



**HOW DO YOU DETERMINE THE OUTCOME IN A WORD-AGAINST-WORD  
SITUATION INVOLVING INAPPROPRIATE BEHAVIOUR ON AN UNOFFICIAL  
WORKS NIGHT OUT, AND COULD YOU HAVE PREVENTED IT?**

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## **INAPPROPRIATE CONDUCT HITS HEADLINES**

**‘Cut boozy parties to stop inappropriate behaviour at work’**

**Magic Circle law firm Linklaters bans partner from drinking after he was accused of 'touching a female colleague's bottom' during a Vienna business trip**

**Woman sexually harassed at work  
Christmas party wins £36,000 payout  
after 'unwanted and inappropriate  
physical contact' from colleague**

**Top UK home builder ‘failed to protect woman from predatory boss who raped her after Christmas party’**

**Welsh firefighters sacked after incident at Chinese takeaway**



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# THE LEGAL FRAMEWORK



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# LEGAL PROTECTION BASED ON THE FOLLOWING “PROTECTED CHARACTERISTICS”

Age	Disability	Gender reassignment
Marriage and civil partnership	Pregnancy and maternity	Race
Sex	Sexual orientation	Religion or belief



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# KEY RISK AREAS CORE LEGAL CONCEPTS RELEVANT TO CONDUCT

## Discrimination

- Direct discrimination
- Indirect discrimination
- Discrimination by association or perception

## Harassment

- Unwanted conduct which has the purpose or effect of either violating the person's dignity or creating an intimidating, hostile, degrading or offensive environment.
- Another form of harassment is less favourable treatment for rejecting an advance or unwillingly submitting to an advance.
- Worker Protection (Amendment of Equality Act 2010) Act

## Victimisation

- Similar to retaliation – where an employee is penalised for raising a complaint or assisting another.



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# IS IT A WORKPLACE ISSUE?



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## **SOCIALISING WITH WORK COLLEAGUES**

An individual, who is a senior executive at a large accountancy firm goes to Royal Ascot with friends.

Towards the end of the day, after consuming alcohol, he decides to pop into a social work event that is also taking place at Ascot.

Whilst there he makes a number of inappropriate comments.

- Is this a workplace issue?



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## **SOCIALISING WITH WORK COLLEAGUES**

A male and female colleague go out for a drink.

They get along very well.

On the way home, at 1am, the male colleague texts: “Shall we do it again?”

He also connects with the female colleague on social media.

- Is this a workplace issue?



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## **SOCIALISING WITH WORK COLLEAGUES**

After a law firm Christmas party, some people move on to a pub, A partner sings a sexually inappropriate song to a trainee accompanied by lewd gestures.

- Is this a workplace issue?



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## **SOCIALISING WITH WORK COLLEAGUES**

Following a Christmas party organised by the employer, employees carry on drinking at a hotel bar. The employees become involved in an argument about pay. The managing director of the company punches an employee twice in the face, causing him lasting injury and impairment.

- Is this a workplace issue?



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# WHAT SHOULD EMPLOYERS DO?



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## IF A COMPLAINT IS MADE?

- 1** Adhere to policies
- 2** Investigate
- 3** Consider whether suspension is necessary
- 4** Interview witnesses
- 5** Review social media accounts
- 6** Keep comms/PR teams updated
- 7** Consider disciplinary action
- 8** Keep a log of allegations and identify trends
- 9** Caution staff about conduct outside of work
- 10** Involve the police?  
Regulator?



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## TO LIMIT THE RISKS?

- 1** Update policies and procedures
- 2** Training
- 3** Risk assessments
- 4** Remind employees of conduct expectations
- 5** Take measures at work events
- 6** Limit use of expenses
- 7** Review policies on getting home
- 8** Zero tolerance approach



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## TAKE AWAYS

Actions at social events can have repercussions in the workplace

Assess risks

A witness could be offended, even if they were not the recipient of poor behaviour

Encourage employees to speak up

Investigate allegations and take appropriate action

Provide all staff training on the pitfalls, risks and expectations of behaviour

Be mindful of the senior junior dynamic



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## CONTACTS



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