

## Discipline, Dismissal, and the Demon Drink: An Explosive Social Cocktail

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### Abstract

Social drinking in the workplace forms an important part of our organisational identity. Considered a social lubricant, alcohol has become part of New Zealand's social fabric. In the workplace, however, alcohol can often become the demon, responsible for behavioural impropriety. This over-indulgence often leads to embarrassment, but sometimes it extends to the more severe outcomes of discipline and even dismissal. It is also increasingly a focus of occupational health and safety regulation. Adopting a conversational yet serious stance, our paper explores the views and experiences of employers and employees as they relate to workplace social occasions. By cataloguing contemporary attitudes and profiling the pitfalls and the problems that arise when things go wrong, our paper concludes by proposing some sage advice for both parties.

**Keywords:** alcohol, employee behaviour, social norms, drinking culture, workplace policy

### Introduction

What constitutes acceptable behaviour in and around the workplace is, to some considerable extent, subject to the proverbial 'moving goal posts,' a set of sometimes oblique standards that move with changing societal mores. In the workplaces of Australia and New Zealand, that could not be more true than it is in relation to the consumption and influence of alcohol. By comparison, the regulations and expectations in relation to illicit drugs in the workplace are relatively straightforward. But alcohol consumption is legal, and enjoyed moderately and reasonably by most adults in many circumstances, including often times at or around the workplace. However, from both disciplinary and safety perspectives, there is increasing recognition of the dangers of alcohol consumption at work or at work-related social functions. Testament of the occupation health and safety dimension to this are the numerous comprehensive regulatory and advisory government and extra-government outputs at international (cf. *Management of alcohol and drug-related issues in the workplace: an ILO code of practice* (International Labour Organization, 1996)), state and national (cf. *Guidance note: alcohol and other drugs at the workplace* (Western Australia Commission for Occupational Safety and Health, 2008)), and industry levels (cf. *Guidance for managing drug and alcohol-related risks in adventure activities* (New Zealand Ministry of Business, Innovation & Employment, 2013)).

First, let's set the scene – and we do so with a person we shall refer to as Ms C. At 24, she was a top salesperson at the most profitable outlet of a major appliance retailer, regularly pulling

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the highest commissions and monthly bonuses. She lived at home with her parents and was building a good financial basis for the future. She was good at sales and she enjoyed her work and, her workplace. Until the Christmas party!

To celebrate the holiday season and a good year at the store, staff organised drinks at a city pub followed by dinner at a nearby restaurant. Management contributed \$25 per head. Everyone from the store manager to the cleaner was there. A couple of the women booked a room at a city hotel to avoid driving home to the suburbs at the end of the evening, and invited others to join them for “pre-drinks drinks” and Ms C went along. Later at the pub, already slipping under the influence, Ms C patted the store manager’s behind, drawing a rebuke from the manager’s wife. Alcohol continued to flow freely at dinner, for those who wanted it.

After dinner, Ms C and two men from the store went on to a nightclub, and eventually around midnight presented themselves, now conspicuously drunk, at the hotel room where their colleagues were preparing to sleep. Over the next couple of hours, Ms C had sex in the bathtub with the assistant store manager and, on the floor beside the bed in which her colleagues were trying to sleep, with the other man, a salesman from the store. Despite the protests of the women who rented the room, all three eventually passed out and spent the night. Ms C’s recollection of events was hazy and incomplete at best.

The next day, the women who had rented the room filed complaints with store management and an investigation was initiated. The two men resigned. Ms C was interviewed and was sufficiently vague in her answers that she was accused of not being honest, and she was eventually fired for sexual harassment of the colleagues who rented the room and for lying during the investigation. She filed a grievance and won on some points, but she didn’t get her job back or any substantial remedies, and that career path was pretty well shut down.

Ms C’s story is a true one, drawn from the annals of employment case law. Social occasions where management and staff mix are a feature of many workplaces, and alcohol often serves as a “social lubricant” at such events. Friday night drinks after work or even every night drinks after work, special occasion celebrations of retirements, births, engagements, and marriages, dinner and drinks with colleagues while away on business, socialising with prospective customers or suppliers, and of course the long and widespread tradition of end-of-year or holiday celebrations. It is widely believed that the guiding mechanism for employees’ drinking behaviour (for good or for bad) at these social events are the social norms which usually become embedded within the stories, rituals and rights of the organisation (Trice & Sonnenstuhl, 1988). As the case of Ms C demonstrates, social drinking occasions can, however, give rise to some serious safety and health issues.

