

Is an employer liable for an assault at the Christmas after-party?

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Is an employer liable for an assault at the Christmas after-party?

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An employer was found not to be liable for an employee's serious injury caused by an assault during drinks held after the office Christmas party.

Mr Major was the managing director of Northampton Recruitment Limited. He hired Mr Bellman, who was a childhood friend of his, as a sales manager. Northampton's office Christmas party in 2011 was held at a golf club. After that, Mr Major, Mr Bellman and around half of the guests went back to the hotel in which some people were staying. Northampton paid for the taxi fares from the golf club to the hotel.

Many of the group at the hotel continued drinking into the early hours of the morning. Conversation turned to work-related matters at around 2:00am including, in particular, a controversial issue about which Mr Major lost his temper. Mr Bellman challenged him in a non-aggressive way. Nonetheless, Mr Major swore at Mr Bellman and punched him twice, despite the efforts of another colleague to restrain Mr Major.

The second punch caused Mr Bellman to fall and hit his head on the floor. He fractured his skull and fell unconscious. It later emerged that Mr Bellman had been severely brain damaged and would not be able to work again.

Mr Bellman brought a personal injury claim against Northampton, alleging that the company was vicariously liable for Mr Major's actions.

The High Court dismissed Mr Bellman's claim, holding that Northampton was not liable for the assault. It took into account that Mr Major ran the company with a wide remit, and it was ultimately at his discretion that Northampton paid for the party, drinks, taxis and accommodation. However, the Court held that the drinks at the hotel were 'impromptu' and not part of the Christmas party and Mr Major could not be said to be on duty at the time of the assault. The mere fact that the drinkers were colleagues and were talking about work at the time did not create enough of a connection to Mr Major's employment to render Northampton liable.

This case is one of many which discuss the circumstances in

which an employer will be vicariously liable for the harm caused by its employees' wrongdoing. Whilst at first blush this may look like a very employer-friendly case, this decision does not mean that employers will never be liable for harm caused at an 'after-party', as each case will depend on its own facts.

Bellman v Northampton Recruitment Ltd [2016] EWHC 3104

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