

HR Elite



HR Festive Pack

Christmas Arrangements 2020

2020 has been a year like no other, and you may have been dealing with a range of issues throughout the year including furlough, redundancy, restructures and restrictions on how your business can trade as well as everyday activities for all employees.

This guide will answer some of the most common Frequently asked Questions, which specifically relate to Christmas 2020, as well as providing some more generalised guidance to help you to support and manage your staff throughout this period.

1. Can staff continue to be furloughed over the Christmas period?

The furlough scheme remains in place, and therefore can be used over the festive period subject to the eligibility and scheme rules. However, the scheme is clear that people should not be placed on furlough purely for the purposes of reclaiming annual leave.

It is important that any staff who are furloughed remain available to return to work should you so require. If staff are not willing (or able) to return to work at short notice, they should request the time as annual leave as per usual arrangements.

The scheme is also clear that if you usually have a Christmas shut down (and this year are closing for your normal closure, not one that is affected by Covid), then this would not be eligible to be reclaimed as furlough.

2. Do I have to top furlough pay up for the bank holidays or annual leave days?

Yes, any days which staff are taking as annual leave or bank holiday (and which is being deducted from their allowance) should be topped up to 100% pay.

3. Can we still have a Christmas party this year?

The government have now announced the tier system which will be in place from 2nd December. The restrictions for each area are detailed within the tiers, so you must be careful to ensure you act in accordance with this.

Full details on restrictions can be found here

<https://www.gov.uk/guidance/local-restriction-tiers-what-you-need-to-know#high-alert>

4. Are staff allowed to socialise over the Christmas period?

The tier system detailed above is in place until further review. However, exception have been made for the period of 23-27 December, in which individuals can form a “Christmas bubble” which comprises of up to 3 households. For this period, the tiers will be temporarily suspended, and individuals will be allowed to mix indoors with other households. Full details can be found here:

<https://www.gov.uk/government/publications/making-a-christmas-bubble-with-friends-and-family/making-a-christmas-bubble-with-friends-and-family>

Although staff can socialise and meet indoors with other households over this period, you should remind of the need to adhere to social distancing rules and take precautions

5. How do I deal with staff who do not follow the rules?

Should you be aware of staff who are not following the government restrictions, you should seek advice from your designated Consultant at that point. Ultimately this could be a disciplinary / health and safety issue but would require careful investigation and consideration.

6. Do we need to take any extra precautions for returning to work in January?

Many individuals, particularly those who are vulnerable or living with somebody vulnerable may choose not to socialise over the festive period. They may therefore have anxieties about returning to the workplace and mixing with individuals who have not been following the same stringent rules.

Staff should be reassured about the measures you have in place in your Covid-Safe risk assessments. In addition, government advice at present is still for employees to work from home if they can.

7. Can we still celebrate Christmas which is a Christian event if some staff belong to other religions?

It is highly unlikely that an Employment Tribunal would regard a Christmas Party or work based celebrations as discriminatory. This is mainly to do with the fact that celebrating is not so much to do with religion but more about celebrating the success of the year and increasing morale at a time like this. However, employers must take various religions into account when planning the Christmas Party e.g what day this may fall on, for example, Fridays may not be good for Orthodox Jews, alcohol fuelled events may not sit well with Muslims. The arrangements for celebrations should be considered to ensure that other religions are not being disadvantaged.

8. How can we support individuals who may be isolated over Christmas, or experiencing mental ill health?

Many staff may be struggling more than usual this Christmas. This could be due to financial reasons (i.e. job losses, furlough), isolation and not being able to see friends and family, traditions being cancelled, or mental ill health on a more general scale.

The best thing you can do for your staff is to listen. Encourage them to talk to you if they need support and keep communication channels open and be there to provide support that may be required. The attached poster gives more details around mental health support, as well as numbers and details for professionals who will be able to support further. Make sure you have up to date contact details (and emergency contact details) for your staff in case you should need them.

