

INVEST NORTHERN IRELAND

ATTENDING WORK-RELATED SOCIAL FUNCTIONS – GUIDANCE FOR MANAGERS AND STAFF

INTRODUCTION

1. The aim of this note is to remind management and staff of their responsibilities with regard to Invest NI's Equal Opportunities policies and Health and Safety duties with reference to work related social functions, both within the workplace and at other venues.

In summary, work related events are considered under law to be a continuation of the workplace and are covered under Invest NI's policies. Line Managers have the added responsibility of ensuring that their staff are aware of the relevant policies and procedures and their responsibilities as specified in them.

EQUAL OPPORTUNITIES

2. Many staff will attend social functions with their work colleagues. We would want staff to enjoy these functions but it is important that every member of staff is aware that inappropriate behaviour both within the workplace and at other venues during work-related social events can lead to complaints of harassment or bullying.
3. Recent tribunal cases have made it clear that **work related events are considered under the law to be a continuation of the workplace** and that harassment or bullying which occurs at social events, such as Christmas parties, or in the pub after work, can constitute unlawful discrimination in the same way as if the harassment or bullying had occurred in the workplace.
4. Invest NI's harassment policy makes clear that such inappropriate behaviour will not be tolerated. Complaints from members of staff about acts of harassment or bullying may be formally investigated under our Harassment and Bullying Policy and Procedure. In those cases where a complaint is upheld, consideration will be given to appropriate disciplinary action against the harasser. In serious cases, this could lead to dismissal. An individual could also find him/herself named in an employment tribunal application or in court proceedings and be personally liable to pay compensation. Serious incidents of harassment may also be subject to a police investigation.
5. Harassment can range from jokes/remarks/questions of a sexual or sectarian nature, to unwanted physical contact. It is essential that all staff behave in a manner that is in keeping with our equal opportunities

policy by ensuring that their behaviour is beyond reproach at all times and could not cause offence to another member of staff. It should be emphasised that **it is the impact of the inappropriate behaviour on the recipient, not the intention of the alleged offender, that is significant.**

6. Line managers have the added responsibility of ensuring that their staff are aware of our policy on harassment and the consequences of unacceptable behaviour. Where inappropriate behaviour does occur, line managers must make every effort to resolve the problem satisfactorily by taking prompt and appropriate action. **It is too late once a complaint has been made.**
7. Full details of Invest NI policy on harassment and bullying and of the procedures for dealing with complaints can be found in the Equal Opportunities section within the HR area of the Intranet, or by contacting the HR team.

HEALTH AND SAFETY

8. Invest NI and managers carry legal responsibilities and obligations when social events are held within the workplace or at other venues.

Social Events on Official Premises

9. Managers may be approached about the holding of, or may be directly involved in the organisation of, office parties or other social events. This is particularly true in the period up to and around Christmas although the following guidance applies equally to social events held at all other times.
10. Although there is no intention to prohibit the holding of social functions on official premises, it is essential that managers and the organisers of such functions are aware of their responsibilities under the law and should, therefore, consider carefully the implications of holding social functions on official premises in view of the legal responsibilities that these will place upon them.

Health and Safety Legislation

11. The Health and Safety at Work (NI) Order 1978 and the Management of Health and Safety at Work Regulations (NI) 2000 impose a general duty on an employer to ensure, "so far as is reasonably practicable, the health, safety and welfare at work of all employees" and also to ensure that persons not employed are not exposed to unnecessary risks.
12. Article 8 (a) of 1978 Order also puts a duty on employees to take reasonable care of their own health and safety at work.

13. In the normal working environment, managers may be wholly content that health and safety can be addressed by the normal control measures in place. It is possible, however, that they will not have considered the heightened risk which may result from a combination of a relaxed social atmosphere and the influence of alcohol which may lead to the possibility of careless or inappropriate behaviour or misconduct during social events. Similarly, although they may not have regarded some conditions as hazardous in the normal workplace environment they should consider whether they may become hazardous in a social occasion.

It is, therefore, important that managers should assess potential hazards and consider the risk factors before giving approval for social functions to be held on official premises.

14. Whether events are on or off official premises, it is the responsibility of Manager to:
- Ensure that staff are aware of the consequences of antisocial behaviour such as causing damage to official premises, property or equipment.
 - Make it clear that they may be liable to pay for the cost of repair/replacement and compensating any person for injury or loss of property if found guilty of misconduct and that instances such as these will also be dealt with under the disciplinary procedures;
 - Make it clear that possession or use of illegal substances will result in disciplinary proceedings and may be referred to the PSNI;
 - Impress upon staff not to drink and drive and not to accept a lift from a drinking driver;
 - Impress upon the organisers the need to arrange for the provision of non-alcoholic drinks at the event and the need for safe transport home i.e. legitimate taxis or public transport; and
 - Take a particular interest in the well-being of young staff by trying to ensure that they are not offered or do not consume an excessive amount of alcohol and are protected from unwelcome or improper behaviour

CONCLUSION

15. Any staff member who is found to have
- behaved inappropriately ie abusive language, physical violence, damage to property, use of drugs etc.
 - harassed or verbally or physically assaulted another employee or client,
 - brought the reputation of Invest NI into disrepute at such events

will be subject to appropriate disciplinary action under Invest NI's Disciplinary Procedure. Such behaviour will be treated as gross misconduct and could result in dismissal.

16. The above paragraphs are not intended to prevent staff enjoying themselves. Indeed the opposite is true. They are meant to ensure that everyone can enjoy themselves safely in a relaxed and convivial atmosphere. They do, however, need to be borne in mind by both managers and staff.
17. Please address any queries about the content of this circular to the HR Team

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