

Employment Alert

Football “Fever”!

Unless you have been asleep for the past few days, it will not have escaped your attention that the long awaited World Cup competition has arrived. How do you prevent football fever from affecting staff productivity and damaging your organisation’s activities?

There are several problems which the World Cup poses for employers. One of the most obvious is the risk that employees “pull sickies” in order to watch matches. Fortunately, England’s first match fell on a Saturday but Thursday’s match is within the working week. Employers who do not prepare may find themselves without a substantial proportion of their work force.

You may choose to inform your employees that their attendance will be monitored throughout the tournament and that, if you have reason to believe that the absence is not the result of a genuine sickness, disciplinary action may be taken. However, you should be wary of making decisions about the genuineness of a sickness absence by reference to gender – such a decision could result in costly claims of sexual discrimination. Absences should be properly investigated before any action is taken.

One way round the problem is to offer paid annual leave and agree requests for unpaid leave. Remind employees of your holiday request procedure, as soon as possible. Point out that requests will be dealt with on a first-come, first-served basis. Remind them that approval will depend on resourcing needs. Bear in mind that, while employees do have statutory and often contractual rights to paid leave, employers and employees can agree when and how leave is to be taken.

You must make sure that you treat all of your employees in the same way. You must be consistent in your approach to requests for holiday or time off. Not everyone who lives in England supports England. You must ensure that if you allow an England supporter time off to watch England matches, you must allow, for example, an Ivory Coast supporter time off to watch Ivory Coast matches – otherwise you might face a claim for racial discrimination.

Another problem for employers might be that their employees wish to go to the pub at lunchtime to watch the football and have a drink whilst they are there. They may also come to work with a hangover the morning after a big match. It is never permissible to be under the influence of alcohol at work and employers should remind their workforce of that fact. Hangovers are a little more difficult to deal with but, if they impact significantly on productivity or occur more than once, employers may be entitled to treat the behaviour as a disciplinary offence.

Some employers are being very generous and allowing their employees to watch some of the matches during working hours. Some are even introducing flexitime for a limited period. If you are going to allow flexi-time then make sure that you adopt a consistent approach.

The installation of a large television screen in your staff common room, or even the board room, may be the best way of maintaining morale *and* productivity.

If you have any queries relating to this or any other employment law issue please contact Robert O'Donovan at robert.o'donovan@rlb-law.com or on 020 7227 7278.

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