcohol or drug dependency will be terminated due to the request for help in overcoming that dependency or because of involvement in a rehabilitation effort. However, an employee who has had or is found to have a substance abuse problem will not be permitted to work in designated positions identified by management as being critical to the safety and well-being of employees, the public, or the Company."*



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