



## Managing a successful return to in-person social events

22 September 2022 10am





# Introductions

# Presenters



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HR Knowledge Manager



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# Technical support



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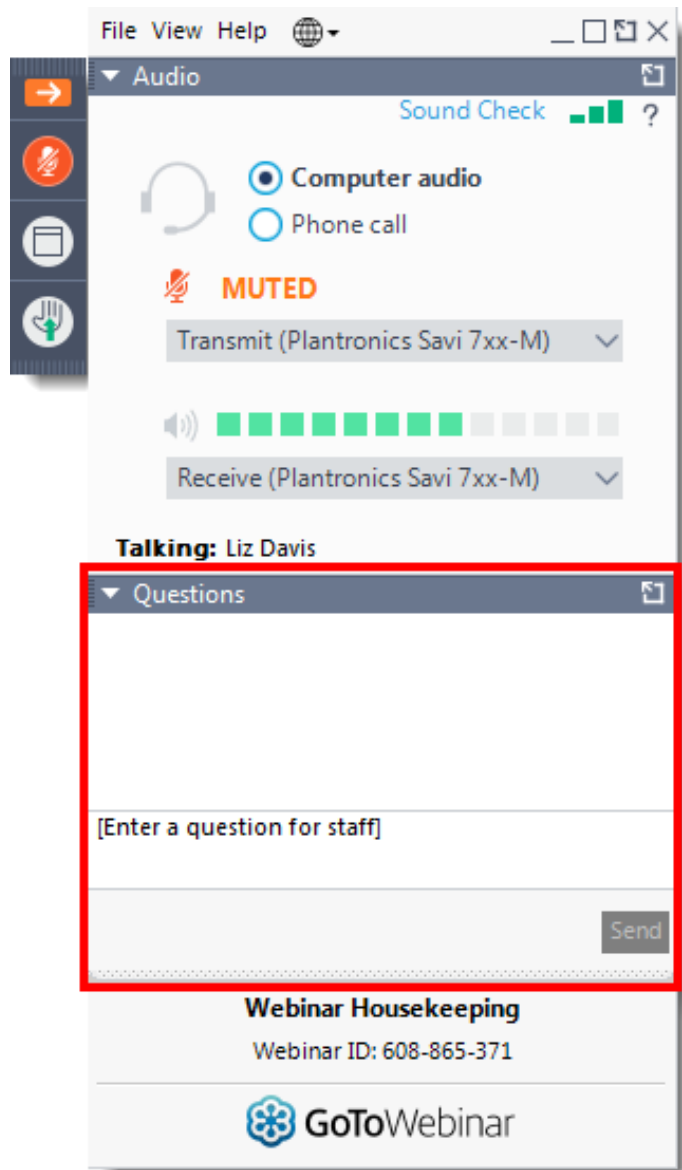




A group of diverse professionals are seated in a modern office environment, likely attending a meeting or training session. In the center, a man with a beard and glasses, wearing a grey cardigan, has his right hand raised high, indicating he wants to ask a question or make a point. To his left, a woman with long dark hair is looking towards him. Behind them, other participants are visible, some looking forward and others slightly to the side. The background features large windows with green plants and a bookshelf. The overall atmosphere is professional and collaborative.

# How to ask questions

# GoToWebinar Housekeeping: Time for Questions



## Your Participation

- Please continue to submit your text questions and comments using the Questions panel



# Agenda

- COVID-19 – has it changed how work-related social events are managed?
- When is a social event a work event?
- Vicariously liability
- Practical tips for managing work related social events

# COVID-19 – has it changed how work-related social events are managed?

- COVID-19 highlighted the importance of safeguarding people from infectious disease within the workplace
- Forced businesses and individuals to take unprecedented steps to respond to the risks
- Practical measures were both legal and guidance
- In person events cancelled or became a virtual event



