



## **Navigating Festive Cheers:**

## **Employer Responsibilities and Alcohol Consumption in Workplaces**

### **Introduction**

As the holiday season approaches, many workplaces across New Zealand are gearing up for festive celebrations. While spreading holiday cheer is encouraged, employers must navigate the delicate balance between creating a joyful atmosphere and ensuring a safe and respectful work environment. In this blog post, we'll explore employers' responsibilities regarding alcohol consumption at work events versus a zero-tolerance approach on work sites. We'll delve into the legal framework outlined in the Health and Safety at Work Act 2015 and discuss the value of drug and alcohol testing policies in mitigating associated risks.

### **The Legal Landscape: Health and Safety at Work Act 2015**

The Health and Safety at Work Act 2015 sets the foundation for ensuring the health and safety of workers and others, including considerations that can be applied to alcohol consumption at work events. Two primary approaches exist:

Responsible Alcohol Service: If employers choose to serve alcohol at work events, they must adopt responsible alcohol service practices.

This involves monitoring alcohol consumption, providing non-alcoholic options, and ensuring the well-being of attendees (including afterwards), as is reasonably practicable. It also requires planning, effective communication and the involvement of workers regarding health and safety considerations.

Zero Tolerance on Work Sites: It is becoming more common to find that workplaces have chosen to maintain a zero-tolerance approach to alcohol consumption on work sites. This approach aims to eliminate any potential safety risks associated with alcohol use, particularly in operational environments. It may include that there be no alcohol at any work event, even when held off site, or it may allow for alcohol to be served at certain venues, with specific requirements e.g. regarding licensing and other procedures to mitigate associated potential risks.

## **Requirements for Employers and Employees**

Communication: Clearly communicate the organisation's stance on alcohol consumption, whether it's a zero-tolerance policy or responsible service guidelines and specific details related to each event. Some communications can only occur when initial risk assessment and planning for an event has been completed, so timing needs to be taken into account. At this time of year, it is timely to refresh staff on the requirements of existing policies and to take the opportunity to review the relevant policies.

Education: Provide employees with information about the potential risks of alcohol consumption, the potential impact on safety, the signs of intoxication, the statistics regarding alcohol consumption in New Zealand and the impact on workplaces, where they can seek help or raise concerns, and the potential consequences of any policy violations.

Policy Development: Establish clear, documented policies regarding alcohol consumption, detailing expectations, types of mitigation initiatives, consequences for policy breaches, and the process for reporting concerns. Ensure policies are well understood.

Testing Policies and Procedures: Implement drug and alcohol testing policies, especially if the workplace involves safety-sensitive roles. Regularly review and update testing procedures to align with legal requirements. Employment agreements may also need updating, to include drug and/or alcohol testing.

### **Risks of Alcohol Consumption at Work Events**

Impaired Driving: After work events, employees may drive home. Impaired driving poses a significant risk, and employers should consider how alternative transportation options might be arranged. Obligations under the Health and Safety at Work Act 2015, for both employers and employees, don't stop at the work site entrance or at the conclusion of a work event held off site.

Behavioural Issues: Excessive alcohol consumption can lead to inappropriate behaviour, affecting the work environment, relationships among colleagues, and potentially, the ongoing employment relationship. This can also include behaviour that occurs outside of work.

Complaints and Harassment: Alcohol-fuelled incidents may result in complaints such as harassment or sexual harassment claims. Employers must then address, as well as initially mitigate the risk of such incidents.

## Mitigating Risks

In preparation for an event, your plan might include the following types of mitigation options (noting they need to be relevant to the specific circumstances):

Transportation Options: Arrange alternative transportation or support services like taxis or rideshare options to ensure employees can get home safely.

Monitoring Alcohol Consumption: Implement measures to monitor and limit alcohol consumption during work events, including ensuring alcohol is not served to anyone under 18 years old.

Provide Food and Non-Alcoholic Options: Ensure there is an ample supply of food and non-alcoholic beverages to moderate alcohol intake.

Early Conclusion of Events: Consider concluding work events earlier to minimise the risk of excessive drinking.

Training and Awareness: Conduct training sessions about acceptable and unacceptable behaviour, including in regards to responsible alcohol consumption, and make employees aware of the potential risks and consequences.

For some further information about serving alcohol safely at work events:

1. See information provided by the Health Promotion Directorate within Te Whatu Ora – Health New Zealand:  
<https://resources.alcohol.org.nz/resources-research/alcohol-resources/research-and-publications/serving-alcohol-safely-at-workplace-events>

2. See information provided by WorkSafe:

<https://www.worksafe.govt.nz/topic-and-industry/event-management/managing-risks-at-events/>

## **Conclusion**

As the holiday season brings joy and camaraderie to workplaces, employers must be vigilant in managing the risks associated with alcohol consumption. Whether adopting responsible alcohol service practices or maintaining a zero-tolerance policy, adherence to the Health and Safety at Work Act 2015 is paramount. Through clear policies, education, and proactive risk mitigation measures, employers can foster a festive atmosphere while prioritising the health and safety of their workforce. Cheers to a safe and joyful holiday season!

## **How I can Help**

I can assist you with the following:

- Policy development or review
- Communications to staff
- Training
- Review of employment agreement (and adding a drug and alcohol testing clause)
- Investigations
- Disciplinary procedures