

November 2026 NEWSLETTER

End-of-Year Functions – Celebrate Responsibly, Protect Lives

Alcohol, safe transport, comprehensive risk assessment and the employer's duty of care

Year-end functions recognise achievements and strengthen workplace relationships. However, alcohol consumption, unsuitable venues, unsafe transport, harassment and inadequate emergency arrangements can expose employees, guests and the public to preventable harm. Responsible planning should be part of event approval, not an afterthought.

1. When does OHS legislation apply?

The Occupational Health and Safety Act 85 of 1993 (OHSA) imposes duties concerning safe work and the protection of others affected by an employer's undertaking. Section 8(1) addresses a safe working environment; sections 8(2)(b), (d) and (e) address hazard control, precautionary measures, information, instruction and supervision; and section 9(1) concerns non-employees directly affected by the undertaking.

General Safety Regulations (GSR), regulation 2(1), as amended in 2025, requires evaluation and control of risks arising from activities in the circumstances it covers. A social function held externally is not automatically a workplace: applicability depends on the event, employer control and connection with employment. Where the employer organises, funds or directs the function, a documented event-specific Hazard Identification and Risk Assessment (HIRA) is a prudent management measure.

2. What constitutes a comprehensive event-specific HIRA?

The assessment must extend beyond the organisation's routine workplace HIRA and cover preparation, arrival, parking, food service, entertainment, social interaction, departure and employer-arranged transport. Record the venue and event programme, attendance, activities, persons exposed (including contractors, visitors and children where relevant), foreseeable incidents and possible consequences.

Apply the organisation's risk-rating method to determine initial risk, identify existing safeguards, specify additional controls and reassess residual risk. Controls must be proportionate to likelihood and severity, with greater emphasis on removing hazards or reducing exposure than on warnings alone. If significant residual risk cannot be managed, modify, postpone or cancel the activity.

For every action, record the responsible person, deadline and verification evidence, for example, venue inspection results, transport confirmations, emergency arrangements and communication records. Management must review and approve the HIRA before the event, and revise it if the venue, numbers, activities or weather conditions materially change.

3. Risk reduction and management accountability

An alcohol-free daytime event may eliminate or substantially reduce several alcohol-related hazards. Where alcohol is lawfully available, practical safeguards such as controlled service and pre-arranged transport should

complement—not replace—the decision to minimise risk. A signed HIRA is not evidence that controls work; their actual implementation and effectiveness must be checked.

4. Key hazards and reasonably practicable controls

Alcohol and intoxication. Alcohol impairs judgement, coordination and reaction time, increasing the risk of falls, injury, conflict, harassment and unsafe driving. Consider an alcohol-free event. Where lawful service is permitted, avoid drinking games and unlimited drinks; provide food, water and non-alcoholic options. Agree with the venue how apparently intoxicated guests will be assisted and when further service should be refused.

Driving under the influence. Communicate a clear no-drink-and-drive expectation before the event. Offer realistic alternatives such as a vetted shuttle, pre-booked transport, a sober designated driver or overnight accommodation. Confirm collection points, departure times, passenger numbers and contingency arrangements. Appoint a sober coordinator to assist anyone appearing unfit to drive, using lawful and reasonable interventions.

Venue, access and housekeeping. Inspect the venue for capacity, safe access and exits, suitable lighting, stairs, walkways, parking and accessibility. Address uneven surfaces, spills, loose cables and obstructions. Ensure temporary decorations or equipment do not obstruct travel routes or create additional fire and trip risks. Verify the venue's permitted occupancy and arrangements for crowd movement.

Fire safety and emergencies. Confirm appropriate fire protection, unobstructed emergency exits, evacuation routes, assembly arrangements and the venue's emergency contact procedures. Identify who will lead the initial response and arrange assistance for people who may have difficulty evacuating. Assess temporary electrical installations, sound equipment and staging; use competent providers when required.

Food hygiene and allergies. Select caterers who meet applicable requirements under R638 of 2018, including a valid Certificate of Acceptability. Confirm hygienic preparation, food storage and temperature control, prevention of cross-contamination, and accurate information about allergens. Arrange appropriate assistance for a serious allergic reaction.

Harassment, aggression and misconduct. Communicate expected conduct and reporting channels; the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace (2022) includes work-related social events. Appoint a management contact for complaints, respond promptly and follow lawful investigation procedures. Intoxication must not excuse harassment or violence.

Security and personal safety. Assess access control, lighting, parking, interaction with the public and late-night movement to vehicles. Consider suitable security personnel, controlled entrances and safe transport collection areas when indicated by the risk profile.

First aid and medical emergencies. Verify the availability of first aid, a competent responder, emergency contact numbers and ambulance access. Plan for injuries, illness, allergic reactions and severe intoxication; reduced consciousness or abnormal breathing warrants urgent medical assistance.