In our study, we take a look at some of the prevailing social norms surrounding alcohol consumption within New Zealand workplaces, with a view to highlighting the nature and extent to which behavioural impropriety occurs at work-related social events. Based on this information, we are then able to develop some guidelines for promoting best behaviour and practice for both parties and, in so doing, we are hopeful that these occasions will be memorable for all the right reasons. We see this endeavour as both timely and worthy given the recently introduced Health and Safety at Work Act (HSWA, 2015) explicitly requires New Zealand employers to secure “the health and safety” of their workplaces and their employees.

### *Alcohol as a “social lubricant”*

Drinking alcohol can be a source of both enjoyment and relaxation (Nesvåg & Duckert, 2017) and there is evidence that, at the workplace level, it has some utility influencing the formation of our organisational identity (Walker & Bridgman, 2013) and as a social lubricant – alleviating stress, enhancing relationships, and improving solidarity amongst group members (Bennett & Lehman, 1998; Trice & Sonnenstuhl, 1988; Walker & Bridgman, 2013). Social controls for employees’ drinking behaviours are developed and transmitted via social cultural/subcultural norms (Ames, Delaney & Janes, 1992) established at the level of the workplace, the workgroup and/or the occupation. These norms act as the guide to proper and functional drinking behaviours (Nesvåg & Duckert, 2017).

However, if these norms are violated, dysfunctionality problems which compromise occupational safety and health can arise. Along with workplace social drinking norms, although not a focus in our study, for individuals, characteristics associated with the work itself are also thought to influence drinking behaviours. Jobs which are demanding, stressful or alienating, jobs which involve shift work, jobs which have low job performance visibility or abusive supervision are all characteristics which have been linked to problematic employee drinking behaviours (Trice & Sonnenstuhl, 1988).

Most New Zealand adults drink alcohol; alcohol is prominent in the New Zealand lifestyle (Walker & Bridgman, 2013). It sponsors our national game and it lubricates our social occasions. Most drink in moderation and appropriately to the occasions, but some don’t. The *New Zealand Health Survey 2012-2013* reported that 79 per cent of New Zealanders aged 15 and over had drunk alcohol in the past year. Of these drinkers, one third drank alcohol at least three or four times per week, half had been intoxicated at least once in the previous 12 months, including eight per cent who reported being intoxicated at least once a week (Ministry of Health, 2013). There are some positives here, if moderation is valued. For instance, two thirds of drinkers drink less than weekly; half had not drunk to the point of intoxication in the past 12 months. So, many New Zealand adults are enjoying drinking alcohol appropriately and in moderation. However, self-harm and harm caused by the drinking of others is sufficiently widespread in New Zealand that abuse of alcohol is considered a significant social problem. The social lubricant is too often an anti-social enabler.

A New Zealand Law Commission report issued in 2010 after an extensive inquiry identified the following “serious harms” caused by New Zealanders’ “excessive consumption of alcohol”: “an array of criminal offences,” up to and including homicides, but prominently including sexual assaults and domestic violence against women and children, a particular New Zealand scourge; “alcohol poisoning and accidental injury due to intoxication” sometimes causing death; “the harmful effects on educational outcomes, workplace productivity, friendships, social life, and the financial position of households”; and “public nuisance” including litter, noise, and damage to property (New Zealand Law Commission, 2010).

The workplace is a central institution of society, in New Zealand as elsewhere, so it is to be expected that the workplace will reflect social norms about alcohol consumption, although tempered somewhat to the purpose and disciplines of the place, and will also experience some of the “serious harms” attributed to alcohol consumption. Our study was designed to broadly document the impacts of alcohol on New Zealand workplaces and the workers who populate them. In this paper, we report on one important aspect of that broader subject, namely the impacts of alcohol consumption in “workplace-related” social settings of the types listed in the

introduction above: after work drinks, celebrations of special events, dinner and drinks with colleagues “on the road” or as a part of business dealings with customers or suppliers, and holiday social functions.

## **The research method**

### *Data collection*

The research design saw data collected from both primary and secondary sources. Primary data were collected via an online questionnaire, administered by a data collection agency (ResearchNow), to a randomised sample of 230 employers, of which 218 were usable, and 850 employees, of which 813 were usable. This online questionnaire sought information about the policies and prevalent attitudes towards alcohol consumption at social events in respondents’ workplaces, as well as any incidences and/or examples of inappropriate behaviours observed at these occasions. In addition, respondents were asked to share, should they wish, any relevant workplace stories pertinent to a study of this nature – these could be good, bad, funny or sad. With regards to the latter, while no employers elected to share any workplace stories, some 187 employees did comment. It is these anecdotal data, which we believe, that affords our research both depth and insight into the role played by alcohol at contemporary workplace social occasions.

