

A staff member assaulted someone on a work night out – is this a disciplinary matter?

Insights - 20/09/2017

A work social event, even if it happens away from your premises, can still fall within the scope of employment. This is a well-established principle in English employment law that holds true here in Jersey and it is one that is worth remembering. An employer can, for example, be held responsible for sexual harassment that takes place at a social event for staff.

In the context of an assault, there are a number of factors to consider – whether the conduct was serious, whether it is likely to bring your business into disrepute, and also the nature of the employment, and the role of the individual. For example, a policeman who assaulted someone on a night out would be very likely to find themselves in a disciplinary proceeding of some kind.

The most important thing to remember is that where a disciplinary process is being invoked, management should not leap to conclusions, or jump straight to a sanction, such as dismissal. No matter what the allegation, and no matter how clear cut it may seem in the heat of the moment, a full and fair process must still be adhered to, with a proper investigation and the usual rights to appeal. Failing to do so leaves an employer open to challenge and all of the usual dangers in terms of financial penalties, negative publicity and damage to employer brand.

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