



# World Cup 2010

## Are you ready for the kick off?

**With the first game of the World Cup on the horizon and football fever taking over the nation, employers are advised to begin planning now for how they will manage their business throughout the World Cup period so as to avoid a major World Cup headache.**

Every 4 years we see the World Cup take place, and whilst this is good news for football fans, it sparks a number of questions for employers about the steps they need to take to minimise the impact such a major sporting event could have on their business. This fact sheet is designed to help to answer some of the frequently asked questions from employers about the World Cup.

### Are staff allowed to take time off whilst the World Cup is on?

Whilst this might be an obvious answer for most people, it is worth explaining nonetheless that in almost all cases, the straight forward answer is no. Employees do not have a general right to take time off from work simply because a football match is on. However, staff members do have a right to request paid annual leave from work. With football perhaps being one of the UK's most popular sports, it is likely that many employers will find themselves inundated with staff holiday requests all asking to have the same time off work, namely when there is a match on. But how many staff can be off at any one time? This will depend largely on the employer's operational requirements, and it is important to stress that whilst employees have the right to request annual leave, this is not an absolute right to take the time off, and rather, in almost all instances, any such request for time off need to be approved by the employer. An employer would be well advised to manage fairly the approval of holiday, perhaps operating on a first come first serve basis for time off or even drawing names out of a hat where too many staff want a particular day off.

### What do I do if staff members simply take the day off?

If you have not authorised an employee to be absent from work, then as you would do for any absence, whether World Cup related or not, treat it as a disciplinary matter. The terms of your disciplinary procedure and your previous practice for addressing unauthorised absence will dictate how seriously you view the matter, but it would not be uncommon for employers to treat such absence as serious misconduct resulting in a high level of warning or, in some instances, even gross misconduct which would warrant summary dismissal.

### "I am thinking of allowing staff to watch the England games whilst at work – Is this okay?"

It would be a nice gesture I am sure to allow your staff members time to support their country and watch the game in the workplace where matches fall during an employee's working day. However, it is important to be mindful of television licence requirements and if your business does not have a television licence and you allow your employees to watch the television at work, you are committing a criminal offence which could result in a hefty fine and a court appearance.

Where you do have a television licence and you choose to allow staff to watch the game whilst at work, be clear that it is a one off occasion, and that they should not interpret this to be an occurring entitlement.

Also, whilst I am sure that there will be a large number of staff supporting England throughout the World Cup, employers must be mindful that not all employees will be. As such, if you only allow staff to watch England play and not the team they choose which may be the team representing their nationality, you may find that you are operating an unlawful discriminatory practice on grounds of nationality.

Additionally, if you allow staff to watch the matches, this then sparks the question of should staff who are rugby supporters or cricket fans also be allowed time off to watch the rugby and cricket games? In light of these potential problems, what you initially consider to be a kind gesture may cause you more problems than it is worth.



That said, as the World Cup is likely to cost employers significant amounts in poor productivity and high absence levels, it may prove beneficial to take a flexible approach to the tournament and make allowances for those employees who wish to watch games so as to avoid these problems. Employers may wish to consider allowing shift swaps, operating a flexible working approach or even allowing staff to take unpaid leave in order to watch matches provided that this does not compromise the needs of the business.

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### “My staff members want to put England flags up at work – Will this be okay?”

This should generally be fine, however, be cautious not to restrict staff members putting up only England flags, as again, there may be supporters from other countries who wish to show support to their own countries team, and so if you allow flags to be put up, allow this to be a flag of any country not just England.

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### “My staff members are quite passionate about the World Cup, and this leads to a lot of ‘banter’ in the workplace. Do I need to be concerned about this?”

With the anti-discrimination rules now covering a large number of grounds for discrimination, employers are wise to monitor the amount of banter in the workplace. Not only from a productivity point of view should an employer keep an eye of this, it is also important to watch out for derogatory comments being made about a person's nationality as this could be tantamount to harassment in the eyes of employment legislation. As an example, I have seen supporters refer to fans of a particular country in a number of derogatory ways, and whilst a lot of these comments just get passed off as banter about football, if someone finds these types of comments offensive, a claim could soon follow. It is important to stress that whilst any such banter may only have been intended as a joke, the provisions covering harassment in the workplace often ignore the intentions behind the comments, and rather, they just focus on the perceptions of the recipient.

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### “What do I do if someone comes into work after the football who I suspect has also been drinking whilst watching the game and is still under the influence?”

Most employers do not tolerate staff members turning into work under the influence of alcohol and many of these employers will have clear policies that cover this, anticipating that the likely consequences are dismissal on grounds of gross misconduct. Where staff members work in particularly dangerous environments with heavy machinery, turning into work under the influence of alcohol may also pose a serious health and safety risk. Such staff members suspected to be under the influence of alcohol should be suspended on full pay immediately pending consideration of formal disciplinary action.

It is important to understand fully whether someone is under the influence of alcohol or not, and the first port of call to ascertain this is often to ask the individual whether they have been drinking. Whilst a few staff members do sometimes admit to this, from experience most do not. As such, an employer would be well advised to have testing equipment available to test anyone who is suspected to be under the influence, and then the result can provide very valuable evidence at any subsequent disciplinary hearing. However, there are a number of considerations relevant when looking to implement alcohol testing in the workplace, and it is important that you seek advice on how best to implement this and points that need to be considered.

In the event that an employee denies being under the influence of alcohol, and you have no testing equipment, it will be very difficult to prove if someone is under the influence of alcohol or not. Naturally we have all been in the presence of drunk people before and generally know what the effects of this are, but it is surprising just how many staff later come up with explanations for their symptoms of being drunk which are potentially plausible.

Remember, alcohol has no smell, so avoid the temptation to say that we suspected he was under the influence because he smelt like alcohol. Be specific, and remember that it is the drink that will leave the smell on someone's breath, not the alcohol.

*This information sheet is intended to be general guidance and an overview of considerations employers should make in anticipation for the World Cup. However, it is not intended to replace specific advice from the Support Line which should be sought in all cases.*

**For more information please call us on 08453 100 600  
or email [enquiries@mhl-support.com](mailto:enquiries@mhl-support.com)**