



AN EMPLOYER'S GUIDE TO CHRISTMAS DRINKS

It is estimated that work-related alcohol misuse costs the UK economy up to £6.4 billion per year, with 28% of people in Wales admitting to binge drinking.

Alcohol Concern Cymru has put together this advice guide for employers who are concerned about legal responsibilities towards staff during functions outside the workplace.

ADVICE TO HOSTING A CHRISTMAS PARTY FOR EMPLOYEES

Limit any "open bar" to just the first hour or two and restrict the drinks available on the tab. For example, don't include spirits or cocktails. Make clear that soft drinks are available, and ensure staff don't feel pressured to have alcoholic drinks.

If you are having a sit-down meal, limit the wine to one bottle between three and ensure there is enough water on the table and that soft drinks are offered.

Encourage staff to know their own limits with alcohol. The management should set the standard by being responsible.

Remind staff that the same rules apply to the Christmas party as they do in the office.

Importantly, advise staff that they should not drive if they are drinking. Consider hiring a taxi company or arranging transport for the journey home. Remember, your liability may extend to the journey to and from work, and work functions can fall into that category.

THE LEGAL ISSUES

- Employers must maintain a balance between the rights of individual employees and the welfare of the staff as a whole.
- Key pieces of legislation around duty of care include:
 - **Management of Health and Safety at Work Regulations 1999:** Places a duty on employers to assess the risks relating to health and safety of employees.
 - **Employment Rights Act 1999:** Places a duty on employers to provide written information about their disciplinary rules and procedures.
 - **Human Rights Act 1996:** Article 8 sets down an employee's right to a private life which is set against the employer's right to protect the reputation of the organisation.
 - **Data Protection Act 1998:** Employers must ensure that any testing for alcohol and drugs complies with data protection principles.
 - **Health and Safety at Work Act 1974:** Places a duty on employers to ensure the health, safety and welfare of their employees. They must ensure that employees do not injure themselves or endanger the public or colleagues.
 - **Road Traffic Act 1988:** Any person driving, or attempting to drive, a motor vehicle while unfit to drive through alcohol use can be prosecuted under this act.
 - **Transport and Works Act 1992:** Makes it a criminal offence for specified jobs to be undertaken by those unfit through drink and drugs.
 - **The Railways and Transport Safety Act 2003:** Sets out the limits and numerous offences that can be committed by people working in the field of aviation, transport and shipping.

Employers should have an alcohol policy that is reiterated around Christmas time. An effective policy ensures the wellbeing of staff, the safety of the public, safeguards the organisation from unfair claims and maintains the organisation's reputation.

Given support, training and an effective workplace policy, it is possible for employers to make effective interventions should problems arise.

For more information on your healthy guide to enjoying a drink, visit www.drinkwisewales.org.uk