

Legal update — December 2016

## Employment and pensions Post-Christmas party punch-ups

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**It's not news that Christmas parties, with their alcohol-induced loosening of inhibitions, can sometimes cause tricky problems for employers. Previously it has been clear that employers can be vicariously liable for undesirable festive shenanigans on the part of their employees, but what's the position when people move on for post-party drinks? It hasn't been clear in the past whether the employer is still liable for what happens after official partying finishes.**

In *Bellman v Northampton Recruitment Ltd*, following a company Christmas party at a golf club, half of the guests moved on to a hotel and carried on drinking. As time went on the conversation took a controversial turn, and the managing director of the company lost his temper and began to lecture the employees present on how he was in charge and made all the decisions. On being challenged by Mr Bellman, one of the company's employees, in a non-aggressive manner, he responded with his fists and punched him twice. The second punch knocked the hapless Mr Bellman out and he sustained some brain damage. All in all a rather tragic end to what was presumably intended to be a fun night out.



Source: Fotolia

The High Court found that a line could be drawn between the Christmas party at the golf club and the "impromptu drink" at the hotel as "there was not only a temporal but a substantive difference" between the

party and the later drinks. The fact that the conversation, which had initially been on social topics,

had turned to work could not, in the Court's view, support a finding of vicarious liability against the company. As the Court found it, "It was, or without any doubt became, an entirely independent, voluntary, and discrete early hours drinking session of a very different nature to the Christmas party and unconnected with the Defendant's business".

Whilst the High Court found that Mr Bellman "was entitled to feel greatly aggrieved" (perhaps something of an understatement!), it concluded that the employer was not vicariously liable.

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