In addition to the survey data, we examined the decisions of the adjudicatory bodies under New Zealand labour market legislation – the Employment Tribunal under the Employment Contracts Act 1991 and the Employment Relations Authority under the current Employment Relations Act 2000. We identified from available adjudication decisions 199 cases in which the misuse of alcohol was in some causative way involved in the case; most cases were grievances alleging unjustified dismissal from employment. Of these cases, 21 cases involved consumption of alcohol in a “workplace-related” social setting. It is to be expected that many more cases arising out of similar circumstances were resolved in mediation or direct exit negotiations with offending employees, or resulted in voluntary quits, while no doubt others would have been let go without formal adverse consequences for employees involved. Where appropriate, these stories have been woven into our narrative.

## **Results**

### *The legal framework*

Employment lawyers, mediators, and adjudicators will all tell you that holiday work functions and other “work-related” social occasions are a rich source of “business” for them. Under New Zealand employment law, even conduct that occurs outside of normal hours and off site can be actionable by the employer, if there is a sufficient nexus to the employment.

Misconduct occurring at work sponsored social functions, whether on or off premises, will almost always be within the jurisdiction of the employer much like any other misconduct at work. New Zealand law also extends the employer’s jurisdiction to adverse events occurring outside work hours and away from the workplace where the employee is involved in workplace-related activities, for example while travelling for the employer, where there is

damage to the employer's reputation, some other material harm to the employer, or significant damage to fellow employees or the workplace environment (*Smith v Christchurch Press Company Ltd, Hallwright v Forsyth Barr*). These general principles cover all manner of after-hours and off-premises mischief that does damage to the employer's interests, including misconduct powered by alcohol.

The other relevant legal concept in New Zealand, as in many countries, is the employer's obligation under occupational health and safety laws. In New Zealand, that obligation is to take all practicable steps to provide employees with a safe workplace, and that obligation extends to workplace-related social functions and occasions. It could be said that, to the extent that the employer's disciplinary reach extends to cover employees' use of alcohol on and off the premises, in and out of normal hours, the employer has obligations to take all practicable steps to ensure that employee safety is not jeopardised by the availability and use of alcohol. In essence, "good host" obligations apply to employers where alcohol is made available to employees in their capacity as employees under the auspices of the employer.

### ***Availability of alcohol at workplace social occasions***

Seventy per cent of our 813 employee survey respondents reported that alcohol was available at their work social functions, both on site and off site, and in most instances this was wholly or partially paid for by the employer. It is worth noting that most reported having experienced no significant problems from the availability of alcohol at work functions. While there is some evidence that alcohol is less accepted in the workplace today than it might have been in the past, many people still enjoy a drink in moderation and control as a part of work social events. However, 20 per cent of our employee respondents had seen trouble, sometimes big trouble, when staff over-indulged at work events, while 25 per cent of employer respondents also reported having had to deal with inappropriate behaviour at work social occasions.

The data from our 218 employer respondents give an indication of the employer-endorsed availability of alcohol at work-related social occasions. While only a minority of employers reported having alcohol available at "working sessions", such as staff seminars and team building exercises, 70 per cent reported providing alcohol at work social functions, and a similar percentage said this was true as well for work-related social events held away from the work premises. This did not, however, extend to travelling for work purposes, with only 21 per cent of respondent employers allowing employees to claim for alcoholic drinks while "on the road." Two-thirds of employer respondents reported that at least some of their employees liked to drink together "after work," although the frequency varied a great deal and this habit wasn't necessarily supported or endorsed by the employer. The most common frequencies cited were "less than once a month" and "once a week," 22 per cent and 16 per cent, respectively. While 36 per cent of employers reported their organisation's unofficial attitude towards alcohol consumption at work was one of zero tolerance, a similar number (37 per cent) reported this to be one of tolerance, with 22 per cent indicating a relaxed stance was adopted, with a couldn't care less stance adopted by the remaining five per cent.

### ***Behavioural manifestations***

The extant research suggests organisational drinking subcultures play a hugely influential role in work group drinking behaviours (Bennet & Lehman, 1999). Specifically, research has found that drinking behaviour in organisations is often regulated by "informal social controls", with these having a pressurising effect, especially on new employees (Ames & Janes, 1992: 113).

