

E-Newsletter

December 2011

Ortolan
Legal Ltd



Your latest commercial legal update from Ortolan Legal, the virtual in-house law firm

Hello and an early Merry Christmas to you and all our readers. Inevitably, we have followed last year's Christmas newsletter theme with something equally seasonal this year. Why is it that lawyers are always seen as the dampers on what might otherwise be an opportunity for unrestrained excess.....?!

Please do take a minute to have a look at our year in review - the link should appear just to the right and below this note. We've had a busy and interesting year and we would like to thank those of you who have chosen to instruct us over the last 12 months (and encourage those who haven't to give us a go!).

As always, we hope you enjoy reading our newsletter and please feel free to forward it on to anyone you know who might find it of interest.

Christmas In The Office & Parties

Five Top Tips

1. Do invite everyone but don't enforce attendance

Generally invites should be issued to all staff members, even potentially those off on sickness absence, depending on the nature of their illness. However Christmas parties cannot be made compulsory. If an employee does not want to attend, even if you think they are not a "team player", you should not try to force them to attend. Attempting to do so could constitute a breach of equality laws if the employee feels harassed or bullied, or if non-attendance is on religious or other grounds.

2. Provide equipment to put up decorations

All too often staff decorate the office using inappropriate equipment, chairs and desks rather than proper ladders. There are health and safety implications if an employee is injured at work whilst hanging up Christmas decorations. An employer could be liable for breach of health and safety legislation and, in the case of a death, the employer could face prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, with face the possibility of a hefty fine. Ensure that proper equipment is provided and that staff know that such equipment is available and must be used.

3. Warn your staff about alcohol consumption

Many companies supply alcohol at functions, either at an open bar or up to a set limit. However, there are legal implications in doing so. Companies need to consider whether employees should be required to return to work if the party takes place at lunchtime and, if so, whether it is safe for them to carry out their job. If it is an evening event, ensure that staff are advised not to drive and suggest the use of taxis or local hotels. Also, beware of underage drinking if staff members are particularly young.

4. Warn people about behaviour at parties

Unwanted attention by one staff member to another could constitute harassment, sexual or otherwise, or bullying and the company could



Our Year In Review

*Read it online
or download*

We've published a brief document to give you a flavour of the type of work we have been undertaking in 2011. Thanks to all our clients who have agreed to be featured and for the generous testimonials they have given. You can read this by clicking here: [Year in Review](#)

Carrie Beaumont

We would like to welcome Carrie to Ortolan Legal. A solicitor with a particular strength in employment law, Carrie has recently joined us as a senior associate from a London firm. Although she is now based in the sunny north-west of England, Carrie will be advising our clients throughout the UK and we are delighted to have her on board. You can read more about Carrie in our [Year in Review](#).

be liable as a result. Ensure that all staff are warned that unacceptable behaviour will not be tolerated and that the disciplinary procedures may apply to their behaviour during the party. Warn employees not to drink excessively, not to get involved in arguments or fighting, not to take drugs and not to get involved in any disreputable conduct..

5. The morning after the night before

If staff are required to work or drive the following day, they should be warned that alcohol stays in the system for some time and, if they exceed the legal limits, they might not be fit to work or drive the following day. If this is the case, companies might want to consider having the Christmas party at the end of the working week. Consideration also needs to be given to staff who are absent from work on the next day, having over-indulged at the party. Staff should be warned of the consequences of unauthorised absence and the fact that a hangover does not justify a day's sick leave.

About Ortolan Legal

Ortolan Legal is a radically different law firm providing pragmatic and commercially focussed legal advice. We are experienced in-house lawyers, based remotely so overheads are kept to a minimum. Our pricing structure is entirely flexible; we will adopt your preferred structure and simply ask to earn a fair margin for our work. We don't charge administrative costs. Dealing with ad hoc work or retainer work, we can assist where there is no in-house legal function and also provide holiday cover or supplement existing in-house legal teams. Our work covers non-contentious company commercial and employment law, contracts, tendering, purchase, supply, distribution, franchising agreements and pre-litigation reviews. We also provide general 'Legal Health Checks' and a 'Legal Hotline' offering legal support for a set number of hours each month.

If you require any advice in connection with the content of this bulletin, or on any other issues, please contact Claudia Gerrard on 0844 5611 638 or e-mail her at cgerrard@ortolangroup.com

And Finally....

Those Christmas gifts

Munir Yakub Patel, convicted in October 2011 in the first prosecution under the Bribery Act 2010, was sentenced last month to 3 years' imprisonment for accepting a bribe and 6 years' imprisonment for misconduct in a public office. The two sentences are due to run concurrently. In the light of that, organisations might also want to ensure that staff are warned about the possible implications of Christmas gifts, either given to or received from, suppliers and clients.....

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