Managing HR issues over the Festive Season Frequently Asked Questions

1. Should I have a written rule for conduct over the Festive Period and the Christmas Party?

It is a good idea to have a written procedure/set of standards regarding acceptable conduct over the festive period and at the Christmas Party. We have drafted for you a template Christmas Policy, a template Policy on Work Related Social Events and a detailed letter/statement to send to staff prior to attending the Christmas Party. These along with your standard policies and procedures contained within your Employee Handbook should place you in a good position for acceptable conduct over the festive period but also allow you to take appropriate action should there be a breach of any of these policies and procedures or acceptable standard practices.

2. Can I dock an employee's pay for time lost due to lateness following the Christmas Party?

Yes, so long as this is made clear in the terms and conditions of employment - The Employee Handbook we have drafted for you makes clear that non payment of wages may result due to time lost due to lateness.

3. How should I deal with employees not coming in to work the day following the Christmas party?

You should consider warning staff prior to the Christmas Party of the consequences of failing to turn up for work the following day. This could involve disciplinary action or non payment of wages in the case of unauthorised absence. However, this can be a tricky situation as most employees would probably call in sick and unless you have evidence to the contrary you would have to treat this absence as you would any other sickness absence case. In this situation you may wish to ask for a medical certificate which you may have to pay for that the individual could get from their GP or ask them to sign a Self Certificate stating their reason for absence and that this is a truthful statement. (Please see our policy on Work Related Social Events)

4. Can I still hold a Christmas Party which is a Christian event if some staff belong to other religions?

It is highly unlikely that an Employment Tribunal would regard the Christmas Party as discriminatory. This is mainly to do with the fact that celebrating is not so much to do with religion but more about celebrating the success of the year and increasing morale at a time like this. However, employers must take various religions into account when planning the Christmas Party e.g what day this may fall on, for example, Fridays may not be good for Orthodox Jews, alcohol fuelled events may not sit well with Muslims. The arrangements for the Christmas Party should be considered to ensure that other religions are not being disadvantaged.

5. What can I do to avoid/prevent problems from arising from the Christmas Party?

It is good practice for employers to designate supervisors at the Christmas Party where they should be made aware how they should deal with drunk staff that may get a bit out of hand or become inappropriate. The supervisors should also remain sober at the event. You may want to put a limit on the amount of free alcohol to be consumed and ensure that there are plenty of soft drinks and food. Employers also have a duty of care to employees and must consider how they will get home after work-related social events. They should issue advice in advance of an event about not drinking and driving, and encourage staff to think beforehand about how they will get home. You could consider hiring coaches or minibuses to leave at set times towards and at the end of the event, or providing the telephone numbers for local taxi firms.

6. Can I be held liable for harassment that takes place at the Christmas Party even though it is outside of working hours and off site?

Yes, employers can be held vicariously liable for discrimination that may take place outside of usual working hours and off site but at the work related social event. The main breach tends to be around sexual harassment but can extend to unwanted conduct on the grounds of age, disability, gender reassignment, race, religion or belief, and sexual orientation. Your Policy on Bullying and Harassment will cover any breaches here along with your Disciplinary Policy. You need to ensure that all of your staff attending the Christmas Party are aware of the implications of potential discrimination at the Christmas Party even though it is a social event outside of work time and remind them of your Harassment Policy. An employer can defend a claim if it can demonstrate that it done as much as it could to prevent any form of harassment occurring at the Christmas Party. This is why it is so important to send information out to staff prior to the event. (Please see our template Policy on Work Related Social Events and the template letter/statement to staff regarding the Christmas Party).

Mental Health Support – How can I support my employees over the festive period?

The festive period can be a difficult time for individuals, and this year potentially will be harder than any other.

During this year, mental ill health has increased significantly due to the effects of the pandemic, and staff may be worrying about aspects such as job losses, reduced income, isolation, bereavement and ill health on top of the usual concerns or emotions that surround the festive period.

Below are some tips which will help you to support your employees over the period:

- Keep in regular contact with individuals who are working from home and may be isolated
- Make sure you have emergency (next of kin) contact details for your employees
- Ensure you, or line managers, are available for staff who may need to additional support
- Encourage employees to use annual leave to ensure they have a proper break from work
- Be tactful and mindful in your messages that not everyone will be in the mood to celebrate
- Be mindful of warning signs, staff being isolated and not communicating, low motivation and productivity and working unsociable hours/not switching off

How can I support staff?