In our study, we found some evidence of this with one employee feeling immense pressure to drink at social events, with the consequences for non-conformance being severe. Here is their story:

I left a job in local government 2 years ago ... The pressure to conform through social club events, Friday drinks, and other “special” events was immense. And because I did not feel comfortable as a manager drinking with staff who were my direct reports, I rarely participated. The drinking culture contributed directly to a culture of bullying and harassment, where ultimately a few staff got together to fabricate stories against me. I held out all the way through a personal grievance because the organisation handled the “investigation” so badly. It turned out that senior managers had helped orchestrate the entire situation. It took me almost a year to recover from the stress and my earning capacity has been greatly downsized. But on the positive side, I am in a much better place for health – both physical and mental. I think the use of alcohol is viewed in many NZ organisations as the norm. And it creates unhealthy work relationships.

Fortunately this case was not representative of all employees however, with many making a conscious and independently motivated decision about whether they would or would not participate and/or drink at work social occasions. In these cases, it was encouraging to see that, where these choices seemingly differed from those of the majority, the individuals concerned were not sanctioned or subject to ridicule or alienation from the rest of the group. We wonder if this tolerance is attributable to life cycle changes, as our data also showed a number of employees had observed within themselves a change in drinking behaviour and attitudes towards alcohol, with these being attributed to increases in their age and responsibilities. Some even observed these behavioural and attitudinal changes to be more widespread, with one employee commenting:

I have been in the same job for 38 years and it was a “live hard” “play hard” situation which promoted alcohol use/abuse. It is different today without the same emphasis on alcohol with a lot of younger co-workers seemingly more responsible in their drinking habits.

Consistent with prior research (Walker & Bridgman, 2013), some also suggested alcohol has a positive role to play in facilitating organisational bonding, with one employee suggesting:

... companies should make more effort to encourage team building and socialising amongst employees with controlled alcohol as it builds strong relationships and teaches people about each other by changing the environment and situations we relate to each other in; learning about each other away from the strict confines of the stressful workplace.

So what could go wrong at the workplace social party – well quite a lot so it happens! As we noted above, some 20 per cent of our employee respondents and 25 per cent of our employer respondents did report having experienced inappropriate behaviour on the part of employees or managers as a consequence of intoxication at work-related social functions or occasions. We catalogued and categorised the regrettable behaviours and consequences reported to us, some more prevalent and troubling than others (see Appendix 1), and it is to this end that our discussion now turns.

At the lower end of the impropriety scale, respondents reported just foolish, sometimes annoying behaviour. Lots of loud and unruly conduct, “getting a little crazy” and “falling down drunk,” but sometimes going too far – doing wheelies around the work’s yard and pushing a fellow employee into the swimming pool. While most of this sort of embarrassing behaviour is at the least harmful end of the scale, it does run the risk of leaving an employee with a damaged reputation; losing control is not the ideal way to make an impression. And sometimes it can turn dangerous. One respondent reported a young intern “becoming paralytic” at an offsite Christmas function and collapsing in a toilet cubicle, not found until the following morning, probably lucky not to have choked to death.

Sometimes general drunken rowdiness can degenerate into more offensive incivility and rudeness. So, loudness becomes swearing and unacceptable language; falling down drunk becomes breaking glassware, furniture, and office or restaurant fittings; loss of physical control becomes vomiting in restaurants, offices, lifts, or over one’s colleagues; and alcohol-fuelled recklessness can lead to everything from smoking in non-smoking facilities to driving home drunk.

The two most damaging kinds of behaviours that surface at work functions, often putting employment at risk, are *aggression* directed at fellow employees and *sexual behaviour* or *harassment*. We received many reports of drunk party-goers directing verbal abuse at co-workers, or sometimes clients or co-workers’ family members, where those folks were invited to the function, as they often are. But there were also a number of reports of physical assaults occurring at work functions, usually between co-workers and usually over some work-related matter, although there were also reports of altercations between domestic partners and occasionally between workers and clients. One detailed story reported by a respondent involved an altercation between a married couple at the company function that resulted in an arrest for domestic violence. In many of the assault and verbal abuse cases reported to us, there appeared to be a history of employment relationship problems that came to the surface in a social situation when under the influence of too much alcohol.

In a recent New Zealand example from adjudication case files, Ms L was a manager in an early childhood facility, until she resigned in the face of disciplinary action and filed a constructive dismissal grievance. There was a history of employment performance difficulties that the employer was attempting to work through with Ms L, providing extensive counselling and training opportunities. But the employment relationship was also being compromised by Ms L’s drunken behaviour, and that of her invited family and friends, at several staff social functions held by the employer at his rural property. Eventually she abused a fellow employee, whom she happened to encounter on the street on a Saturday night, leading to an intervention by the employer to address her alcohol issues. Unsurprisingly however, other difficulties overtook matters and the employment relationship ended.