# COVID-19 – has it changed how work-related social events are managed?

- Moving to the 'new normal' began early 2022
- By Spring 2022, all legal measures removed
- Government continued to advise adopting safe practices as we continue to live with COVID-19
- Current advice:
  - Get vaccinated
  - Let fresh air in, if meeting indoors
  - Practice good hygiene
    - wash hands
    - cover coughs and sneezes
    - clean surroundings frequently
  - Wear a face covering



# COVID-19 – has it changed how work-related social events are managed?

- Current COVID-19 levels:
  - 24,880 people tested in England in the 7 days up to and including 3 September (increase of 131 cases)
  - 3,628 people in England admitted to hospital (decrease
- Post COVID-19 – an employer's legal obligation for managing infectious diseases remain the same
- COVID-19 is included and considered as a respiratory infectious disease
- Health and Safety legislation – duty to protect the health, safety and welfare of everyone in the workplace
- Employers continue to be obliged to implement control measures when workers come into contact with an infectious disease.

# COVID-19 – has it changed how work-related social events are managed?

- No longer legally required to explicitly include COVID-19 in the risk assessment but employers may choose to do so
- An employer may wish to continue to do so, as part of their general health and safety obligations for managing workplace risks
- An employer has a general duty of care for staff, customers and anyone else who is on site, therefore, addressing COVID-19 especially when high infection levels would be a wise management practice
- Remain aware of the continued risk:
  - The need to take steps to protect staff from the risk of contracting the virus at the workplace
  - Potential impact should an outbreak occur in the workplace
  - The risk on those who are high risk
    - older employees
    - pregnant employees
    - those unvaccinated
    - those with underlying medical conditions
  - Consider that there may be employees who remain nervous about the virus



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# When is a social event a work event?

Is a work social event the continuation of employment, meaning an employer's liabilities continue to apply?

# When is a social event a work event?

- Chief Constable of Lincolnshire Police v Stubbs
- Employee was sexually harassed by colleagues when they went for drinks at a pub
- Employer held liable because the offence occurred at a social gathering that was deemed to be an extension of the employment relationship



# When is a social event a work event?

- Sellers v Y H Training Services Ltd
- Managing Director touched an employee, who had been wearing a sleeveless dress
- Initially on the shoulder then to her bare arm
- The touch was considered longer than ordinary social contact and considered sexual harassment
- It was found that the Managing Director would not have touched a male employee in the same way



# When is a social event a work event?

- Bellman v Northampton Recruitment
- 2011 Christmas Party where several guests went for an impromptu drink afterwards to a hotel where some were staying
- During the drinks, there were work related discussions which became heated
- The Managing Director lost his temper, lectured the employees resulting in one (Mr. Bellman) challenging him
- The MD reacted and verbally and physically assaulted Mr. Bellman who then suffered with severe brain damage
- ET found employer not liable
- Court of Appeal overturned previous decisions:
  - Even though the drinking session was not a seamless extension of the party, the MD decided to act in his role of MD by lecturing the employees on his rights as an MD
  - When considering 'in the course of employment' the employment must be looked at broadly.

# When is a social event a work event?

- Bellman v Northampton Recruitment Court of Appeal judgement
- Prevent liability by taking all reasonable steps to prevent the act from occurring
  - Implementing and enforcing clear Equal Opportunities and Bullying & Harassment Policies
  - Provide training
  - Warn employees prior to the social event to be 'on best behaviour' and confirm employment policies continue to be in force
  - Limit the opportunities for excess drinking



# When is a social event a work event?

- Office parties
- Client functions
- Work organised social events (leaving parties)
- Post meeting social drinks
- Consider....
  - Travel expenses being paid
  - Hotel accommodation being provided
  - Alcohol offered
  - Asked to assume a role and responsibility during event (management point of contact)



# When is a social event a work event?

Legal test is whether acts were so closely connected with the employment that it would be fair and just to hold the employers vicariously liable

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# Vicariously liability

- Employers can be held responsible for certain actions even though the employer technically did nothing wrong
- Requires a sufficient connection between the wrongdoing and the employee's job role
- Employers found to be legally responsible must compensate the victim of the incident.



