



## Inside this edition

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# Your duty of care is not just for Christmas

**When you employ people, you not only take on the responsibility of training them to do a job and paying them a salary. There are also countless other things you need to consider to look out for their health, safety and welfare, too.**

And at this time of year, it's possible you'll need to exercise this duty of care a little more.

The Health and Safety at Work Act states that an employer's duty of care extends to any functions organised by the company, which includes Christmas parties. If you fail to meet this requirement (whether accidentally or not), you could be held directly liable under common law.

If you're holding a Christmas party, you'll need to remember to invite everyone employed by the company, even if they're on maternity/paternity leave or long-term sickness. Make sure everyone attending understands your policies on inappropriate behaviour, excessive drinking, and drug use, as well as bullying, violence, and assault.

Unacceptable behaviour can result in disciplinary action, or even be classified as gross misconduct, depending on the incident. Employees aren't always aware of this, so do take the time to point out your expectations of everyone beforehand. A work Christmas party is an extension of the workplace.



Your employees should also understand that if alcohol is on offer, they must not drink and drive, and that a hangover is not an appropriate excuse for absence the following day. It's a good idea to assign a manager (who doesn't drink) the role of dealing with any incidents should they arise. If you feel this could be an issue, perhaps you should consider providing transport or booking hotel rooms for your people and holding the event on a day where most people don't have to worry about working the following day.

Work parties aside, it's likely that at least some of your staff will be a little more sociable at this time of year. That means there's the potential for people to turn up hungover or even still drunk after a night of excess. You need to make it clear that this won't be tolerated, and the dangers this behaviour can pose, particularly in roles that use heavy machinery or dangerous equipment.

Your people should be conscious that their behaviour should not differ from the norm, even though it's Christmas time. If you're unsure of how to broach the subject with your team, or you'd like any guidance or advice, we'd love to help – just give us a call.

## LATEST NEWS



### All the trimmings – 5 festive workplace ideas to encourage employee engagement

Yes we're mentioning the 'C' word – Christmas is coming and as usual you need to think of something your team will really engage with for the festive season.

However, the tired old Christmas party may well not be the best approach. Is it worth the effort to 'do Christmas'? This is a persistent question that we all ask ourselves around this time of year.

[Read more here](#)



### Understanding company culture and your business

What are we doing here? – Understanding company culture and your business we're guessing that everyone reading this article is at least partially aware of the idea of company culture. It's one of those regularly used terms that comes up time and again in discussions around HR.

But what are we actually talking about when we discuss company culture?

[Read more here](#)

## Christmas bonuses and the cost of living crisis

The cost of living crisis is hitting most people in a big way. And it's not just households feeling the pinch either. Businesses across the country are also being squeezed and, in some cases, forced to make cutbacks on how they're spending money.

So, when it comes to Christmas bonuses, do you know where you stand? Do you have to pay? What happens if you can't afford it? What considerations do you need to make?

The first thing you should do is check your contracts. In some cases, you'll be contractually obliged to pay a bonus if certain conditions are met. In other cases, it can be a discretionary bonus, and this gives you a little more leeway if you're struggling to find the extra money this year.

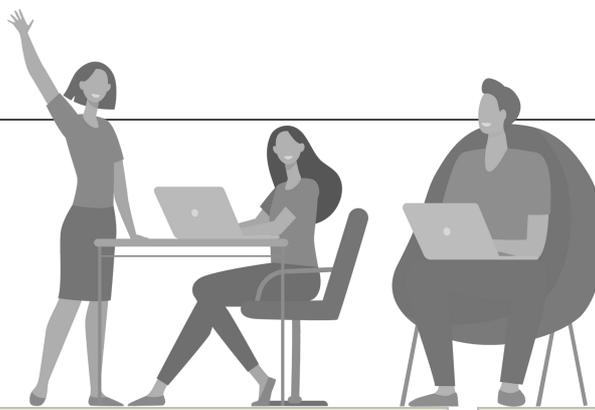
Usually, a Christmas bonus would be awarded based on company performance. That means employees would receive a bonus simply for being employed by the company. And withholding this from employees who haven't been there – for example, if they're on long-term sick leave or maternity/paternity leave – could be classed as discrimination.

If your business is in a good position however, it could be beneficial to pay your employees a Christmas bonus this year. It could help people face the cost-of-living crisis and go a long way towards demonstrating how much you value them. In return, you could be rewarded with increased loyalty and better engagement from your people.

It can be tricky to decide what to do for the best in these situations, so before you make any big decisions, take advice first. As always, we'd be happy to help, so give us a call.



## Q&A



### An employee has turned up to work still drunk from the night before - what should I do?

Speak to them immediately and don't let them start working. They are putting themselves and those around them at risk – especially if you work with heavy machinery. This may be viewed as gross misconduct. Give us a call!

### Should I pay my employees early?

Although it's common for employers to pay employees early at Christmas, you're not obliged to. If your regular pay date falls on a bank holiday, you can change your pay date to the last working day before that.

### Can I ask employees to work overtime during Christmas?

It depends on what your contracts state. Voluntary overtime means you can ask your people but they are not required to agree, and non-guaranteed overtime is where you don't have to provide overtime, but if you do your employee is required to work it.

## Let's talk on the phone



### Here are three questions for you:

1. Do you currently have an HR consultant?
2. On a scale of 1 to 10, how happy are you with them?
3. If the answer isn't "I'm so delighted I could print 1,000 flyers to spread the word about them", let's jump on a video call

This pandemic is teaching businesses just how important it is to get proactive, responsive HR support. That's what we do!



Set up a **FREE 30 minute consultation**

[BOOK HERE](#)

## CHO Corner



### Spread some happiness by supporting your local foodbank this winter!

A food parcel is being given out every 13 seconds in the UK. The rise in the cost of living is putting pressure on foodbanks and their users.

So it's no surprise then that foodbanks are reporting an increase in demand and falling food donations.

If you can, please help keep foodbanks going this winter by donating to one local to you.

Find out what our Founder, Rachel Collar has to say about supporting your local foodbank this winter...

[WATCH HERE](#)