The best thing you can do in the first instance is listen. Take the time to understand what the problem is, and how you can help. There may come a time where the support is beyond the level you can provide. In that case, there are professional organisations you can refer your employees to for further support and advice:

Samaritans 116 123 (free 24-hour helpline)

Shout Crisis Text Line 85258 (24-hour textline)

NHS Support - <https://www.nhs.uk/conditions/stress-anxiety-depression/mental-health-helplines/>

If you need any further help to manage any issues related to mental ill health, bereavement, redundancy or any other aspect of HR please contact your dedicated **or designated?** Consultant.

Letter to employee stating Christmas details

[Company logo / letterhead]

[Date]

[Name and Address]

Dear [Name]

You [and your spouse/partner/other family member] are invited to attend this year's [Christmas party], which will take place on [date]. The details are as follows:

- Venue: [address].
- Times: [details of any drinks reception time, dinner time and evening finish time].
- Dress code: [details].

The menu arrangements will be as follows:

- [insert details]

If you [and your spouse/partner/family member] would like to attend our Christmas event, please confirm your attendance with [name] whilst confirming any other arrangements e.g. menu choice by [email/telephone] no later than [date]. If you have any special dietary requirements, please notify [name] as soon as possible and we will endeavour to accommodate you.

The Company will provide [a free bar [or beer, wine at the table], water and soft drinks only] table wine, water or soft drinks with dinner but thereafter the bar will be a paying one].

[OR

You will be expected to pay for any alcoholic or soft drinks consumed during the course of the evening.]

[The Company will provide a transport between the office and the venue, which will return at the end of the evening. If you wish to reserve a place on the coach/mini bus please contact [name] by no later than [date]. If you do not reserve a place on the coach/mini bus, we will assume you are making your own arrangements to get to the venue and then home afterwards.]

We do also need to remind you that you [and your spouse/partner/family member] are required to conduct yourselves in an appropriate, mature and responsible manner throughout the evening. In particular:

- Alcohol should be consumed in moderation. [The provision of free alcoholic drinks by the Company is not an excuse to drink excessively.]
- You should not drink and drive. If you will not be driving, please make arrangements in advance to get home, for example by public transport or taxi [or by reserving a place on the provided coach/mini bus]. Never use unlicensed minicabs. [Name] can provide details of local taxi firms close to the venue if necessary. The Company [will/will not] pay for the cost of taxis home [on production of an appropriate receipt].
- Improper conduct or other unacceptable behaviour will not be tolerated and is a serious disciplinary matter. This includes excessive drunkenness, the use of illegal drugs, unlawful or inappropriate discrimination or harassment, violence such as fighting or aggressive behaviour and serious verbal abuse or the use of other inappropriate language, whether this is towards a fellow employee, an invited guest, and other members of the public at the event or a member of the waiting or bar staff. [In this regard, we would refer you to the provisions of the Company's policy on dealing with harassment complaints [and policy on work-related social events].] Please be aware that such misconduct may amount to gross misconduct depending on the circumstances of the case, and possible summary dismissal.
- Under health and safety legislation, you have a general duty to take reasonable care of your own health and safety and that of others who may be affected by your acts or omissions. Please bear this in mind when consuming alcohol. [We would refer you to the provisions of the organisation's health and safety policy for further information.]

[Please provide a copy of this statement to your spouse/partner/family member, as the same rules apply equally to his or her behaviour.]

At the party, [names] have been appointed as supervisors and they will be responsible for monitoring the activities of attendees and for ensuring that the evening is a trouble-free one. If you experience any problems during the course of the evening, please do speak to one of them.

Finally, you are reminded that you are required to report for work the following day, unless you have arranged in advance to take this as a day's annual leave. Any unauthorised absence on the day after the party will be treated as a disciplinary issue. Any sickness absence on this day will be required to be supported by a [doctor's certificate/signed self-certificate confirming the reason for absence and that the illness is not alcohol-related]. A hangover is an unacceptable reason for sickness absence.