Verbal and physical aggression directed by an employee towards management is a special category of abusive behaviour that sometimes emerges at work social functions, and these cases too, almost always have a back story. There were several such instances reported by respondents in our study, with reports of an employee “dissing management in front of everyone,” getting into an argument with a manager, or shouting and swearing at a manager.

In one example from New Zealand case law, Ms S had been a sales consultant for a year or so before she was dismissed for her behaviour at a work function. There was a history of unhappiness in her employment, Ms S claiming that she had been deprived of some

entitlements, and generally discriminated against and bullied. Presumably, this felt discontent contributed to her venting under the influence of too much alcohol at a staff social club function that began at a leisure centre on a Saturday afternoon and moved on to a BBQ at the employer's home. For whatever reason, she called a fellow employee "a f--- dickhead," commented indelicately on the similarity between a sausage and a penis, and told the employer that she was "a f--- bitch," and "I hate you." Predictably, that was pretty much the end of that relationship.

Of course things can go in the other direction as well, with managers under the influence abusing staff at works functions. In another New Zealand reported case, Mr C was a welder who was assaulted by an intoxicated workshop manager at the work Christmas party, resulting in him being off work for over a month while his injuries healed. Before returning to work he asked that he not be assigned to work under the manager who had assaulted him. He was found unjustifiably constructively dismissed when the company denied the request and he understandably elected to not return to work.

The other particularly damaging type of behaviour that often surfaces at the annual Christmas party or other work social occasion, and that featured in our respondents' accounts, is sexual harassment or other forms of sexual behaviour. The offenders are reported as both fellow employees and managers, but also sometimes clients of the organisation, or spouses, other family members, or friends of employees invited to the function. The behaviours reported in our study included a male employee being found drunk and naked in the work bathroom, a staff member "flopping his wang out," a female employee "dancing on a senior manager's knee as she was too drunk," various male and female employees stripping to their underwear, "dirty dancing," "inappropriate hook-ups," and "employees raunchy on the dance floor" and "people making out."

Mostly, however, when inhibitions were relaxed by too much alcohol, sexual harassment at work functions was reported as inappropriate comments and unwanted attention – inappropriate jokes, unwelcome flirting, uncomfortable leering at another employee, particularly men at women, and commenting on breast size or other body features or appearance, and groping or "cuddling" or hanging over other staff; all of which can ruin the occasion for the person on the receiving end of the unwelcome behaviour, and can indeed have lingering after-effects for the victim and for the environment of the workplace, and perhaps marginalisation for the protagonist (Nesvåg & Duckert, 2017).

Consistent with these data, this was also a recurrent theme evidenced in case files. Typically where an employee is being subjected to intensive and usually public sexual harassment at a work social function, it often appears to be the "beginning of the end" of the employment relationship for the harassed employee. As the former Chief Judge of the New Zealand Employment Court said some years ago, "sexual harassment poisons the atmosphere of the workplace" and the work function is one workplace setting that often fosters harassment by some when the alcohol takes hold. Another noteworthy point to be gleaned from the case data is that the largest number of cases in the New Zealand database involving sexual harassment of colleagues under the influence of too much alcohol in work-related settings occurred when employees were away together on business overnight (e.g., airline workers). That perhaps represents a relaxed setting where even the limited restraints offered by a wider audience at staff functions are not present to inhibit inappropriate behaviour under the influence.



These sorts of improprieties can and often do lead to dismissal – a fact attested to by many cases in the files of employment adjudicators. In a recent Australian case, Mr K was a team leader in a road construction company who was dismissed for his behaviour at a work Christmas party held off site. Over a period of about six hours, Mr K consumed 13 alcoholic drinks on top of two drinks he had before arriving at the function. The employer relied on eight alleged incidents of poor behaviour from Mr K on the night, including swearing at a director, sexual harassment of a female colleague (asking about her personal life and for her phone number), and bullying and swearing at two different female colleagues. After the formal function had finished, some of the party-goers continued at the venue's public bar. Mr K's poor behaviour continued. He kissed another female colleague and told another he would like to know the colour of her underwear.

## **Concluding remarks**

Alcohol is renowned for being used as a crutch at social occasions. While the popular press (see Fitzgerald, 2016) and some researchers (Friedman & Klatsky, 1993) have recognised the problems resultant from this relationship, few have done so within the context of the workplace (exceptions include the work of Nesvåg & Duckert, 2017). Indeed, in the New Zealand context, a review of the Alcohol Advisory Council of New Zealand's publications, over a 10 year period, revealed there to be "no mention of a work-alcohol link" (Walker, 2012: 26). This is somewhat surprising given many New Zealanders share a love affair with both socialising and with the drink. A study which intertwines these themes within the context of the workplace is long overdue. However, for such a study to be a worthwhile endeavour, it needs to be able to afford practitioners some pragmatic beneficial advice guiding them in how to best meet the needs of the parties involved in the social occasion. These are now highlighted in the concluding sections of our paper.

