

Your Christmas party is now a harassment compliance test

This is the first Christmas party season since the harassment duty changed in October. If something goes wrong at your work event and you can't show that you took all reasonable steps to prevent it, you'll be liable.

Two things changed in October 2026. The duty to prevent sexual harassment upgraded from "reasonable steps" to "all reasonable steps". And employers are now liable for harassment of their staff by third parties, including customers, clients, contractors and anyone else at the event.

A work Christmas party is a work event. This means that everything that happens there, including what your staff say to each other and what guests or plus-ones say to your team, falls under your responsibility.

What a tribunal will ask is what you did beforehand to prevent it. So here are four things worth putting in place before any social event this season.

1. Do a brief written risk assessment. Even a one-page document is enough, as long as it exists and you've acted on it.
2. Brief your managers on what to look out for and how to respond if something happens.
3. Make sure that there is a clear way for staff to report an incident, including outside normal working hours.
4. Follow up after the event. If something is reported, act on it.

These steps won't guarantee that you're covered, but they go a long way toward showing a tribunal that you took the duty seriously.

If you'd like help with putting this in place before your Christmas event, get in touch.

LATEST NEWS

Employee on medication dismissed for being "under the influence"

An employee with bipolar disorder took her usual medication at lunchtime rather than the evening. Within an hour, she experienced drowsiness, confusion and impaired speech, and fell asleep at her desk. Three colleagues witnessed it. Nobody asked if she was OK.

The next day, she was suspended for being "under the influence". She was later dismissed for gross misconduct.

The tribunal found that the investigation was "seriously flawed". The employer never contacted the café she'd visited at lunch (which doesn't serve alcohol), never asked about her medication and never explored any alternative explanation. The judge said no reasonable employer would have dismissed in those circumstances.

The employee was awarded nearly £50,000.

If someone in your team is behaving unusually, the first question should be whether they're alright. There may be a medical explanation and jumping straight to misconduct without investigating properly can turn a single incident into a very costly one.

Acas is rewriting its disciplinary and grievance code for the first time since 2009

Acas has consulted on a full rewrite of its Code of Practice on disciplinary and grievance procedures. The consultation closed in September and the final version hasn't been published yet, but the direction of travel is clear.

The biggest change is that informal resolution is being brought into the statutory code for the first time.

Right now, the suggestion to try resolving things informally sits in the foreword, which tribunals don't have to consider. Under the new draft, it becomes part of the code itself. This means that if you skip straight to a formal process without trying to sort things out informally first, a tribunal could take that into account when deciding compensation, including the 25% uplift.

If you're already having informal conversations when issues come up, you're ahead of this. Just make sure that you're writing them down, even briefly. A conversation you can't evidence is a conversation that didn't happen.

Your top HR questions

Can I still make someone redundant and offer them a different role?

Yes, genuine redundancy is still lawful.

But, from March 2027, if you dismiss someone and offer them a substantially similar role on worse terms, that could be reclassified as fire and rehire, which is automatically unfair.

The key question is whether the new role is genuinely different or just the old one with worse pay or conditions. Document your business rationale, consult properly and take advice before acting.

Do I need to do a risk assessment before our Christmas party?

Yes. Since October, the harassment duty requires you to take "all reasonable steps" to prevent harassment and a work social event counts as a work event.

If something happens and you have no risk assessment, you have no defence. It doesn't need to be long.

Cover the basics: alcohol, mixed attendees, such as clients or suppliers, venue layout, how staff can report an incident and which managers are briefed. Keep a copy.

What should I do if an employee tells me that they are experiencing domestic abuse?

There's no legal requirement to have a standalone domestic abuse policy, but your duty of care and health and safety obligations still apply.

Respond sensitively and offer confidentiality. Consider whether reasonable adjustments would help, such as flexible hours, changed contact details or a safe working arrangement. Signpost specialist support services. If your managers haven't been trained on how to handle a disclosure like this, that's worth addressing.

Need a confidential chat?

If you have a problem brewing in your business, you're worried about something or you simply need some expert HR support then please get in touch with us for a confidential chat.

A quick conversation could save you from a very costly mistake and we could give you the clarity you need to decide your next steps with confidence.

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