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3HR focus

Employment and the World Cup Tournament 2010

The World Cup and Absence Management

The 2010 World Cup is nearly upon us, and the chances are that a large proportion of employees across the UK will be looking forward to it and starting to think about how and where they will be watching the key games. It is important to remember that the UK's working population is incredibly diverse and there will be people with backgrounds from all over the world who will be hoping to watch their country in action when matches are screened.

Although this is an exciting time for football fans, nine out of ten employers have no plans in place to help manage staff absence during the forthcoming World Cup, according to a poll by the Chartered Institute of Personnel and Development (CIPD). The poll of more than 1,000 employers shows that almost all (90%) of organisations have not developed a policy to manage staff absence during the World Cup. Just 5% of organisations have developed a policy while a further 5% are currently developing one.



Last-minute holiday requests and staff feigning illness one day, and suffering a hangover the next, raise many legal and practical issues for employers including absenteeism, drunkenness and misconduct. With less than three weeks until the World Cup kicks off in South Africa on June 11, employers should make clear their policy on time off to watch the World Cup, so that employees know what to expect and what is expected of them. A clear policy may facilitate more open communication and enable both the employer and its employees to plan ahead. Employers may choose to draft a specific sporting events policy or send a memo to employees setting out their policy and procedure on taking time off. In either event, employers should make clear how annual leave or time off will be granted, particularly in relation to competing requests, and make clear their rules and timescales for requesting time off.

In view of the possible disruption that these types of sporting events can have on a business, 3HR has produced the following guide and check-list for employers. The guide suggests different approaches that employers can consider to help employees enjoy the matches that are important to them without compromising the needs of the business

Guide and check list:

Keep Track

Remind employees before the tournament commences of the Company's policy on absenteeism and make it clear what behaviour will be considered acceptable. Let employees know that you will be keeping a close eye on their absences. State clearly that unauthorised absence from work will be investigated as a disciplinary offence – and that a hangover will not be regarded as a real illness!

Avoid Resentment

Keep in mind that not everyone is interested in the 'beautiful game' so, to avoid workplace tensions, consider offering equivalent perks to those not glued to their TV screens this summer. Finally, remember that you should not jump to conclusions in cases of suspected World Cup related absence. It is still important to distinguish between employees who fail to turn up to work without authorisation and those who are genuinely unwell (as against nursing a hangover). You still need to treat all employees in a fair and consistent way, follow your Company disciplinary procedures, and carry out a proper investigation before taking any further steps.

Screening Matches

Consider allowing key matches during working hours (such as England v Slovenia on Wednesday 23 June at 3pm or Brazil v Portugal on Friday 25 June at 3pm) to be watched on television at work - this beats multiple full or half-day unauthorised absences and can be a morale booster. (Check first that your organisation has a valid TV licence!) However, to ensure that employees are being treated fairly and consistently, a careful decision will need to be taken about which matches to screen to avoid claims of race discrimination.

Drunkenness and misconduct at work

Drunkenness as a result of alcohol consumed at work while watching a televised game, following a lunchtime trip to the pub or due to extensive celebrations the night before, is another World Cup related issue employers should be alive to. Health and safety is an obvious concern, for example, for employees who drive or operate machinery, as employers could be held vicariously liable for any personal injury suffered. Heavy drinking could also increase tensions between employees and create an offensive atmosphere leading to racial harassment or sex discrimination claims. In addition, a drunk or very hung-over employee could have the potential to damage an employer's reputation with customers or clients. To tackle these issues, if you do not already have a drug and alcohol policy in place you should ideally put one in place before the World Cup starts and communicate it to employees, explaining that disciplinary action will follow a breach of the rules. At the very least, you should set out the rules of acceptable standards of conduct. You should also look out for less serious misconduct such as wasting time by following games on the internet, keeping up to date with team selections and injury scares, and checking scores online. During the World Cup football fans are likely to spend significant amounts of time on the internet when they should be working. You therefore need to consider re-circulating your existing IT usage policy or producing a modified version covering the duration of the World Cup, setting out what is acceptable internet usage. It is likely that a zero tolerance policy is not going to be right for most businesses. Allowing some internet use while clamping down on inappropriate or excessive use might instead strike the right balance. For all misconduct issues which arise during the World Cup, you should treat all employees in a fair and consistent way and follow the Company disciplinary procedures. If, however, the investigation reveals that the employee has a serious alcohol problem, take legal advice - you will need to tread with caution as alcoholism is regarded as an illness and should therefore be treated as a capability rather than a conduct issue.



Patriotic office banter and football paraphernalia

Another issue for employers is patriotic banter between rival supporters in the office, the wearing of football kit, and adorning the office with flags and other paraphernalia. Given the risks to employers of liability for race discrimination and harassment, you should set out clearly in advance the extent to which these matters will be permitted. You should watch that enthusiastic support for one national team does not flow over into inappropriate taunting of other teams' supporters, in order to avoid race discrimination claims. Employers will be liable for unlawful conduct committed by their employees in the course of their employment – unless they can show that they took reasonable preventative steps. In addition, although unlikely to be popular with employees, an existing dress code could be used to remind employees

of the standards of dress that are appropriate and you may decide that employees must adhere to normal dress standards during the World Cup. Alternatively, if an existing dress code is relaxed to allow employees to show solidarity with their chosen national team, ensure that this applies to all employees regardless of nationality. Employers would be advised to consider the international makeup of the workforce before taking such a move in case this could lead to antagonism in the work environment. Racial tension issues could provide a legitimate reason for an employer to ban football strips from the workplace.

Hooliganism and other off-duty conduct

Where a criminal offence is committed in the workplace, dismissal is usually an appropriate sanction. However, being drunk and disorderly, violent acts, and hooliganism outside of work are a different matter and you need to consider carefully if disciplinary action is appropriate. An employer will rarely have fair grounds to dismiss an employee just because they have drunk too much outside the office, or even where an employee has been charged with a criminal offence connected to drinking or hooliganism. However, there may be exceptions where an employee's off duty conduct can be shown to affect their ability to carry out their role or brings the employer's business into disrepute. In these cases you must still carry out your own investigation, and not rely on the outcome of police enquiries.

Where possible be flexible and tolerant

Employers might need to accept that a slight dip in productivity during the World Cup is inevitable. The key for employers and HR professionals is to plan ahead so that absence is planned, rather than unauthorised. Planning ahead will involve finding solutions for your organisation and ensuring employees are clear on what is considered acceptable behaviour in the office for the duration of the World Cup. Employers could consider allowing staff some flexibility over starting and finishing work earlier or later, providing core business hours are covered. Allowing staff to take time off to watch games providing they make the time up on another day is also another possible solution. Employers will, however, need to give thought to the consequences of offering preferential treatment to football fans compared to other employees who have made unsuccessful flexible working requests in the past, such as Wimbledon Tennis or Rugby fans. Whilst a minority of employees will cross the line, careful planning could avoid time consuming disciplinary action and employment tribunal claims.

One or more of the flexible solutions outlined above can reduce or avoid World Cup disorder. And, with any luck, your generous spirit will be rewarded by higher morale, productivity and staff retention levels after the tournament!