### ***Who is responsible?***

We think both parties need to assume some responsibility. The responsibility for employee welfare resides with employer, while the responsibility for behavioural impropriety lies with the employee. In the case of Mr K (discussed above), the dismissal was appealed and he subsequently won his case. This was in part on the grounds that the employer had provided unlimited alcohol and, in doing so, had breached its health and safety responsibilities to employees, and in part on the grounds that some of the behaviour complained of occurred after the official function, deemed to be one step removed from the employer's reach. However, while there are lessons there for employers, the sort of behaviour documented in the cases presented in our paper will more often than not get an employee fired – and this is exactly what happened in the Australian case of *McDaid v Future Engineering and Construction*. In this instance, the counter view was taken by the presiding Court Judge resulting in the employee's dismissal being upheld.

### ***Lessons for us all***

So what lessons are to be gleaned from these experiences? For employees, the answers are pretty clear. Know your limits and stay well within them. Even if nothing worse happens, falling down drunk is not a good look and will generally lessen most colleagues' and managers' impressions of you. Workplace social occasions are not the time to liquor up and take up

grudges with management or that annoying colleague, or to try to impress a colleague with how sexy you are when plastered. It can be very confounding, as one employee pointed out:

As a teenager working part time reception I found the idea of grown men drinking alcohol at Christmas parties extremely uncomfortable and would go out of my way to avoid them if I could. Their attitudes and speech scared me.

It can also lead to credibility issues: “I don’t respect people who get very drunk at work functions, especially my seniors.”

For employers, the lessons begin with understanding your obligations under Health and Safety regulations. Employers who provide or permit alcohol at work functions could be held liable if employees or others are harmed as a result. The obligation to proactively take all practicable steps to manage and minimise hazards and risks at the workplace extends to all relevant alcohol-related risks and hazards. The employer’s policies in relation to alcohol should be audited with their employment advisers or employment lawyers to ensure that they are in line with the employer’s legal obligations and liabilities. When hosting work-endorsed social functions, always adopt “good host” practices. Indeed, the research shows that where employers develop responsible attitudes towards alcohol consumption, these are likely to be well received and supported by their employees. For some employers, this is nothing new with an employee from the education sector making the following observation:

The understanding is the food is always provided, someone remains the safe host and taxis are provided if necessary for transport post drinking. It is a known rule that one alcoholic drink can be purchased with an evening meal when away on work trips but not alcohol during the standard school day of 9-3 when travelling.

And seemingly, some had modified their behaviour as a consequence of things going awry. In responding to the exhibition of poor behaviour, one employee reported that after a workplace event in which “inappropriate comments” were made, the next event was deemed “alcohol free to show that it’s not necessary.”

Not all employers are so enlightened, with one employee contrastingly lamenting:

Personally I used to drink too much at home and at work parties, do something embarrassing or just suffer a hangover the next day. Now that I don’t drink and I reflect back I am a little disappointed that my work supervisors, colleagues [sic] showed no concern that I may have had a drinking problem. This relates to a previous employer not my current employer but during that time I was aware that a younger male colleague was offered help with his excessive drinking and no help was ever offered to me. But also since then I have been told by people I worked with that they were concerned I may have been drinking too much but no one ever brought the subject up with me and when I tried to [do] it was basically joked away and I was told I didn’t have a problem; I was just having a good time.

In addition, employers need to be cognisant of the drinking culture which is being promoted within their workplace. As noted at the outset of our paper, the cultural norms surrounding alcohol consumption can have a pervasive effect on employees’ drinking behaviours (Trice & Sunnestuhl, 1988). Moreover, where these norms are permissive they can promulgate drinking subcultures within the organisation (Ames & Janes, 1992). Where drinks are provided and paid

for or at least subsidised by employers then, anecdotally, our evidence would suggest that this serves to encourage excessive drinking and, moreover, can lead to competitive drinking behaviours amongst groups of employees. Although this outcome is probably unintentional; it occurs nonetheless.