# Vicariously liability

- Section 10 of the Equality Act 2010:
  - Anything done by a person in the course their employment must be treated as also done by the employer
  - Does not matter if it is carried out with the employer's approval or principal knowledge
  - An employers' defence must show they took all reasonable steps to prevent employees
- Protect your business:
  - Policies and procedures
  - Risk assessment
  - Training
  - Communication in advance – managers and employees
  - Appropriate measures such as taxi's / transport, restrict free alcohol

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# Practical tips for managing work related social events

Respect that some may not wish to attend

Respect that some may wish to wear a face covering

Effective communication and engagement

Is there capacity with social distancing measures?

Consider if the event can be outdoors?

Risk assessment

Identify clinically at-risk employees

Consider steps to lower the risk

Determine appropriate venue

What safety measures does the venue take? Copy of their risk assessment





# Practical tips for managing work related social events

Inclusive employer

The aftermath

Continuation of employment?

The next day

Brief your line managers and employees

Alcohol

Food choices

Person in charge

Entertainment

Getting home





# HR Knowledge Base

## The HR resource for busy professionals



The HR Knowledge Base is an online resource which includes regularly updated and new guidance documents and templates as well as, webinars, training material and access to the HR, GDPR and Brexit risk and compliance audits.

Find out more: [hrsolutions-uk.com/services/business-hr-solutions/](https://hrsolutions-uk.com/services/business-hr-solutions/)





# TRAINING COURSES

## HR, Management & Development (Online)

**Holding Difficult Conversations**

4 October, Tuesday | 2pm

**Employment Law for Managers**

6 October, Thursday | 9:30am

**Managing the Disciplinary Procedure**

18 October, Tuesday | 9:30am

**Equality & Inclusion**

1 November, Tuesday | 2pm

**Effective Appraisal Skills**

8 November, Tuesday | 2pm

**Book Now!**  
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# TRAINING COURSES

## Health & Safety Training Courses

**Level 2 Mental Health First Aid** 4 October, Tuesday | 9.30am 4.00pm

**Level 2 Health & Safety** 22 November, Tuesday | 9.30am – 4.00pm

**Level 2 Fire Safety/Fire Marshall** 6 December, Tuesday | 9.30am – 4.00pm

**Level 3 Safeguarding** 7 February, Tuesday | 9.30am – 4.00pm

**Book Now!**

[www.hrsolutions-uk.com/training-courses](http://www.hrsolutions-uk.com/training-courses)





# UPCOMING WEBINARS

## **Safeguarding in the Workplace**

29 September, Thursday | 12pm – 1pm

## **Managing an effective redundancy programme: preparing for change**

13 October, Thursday | 10am – 11am

## **Working with Trade Unions**

10 November, Thursday | 10am – 11am

## **2023 – Planning for the Year Ahead**

8 December, Thursday | 10am – 11am

**Save your spot!**

**HR Knowledge Base | Events**

<https://hrsolutions.microsoftcrmportals.com/events>

[www.hrsolutions-uk.com/upcoming-webinars](http://www.hrsolutions-uk.com/upcoming-webinars)

# FEATURED SEMINAR

## Your People Strategy in a Day

27 September | Kettering Park Hotel

Do you know what the biggest challenges and risks are facing your business?

Do you know how you can get your people to reach their full potential to maximise their contribution to the business?

Did you know that a strategic people plan can transform your organisation?

Join us in this one-day, practical workshop as we take each of these critical questions and work with you to create your own strategically focussed people plan specific to your business.

You will be given your own workbook to complete throughout the day and participate in group discussions and you will leave the workshop having created your own strategic people plan.

**Secure your place today!**

<https://www.eventbrite.co.uk/e/your-people-strategy-in-a-day-how-to-transform-your-organisation-tickets-376394284437>





Further questions?

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After the webinar, we shall be sending a short survey to capture your feedback, it would be appreciated if you could complete this survey so that we can constantly improve.



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