Weather, entertainment and vulnerable attendees. For outdoor activities, consider heat, lightning, rain, water features, uneven ground and cancellation criteria. Inspect entertainment equipment and physical activities for injury hazards. If children or persons requiring additional assistance attend, establish suitable supervision, access restrictions and emergency support.

5. Alcohol at a work-related function: the legal position

GSR regulation 2A(1)–(2) restricts entry to or remaining at a workplace while under the influence of intoxicating liquor or drugs, and prohibits their possession, consumption or offering at a workplace, subject to the medication provision. An employer cannot waive an applicable prohibition by calling the occasion a celebration. Whether an external event venue falls within the relevant workplace provisions requires a factual assessment.

Section 65 of the National Road Traffic Act 93 of 1996 prohibits driving on a public road while under the influence and sets alcohol concentration limits. A driver can be unlawfully impaired below a measured limit. The management message should therefore remain unambiguous: IF YOU DRINK ALCOHOL, DO NOT DRIVE.

6. If an employee causes a fatal collision, is the employer liable?

Not automatically. An employee who drives while intoxicated remains personally accountable and may face prosecution, including for culpable homicide where the elements are established. Merely attending a company function does not establish employer liability. However, an employer's conduct may be examined, for example, encouraging excessive consumption, knowingly directing an impaired person to drive, providing a vehicle or negligently managing employer-arranged transport.

Civil liability depends on the relevant facts and legal requirements. Vicarious liability may arise where wrongful conduct occurs in the course and scope of employment or is sufficiently closely connected with it. Driving home privately may be materially different from driving colleagues under an employer's instruction.

Section 21 of the Road Accident Fund Act 56 of 1996 generally removes common-law claims against a motor vehicle driver, owner or driver's employer for losses arising from bodily injury or death caused by driving, subject to statutory exceptions. Those claims ordinarily fall within the Road Accident Fund framework. Separate issues such as property damage, distinct wrongful conduct or regulatory contraventions require individual assessment.

7. Respectful conduct remains compulsory

A work-related social event does not suspend standards of dignity and respectful conduct. The 2022 harassment Code extends to work-related social activities, while section 60 of the Employment Equity Act 55 of 1998 may be relevant where statutory requirements are met. Complaints must be received seriously, affected persons protected, and appropriate investigation and corrective steps taken.

8. Practical arrangements: before, during and after

Before the event – verify rather than assume

Appoint an event coordinator with authority to escalate concerns and a competent person to assist with the HIRA. Inspect and approve the venue; confirm its capacity, safe access, fire precautions, emergency plan, first-aid arrangements and security. Verify catering compliance, required provider authorisations, transport suitability and relevant insurance or contractual responsibilities. Identify sober coordinators and establish a process for managing impaired attendees and safe departures.

Provide a concise pre-event communication covering event times, venue, transport arrangements, alcohol expectations, respectful conduct, emergency contacts and how to report concerns. The HIRA should identify the responsible person for each significant control and the evidence that it has been implemented. Unresolved high-priority risks must be addressed before authorising the affected activity.

During the event – monitor and intervene

A sober, authorised coordinator should remain available to monitor conditions and liaise with venue personnel. Act on spills, blocked exits, excessive crowding, deteriorating weather, harassment or signs of serious intoxication. Where a person appears unfit to drive, encourage safe transport and obtain further assistance if required, without unlawful restraint or confrontation. Suspend an activity if significant risks can no longer be controlled.

Departure and post-event review

Confirm that employer-arranged vehicles and sober drivers meet the agreed requirements, passengers are accommodated safely and collection points are clear. Provide reasonable assistance where planned transport fails. Afterwards, document significant incidents, near misses, complaints and failed controls; identify corrective actions and incorporate lessons into future event arrangements.

9. What if an incident occurs?

Protect those present, summon emergency assistance, provide appropriate first aid and preserve evidence without delaying rescue or making the scene unsafe. Apply the organisation's relevant notification and investigation procedures. OHSA section 24 sets reporting requirements for specified work-related incidents, but section 24(3)(a) excludes traffic accidents on public roads from section 24(1)–(2). Police, road traffic, insurance and other applicable reporting duties must be considered separately.

Conclusion – celebrate success without compromising safety

Management cannot control every private decision made after a function and is not automatically liable for every incident. It can, however, reduce foreseeable risks through an appropriate HIRA, effective controls, verified transport, clear behaviour standards, emergency preparedness and intervention when conditions become unsafe. A successful function recognises achievement while making suitable provision for everyone to return home safely.

Note: Legal applicability and liability depend on the facts. Controls described as recommended measures are not necessarily separately prescribed in every setting.

Disclaimer: This newsletter is provided for general information and OHS guidance purposes only and does not constitute legal advice. Legislative requirements, employer responsibilities and potential liability depend on the specific circumstances. Organisations should conduct appropriate risk assessments, implement reasonably practicable control measures and seek professional advice where necessary.

For more information, please contact us on info@topcompliance.co.za

Yours in Health and Safety