So here is our concluding sage advice to employers. Although not legally obliged to do so, the first piece of advice is to always lead by example. Think about how your own drinking behaviour might impact on your employees and what messages you are conveying. Second, while an organisation's cultural norms are often informal and unwritten, acceptable drinking norms need to be formalised and explicitly communicated. It would be nice to think we can all self-regulate our drinking behaviour, but the reality is this does not always happen. Workplace drinking norms can be modified by putting in place restrictions and/or limits on alcohol availability and consumption and, moreover, strictly adhering to these. This will send a clear message to employees about what is and what is not acceptable behaviour at the social event. This is particularly important in organisations where a large percentage of the workforce is employed on a contingent basis as research suggests these workers might offer more resistance to adhering to cultural norms (Lauver, Lester, & Lentz, 2009). Finally, research finds that where organisations strictly enforce their alcohol policies, their employees are more receptive to them (ibid), thus conformance should be engendered through enforcement. So, prior to the scheduling of a social event, employers should take the time to remind their workforce that this is a work event and, thence, the usual standards of workplace behaviour apply.

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## Cases

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*Hallwright v Forsyth Barr* [2013] NZEmpC 202, ARC 20/13

*Smith v Christchurch Press Company Ltd* [2001] 1 NZLR 407 (CA)

*McDaid v Future Engineering and Communication Pty Ltd* [2016] FWC 343, Australia

*Keenan v Leighton, Boral Amey NSW Pty Ltd* [2015] FWC 3156, Australia

**Appendix 1. Classifications and incident of behavioural impropriety**

<i>Classification</i>	<i>Exhibited behavioural impropriety</i>
Foolish behaviour	<ul style="list-style-type: none"> <li>➤ Acting silly. Making a fool of themselves</li> <li>➤ Silly and embarrassing behaviour</li> <li>➤ Just being idiots and childish at a work function</li> <li>➤ Doing “wheelies” in cars around the work’s yard</li> <li>➤ A person pushing a wheel chaired employee too fast and flipping the wheelchair</li> <li>➤ Pushing a fellow employee into a swimming pool</li> <li>➤ People over drinking and getting a little crazy</li> <li>➤ Too inebriated and making a fool of oneself</li> <li>➤ Just general drunkenness, it’s out of worktime but it’s during a work function with members of the team higher than your position so it’s not a good look</li> <li>➤ People behaving embarrassingly and loud and unruly</li> <li>➤ Some people getting too drunk and making fools of themselves, by falling over or saying things they shouldn’t</li> <li>➤ I went to a Xmas work do for a building company we work for (just my boss and I) and I got very drunk and fell over...not a good look!</li> <li>➤ Loud obnoxious behaviour</li> <li>➤ Rowdy folks have fallen and created some ruckus</li> <li>➤ Inappropriate rowdiness, sexual stuff, silliness</li> <li>➤ Heavy intoxication leading to rowdy behaviour</li> <li>➤ Getting very loud</li> <li>➤ Falling about the place</li> </ul>
Incivility and rudeness	<ul style="list-style-type: none"> <li>➤ Speaking loudly</li> <li>➤ Loud and raucous overt behaviour</li> <li>➤ Loud mouths, swearing, silliness</li> <li>➤ Inappropriate language, etc.</li> <li>➤ People speaking out of turn, being too drunk and getting together with other workmates</li> <li>➤ People being rude, making silly comments without thinking</li> <li>➤ General drunkenness, loud talk, verbal abuse etc.</li> <li>➤ Drinking too much and behaving poorly</li> <li>➤ Some drunks who become quite loud</li> <li>➤ Getting too drunk and not being able to physically function properly</li> <li>➤ Slurring of words</li> <li>➤ Drunkenness, falling down, breaking things</li> <li>➤ Falling, swearing</li> <li>➤ Vomiting and breaking of glass</li> <li>➤ Vomiting everywhere</li> <li>➤ Being sick</li> <li>➤ Public vomiting</li> <li>➤ Over consumption and being sick at restaurants</li> <li>➤ Drinking too much and throwing up</li> <li>➤ Employee vomiting in public due to drunkenness</li> <li>➤ Vomiting in lifts</li> <li>➤ Driving drunk and getting arrested</li> <li>➤ Driving whilst under the influence</li> </ul>