All that remains is for the Company to wish all attendees an enjoyable evening.

Yours sincerely

[name and position]

Policy on Work Related Social Events

From time to time the Company may offer employees the opportunity to attend social events, this may also include social events to which clients, customers and suppliers also attend in addition to staff.

Although most of these social events will take place away from the workplace and outside of normal working hours, [company name] would like to make clear that all relevant policies and procedures as contained within the Employee Handbook still apply e.g. Disciplinary and Bullying and Harassment policy and procedure, code of conduct. The Company would like all employees to enjoy any work-related social event, however, it is still in everyone's interests to impose certain rules of conduct for the protection and comfort of all. Specifically, employees who attend work-related social events must adhere to the following rules and principles:

- Employees should consume alcohol only in moderation at work-related social events, irrespective of whether the Company provides or pays for the drinks.
- It is strictly forbidden for any employee to use illegal drugs, including cannabis, at any work-related social event whether on Company premises or not.
- The rules contained within the Company Employee Handbook applies to work-related social events.
- Employees should not say or do anything at a work-related social event that could offend, intimidate, embarrass or upset any other person, whether as a joke or not. You must strictly adhere to our Policy on Equal Opportunities and Bullying and Harassment.
- Swearing and inappropriate language are unacceptable at work-related social events and the Company would expect the same level and standard of language as if in the workplace in working hours.
- Employees must not behave in any way at any work-related social event that could bring the Company name into disrepute.

Any breach of the above rules may result in disciplinary action up to and including summary dismissal.

The above rules are in place for the benefit of all members of staff and to ensure that everyone can enjoy work-related social events in a pleasant and friendly atmosphere without fear of being made to feel uncomfortable by another employee's conduct.

Policy regarding arrangements over the Festive Period

Introduction

The festive period is often a busy time for our business, however there may equally be a period of time where those we regularly work with are closed down-and as such we may find ourselves quieter than usual.

This policy will detail the arrangements that will apply to the key areas over this period.

Annual Leave

There is no automatic right to annual leave over the Christmas period, and any requests should be made in accordance with usual booking procedures.

If a Christmas shut down is enforced across the business, this will be as per the arrangements detailed in the company handbook and or your contract of employment.

Sickness

Any absence from work will be handled in the same way as any other time of the year during this period of time. It is important that you manage your sickness appropriately, being mindful that although GP surgeries etc may shut on public holidays, the requirements regarding producing medical notes etc remain the same.

Staff who are absent from work the day after Christmas celebrations may be required to produce medical evidence to cover this days absence or complete a self certificate stating the reason for absence and that this is a true and accurate account. Any staff member in breach of the sickness absence policy may be dealt with under the Disciplinary Policy and Procedure.

Early Pay

If we are running an early pay roll in December, we will notify you directly.

Furlough

Where staff are furloughed over the Christmas period, they need to remain available for work under the details of the furlough scheme. Staff who do not wish to be available should book this time as annual leave (for which their pay will be topped up to 100%).

Christmas Parties and Celebrations

All staff are reminded that in the event you attend any work-related Christmas meals / parties / celebrations, you should behave professionally at all times and at no point should any form of discrimination, harassment or bullying take place. Although such events often take place outside of work hours, these can still be deemed to be linked to your employment. As such you are still representing the company during such events, and should any issues occur these would be managed

in accordance with our normal disciplinary procedures. Please refer to our Policy on Work Related Social Events.

Religion and Belief

Although Christmas itself is a religious celebration, the company will treat all staff equally and will not discriminate in any way against those who do or do not hold religious beliefs. Timings of events and arrangements for the events will be considered in line with all religious beliefs.

Other Contract Terms

All other aspects of your contract, for example social media usage, media statements, use of company vehicles etc remain in force during this time. Please refer to the Employee Handbook should you require more detail on our Social Media Policy, Company Vehicle Policy and our clause on statements to the media.

Please ensure that you act in accordance with any Company policies or requirements during this time and raise any concerns directly to your line manager in the first instance.