

Hosting safe work Christmas parties, including during COVID-19!

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27 November 2020

This year has been a difficult year for many businesses, marked by social distancing, lockdowns and other COVID-19 related stresses. While not all organisations are hosting Christmas-related events this year, those that are will need to be particularly aware of their obligations in light of COVID-19, including their responsibilities as PCBUs (Person Conducting a Business or Undertaking) under the Health and Safety at Work Act 2015 (HSWA).

Health and safety responsibilities

Under the HSWA, employers, as PCBUs, have health and safety responsibilities to their workers when hosting Christmas parties or other similar events. This duty arises regardless of whether it is hosted at business premises or outside of normal working hours. Although the HSWA does not specifically cover alcohol and there are no WorkSafe guidelines, employers are obliged to provide a safe environment at work events. Consumption of alcohol in a work setting represents a risk that a PCBU is responsible for managing – as there is the potential for serious harm if a worker becomes intoxicated.

Employers are generally not responsible for workers once they leave work to travel home. However, they could be held liable if an incident occurs and a worker is at risk because they consumed alcohol at a work Christmas party. Liability in these circumstances will depend on a number of factors, including the closeness of the connection to the work event, the measures taken by the employer to reduce risk and the individual responsibility of the worker.

What steps should a PCBU take?

While some employers have prohibited the consumption of alcohol at work (for example, in safety sensitive workplaces), this is not the option all workplaces take. Businesses who are hosting Christmas parties should focus on being responsible hosts and ensuring that steps are taken to keep workers safe, including when providing alcohol. Additional steps should also be taken this year to protect workers in light of COVID-19.

Workplaces that are hosting Christmas parties should consider the following:

- Is there someone who has been tasked with supervising the event, and/or monitoring the supply and consumption of alcohol (for example, a sober host - even better if they have first aid experience)?
- Do managers and other workers know that they can and should intervene if they have concerns during the event?
- Have workers (including managers) been informed of the expected standard of behaviour at the event? This could include a reminder sent around to workers close to the event or a workplace policy outlining expected behaviour.
- Is there sufficient food and are there non-alcoholic drink options available?
- Have you considered whether the alcohol should be self-served or controlled by a server? What controls are in place if alcohol is self-serve?
- Is there a cut-off time for serving alcohol? Is the supply unlimited until this time? A cut-off time is recommended along with a limit on the amount of alcohol available.
- Have you taken steps to ensure workers and any other guests get home safely? You do not necessarily have to pay for workers to get home but you should ensure there is readily accessible safe transport options. This should be considered when choosing the venue. Alternatively, employers could consider hiring a bus to transport workers to and from the event venue, handing out taxi chits or offering to pay for or subsidise workers to use a ride share service to get home.

For the 2020 Christmas season, it is also important that additional measures are taken to protect workers against the spread of COVID-19, including:

- Monitoring COVID-19 Alert Level changes or additional restrictions (particularly in Auckland), which may impact on the event, including gathering restrictions.
- Reminding all workers to stay home if they feel unwell (and send them home if they try and come to work or the event).

- Ensuring all workers and other invitees check in when they arrive at the venue.
- Encouraging all attendees to wash their hands regularly (especially before touching communal food).
- Having hand sanitiser available and encourage its use.

Ultimately the PCBU should focus on taking measures to keep everyone safe and aim to be a responsible host.

Meri Kirihimete me te Hape Nū la!

This article was written by partner [Sherridan Cook](#) and Law Clerk [Alexandra Sims](#) for [NBR](#) (December 2020).

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