Aggression

- Driving home after drinking
  - Drunk driving
  - People drinking more than allowed and being loud and obnoxious
  - Smoking on site when a smoke free zone
  - Empty bottles left everywhere are a H&S hazard
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- Bad mood
  - Verbal abuse of co-workers
  - Verbal abuse to other co-workers
  - Verbal abuse
  - Abusing fellow peers
  - Abusive behaviour towards other staff members
  - Jumping, arguing, aggressive behaviour
  - Being rude and saying rude things
  - Men getting loud and obnoxious
  - Fights and arguments
  - Arguments, loudness, disruptive, aggression
  - Verbal abuse and physical assault
  - Rudeness towards staff, visitors and clients
  - Rowdiness and some unpleasant stuff
  - Fights between co-workers
  - Physical assault
  - Disagreements resulting in physical injury
  - Use of abusive words
  - People getting too drunk and insulting others that results in fights
  - Destroying furniture, being rude to work colleagues, getting into a fight
  - Arguments over work related issues between individuals
  - Employees arguing over things that happened at work
  - Arguments over sporting incidents
  - Fights between partners....husband/wife, boy/girlfriend, either workmates or partners invited to the work function
  - A colleague's spouse drank too much at a work function and was obnoxious
  - Anger, fighting, inappropriate remarks
  - Some inappropriate comments leading to fights
  - A couple of people had a fight after drinking
  - Fighting
  - Intimidating and threatening behaviour
  - Drunken aggression and fights
  - People getting too drunk and causing scenes
  - Some damage within a pub
  - Broken table after being danced on
  - Damage to equipment
  - Destruction of property
  - Damaging office furniture
  - Property damage
  - Drunk people stealing drinks
  - Staff got so drunk at a Christmas function, the dinner was cancelled

- Inciting violence in a public place – not between fellow workers
- One guy got very loud and abusive at a work function and was asked to leave
- A brawl broke out at the event; since then the official stance has been “NO ALCOHOL”
- Impropriety directed towards Management
- Dissing management in front of everyone
- An employee got into a verbal fight with a manager
- Shouting, swearing at manager

Sexual harassment

- Sexual innuendoes
  - Rude comments to female staff
  - Sexual matters
  - Inappropriate comments and gestures
  - People getting drunk and saying inappropriate things
  - Inappropriate interactions with other staff
  - Inappropriate jokes, people being asked to leave functions
  - Inappropriate comments from a male worker to several female workers – not overtly sexual but uncomfortable
  - Dirty dancing and flirting
  - Flirting with fellow staff members that didn't like it
  - Being drunk, stripping down to their bras and panties at a restaurant
  - Someone stripped down to their underwear at a Xmas party
  - Senior staff leering over girls shoulders looking down tops, commenting on breast size
  - Groping of females by senior male staff members
  - “Cuddling” of other staff members when intoxicated
  - One of the ladies lap-danced on a senior manager's knee as she was too drunk
  - Crude & unwelcomed comments about appearance or sexual innuendos
  - Affairs start or come out in the open
  - Hooking up
  - Liaisons between colleagues where one is married
  - Colleagues end up going out with each other
  - Inappropriate hook-ups
  - Inappropriate sexual conduct
  - Employees raunchy on the dancefloor and people making out
  - A male staff member found naked in bathroom “playing” with himself
  - Flopping his wang out at a staff member
  - Inappropriate behaviour towards a staff member's husband
  - Inappropriate behaviour and relations
  - Inappropriate relationships
  - Sexual harassment ... male employee saying inappropriate sexual jokes and references to female employee
  - The function escalated a little bit due to inappropriate remarks made by employee towards female employees
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## **Employment relations and the 2017 general election.**

It has been a long tradition that this Journal presents an overview of the political parties' employment relations policies when there is a general election. This issue contains two articles where the first article discusses the employment relations policies of the National Party and the Labour Party and the second article overviews the minor parties' policies participating in this election: ACT Party, Green Party, Maori, NZ First, Mana Party, The Opportunities Party (TOP). Both articles highlight that this has been a rather unusual election campaign with a new Prime Minister (after PM John Key's resignation in December 2016), and, over the last month, a new leader of the Labour Party, a leadership change in the Green Party and United Future not contesting the election.

At the time of writing (end of August), it also promises to be an interesting campaign where the final shape of the government will probably be decided by post-election negotiations. This implies that the future employment relations policies can be influenced by the minor parties and there are clearly considerable policy differences amongst those parties. As Skilling and Molineaux highlights, the influence of minor parties will also be determined by outcomes in the Maori seats, the relative size of NZ First and the Green Party and whether any of the minor parties has a 'king-maker' role. Similarly, the public policy gap between the major parties is obvious with the National-led governments having made many legislative changes and with the Labour Party promoting stronger, industry-based collective bargaining. However, as Foster and Rasmussen show, the policy gap has been narrowed by the recent reactive interventions of the National-led government in areas, such as occupational health and safety, 'zero hours' agreements, enhanced parental leave entitlements and pay equity and low pay in the aged-care sector.

Finally, all parties will have to address the entrenched labour market and employment issues, such as immigration, skill shortages, low pay and 'living wages', youth unemployment, pay equity and diversity. Again, there are, as the articles show, stark public policy differences between the parties contesting this election and this makes it a fascinating election with major future employment relations decisions in store.

Erling Rasmussen, 22 August 2017