

Watch out for staff Christmas parties

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Legal matters

This is the season – of friends, family, and excess. And in the spirit of Christmas, here are some key tips to help ensure you enjoy your time off.

Leave

You will probably be taking annual leave, and there are a series of public holidays over the festive season.

If you are a fulltime employee on leave and you normally work these days, you can expect to be paid for Christmas Day, Boxing Day, New Year's Day, and January 2.

If you are normally expected to work these days and you do, you will be paid time and a half and receive a day in lieu for each public holiday you work.

If you are specifically hired to work only on public holidays then you will not get the day in lieu, but you are entitled to time and a half.

In some cases, if you are on call, you can expect to be paid whether you work or not.

There are specific laws for employees on call on a public holiday.

Pay days

Each employer deals with pay in its own way – the manner of which should be recorded in your employment agreement.

If the normal pay cycle means that a pay day would fall on a public holiday, most employers will make that payment a day earlier or a day later.

Some employers bypass this issue by, for example, paying two months' wages over the December/January period.

However an employer manages pay cycles over this period, it is important that you know what to expect.

There is nothing worse than being caught out by a couple of days when you find your pay hasn't gone through as expected.

Christmas parties

End-of-year staff parties are often seen as a celebration of a year's work and an opportunity to let your hair down and kick your feet up.

It is important to remember that even though staff parties often aren't during office hours or at the office, the employee-employer relationship still exists. This means that, although there may be some leniency in regards to employee behaviour, staff parties shouldn't be treated as an opportunity to say or do things to



Be careful when letting your hair down at the staff Christmas party.

people you normally wouldn't expect to get away with.

Just like at any other activity your organisation undertakes, you need to ensure you have identified significant health and safety hazards of the Christmas party and planned strategies to

manage them.

Proper advance planning will mean you have fulfilled your legal duty to take all practicable steps to keep people safe and lessened the chance your business will face legal action if anything goes wrong.

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Seven suggestions for a safe event:

1. Check the function venue to ensure it is safe.
2. Serve food with alcohol.
3. Ensure low alcohol and non-alcoholic beverages are available.
4. Designate scene managers to stay sober.
5. Recognise and adhere to responsible alcohol policies.
6. If required, organise taxis or other transportation for employees to get home safely.
7. Provide a friendly reminder to employees before the Christmas party about your policies on harassment, alcohol and drugs.

Have a very merry Christmas – from me and the team at Rainey Collins.

Column courtesy of Rainey Collins Lawyers, phone 0800 733 484 or raineycollins.co.nz. If you have an inquiry you would like discussed in this column email alan@raineycollins.co.nz.