

December 2010

## "IT'S CHRISTMAS TIME..." A GUIDE FOR EMPLOYERS ON CHRISTMAS WORK FUNCTIONS



Christmas is a time of year when many employers hold work functions and celebrations for their employees. Employers should be aware of the risks involved in these functions and take steps to minimise their exposure to possible claims.

In this Employment Alert, which is our last for the year, we look at this issue and offer suggestions of precautions employers should take to minimise risk.

We also comment briefly on the new **parental leave entitlements scheme** which commences on 1 January 2011.

### The legal position

Christmas parties involve employees relaxing, usually off-site, in informal surrounds and often with the consumption of alcohol. These factors increase the risk profile for any employer.

Under the Victorian *Occupational Health and Safety Act 2004* (OHS Act), employers are required to provide employees with a **safe workplace** - this includes at work related functions and celebrations. The Victorian *Equal Opportunity Act 1995* (EO Act) requires employers to take **reasonable precautions** to prevent discrimination, sexual harassment and victimisation from occurring, failing which they will be held vicariously liable for the actions of their employees who contravene the EO Act. The Federal *Sex Discrimination Act 1984* (SD Act) requires the employers to take **all reasonable steps** to stop employees from contravening the SD Act.

It is also important to note that principals will have similar obligations towards contractors.

### Implications for employers

To minimise risk in this area, employers should take reasonable precautions in the form of:

- specific directives to employees about the function, including reminders about appropriate conduct and a reference to relevant policies eg on alcohol consumption and equal opportunity;
- specific instructions to line managers about their role and duties in overseeing functions; and

- reviewing, updating and publicising policies eg on alcohol consumption, equal opportunity and, occupational health and safety.

## New parental leave scheme

Australia's first national Paid Parental Leave Scheme will start on 1 January 2011. It will provide eligible working parents with 18 weeks of Parental Leave Pay at the National Minimum Wage, currently \$570 a week before tax.

Parental Leave Pay will be fully funded by the Government. See the [Paid Parental Leave Guide](#) for more details on the scheme.

For further information, please contact the Workplace Relations Team at Moores Legal.

We wish all our readers and subscribers a peaceful Christmas and happy New Year.

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### The Moores Legal Workplace Relations Team

For further advice and guidance on any employment issue and how it may impact your business and commercial operations, contact the Workplace Relations team at Moores Legal.

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