

MIKE PITT, employment, company and commercial law specialist, of Oldham's Pearson Hinchliffe, looks at when a Christmas gift becomes a bribe.

THE calendar that hangs on my office wall was a gift last Christmas from a valued client. So was the logo-emblazoned mug from which I sip my coffee while writing this article. And, come to think of it, so too were my mouse mat, diary and favourite ball-point pen.

I cannot consciously claim to have been affected by any of the advertising they carry, but I suppose that I have been subliminally absorbing their various messages over the last 12 months – that Company X's printing services offer "quality and value", Company Y will seek out the best insurance quote for my car and Company Z offers "expert computer servicing".

There can hardly be a workplace in the country that is not littered with similar Christmas gifts from current or prospective customers or suppliers. But when does a Christmas gift become a bribe?

Part of the answer, of course, lies in the person targeted. Public-sector employees tend to be subject to much stricter rules about accepting gifts than those in the private sector. And the more influence an employee has over his or her organization's purchasing, the more careful he or she should be about accepting Christmas gifts from current or potential suppliers.

Another important factor is the value of the gift. While few private-sector employers would oppose an employee accepting a bottle of whisky or tin of biscuits, what about a case of champagne or a pair of match-day tickets to the Manchester United corporate-hospitality suite? A gift that is a bit too generous can easily impose an obligation and that can start to slide into something damaging.

Some organisations forbid the acceptance of any gifts or corporate hospitality. Others turn a blind eye to everything. Among the options in between, some organizations insist that all gifts are declared, or are pooled and raffled for charity.

Another approach is to lay down rules about the maximum value of gifts that it is appropriate to accept. For private companies, I advise a top limit of £50. This allows satisfied clients to express their gratitude and suppliers to "oil the wheels" of commerce, while also letting people know what is and what is not acceptable before the event.

As the old saying goes, 10 per cent of us are devils, 10 per cent are angels and the other 80 per cent can be swayed either way.

This article is intended for general guidance and should not be relied upon without detailed legal or financial advice on your specific circumstances. This article relates to the Laws of England and Wales.

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