

Employment

Employment Issues arising from the World Cup

The World Cup is nearly here and for most of us this means the usual merry-go-round of emotions including optimism, gentle enthusiasm, rip-roaring excitement and customary disappointment. During the lifespan of the tournament, which stretches just over a month, there are 64 games in total and as many as four games per day. Unlike with normal domestic football, in which the kick off times are always at evenings or weekends, these are at various times throughout the day from 11am to 7pm. With this in mind, companies have to face the conundrum of how do they address the issue of combining work with England's national game - not to mention the many other countries that your employees may support!

While some employers will seek not to permit the working day to change, others may see this as a chance to adapt the working day to boost performance. Studies have found that sport and conversations about sport between staff and customers or clients can have a positive impact on morale, improving motivation and productivity in the working environment. If an employer decides to adapt the working day to accommodate a sporting event this could create an environment for social inclusion, communication and bonding.



Some companies may allow annual leave, or flexible working, to staff who want to watch a certain game. Failure to permit this could result in sickness absences unsurprisingly increasing on match days. By contrast you may decide that, rather than permitting leave, you wish to make an event of it. Companies that have a meeting room or staff canteen will most likely be able to screen a football match. Therefore, the company may benefit from getting all of their staff together for a positive experience (fingers crossed). Alternatively, you could relax your office's TV or radio policy to permit for this to be played in the background whilst working. There are a number of options available so companies should look at their work practices and see which best suits them.

In addition to looking at the benefits of taking positive action, companies should also be aware of the negative impact that a failure to act, or certain specific actions, could have. For example, limiting employees to watching only England matches could inadvertently lead to a claim for discrimination. Therefore, if you have non-English supporters who want to support their national teams then it would be wise to permit them the same benefit. In addition to this, despite stressing the positives of team building, employers will want to ensure that any "workplace banter" does not cross the line. Race discrimination includes nationality, so any offensive language meant in jest could form the basis of a harassment claim which companies will fervently want to avoid.

Alternatively, if a company wants to ensure that employees are engaged rather than distracted during game times, then they may consider how they monitor staff. If you want to monitor internet usage you must ensure you have a contractual clause which allows for this and a supplementary policy. Any policy will need to address employee internet usage and why monitoring will be carried out. The absence of a contractual provision could lead to a breach of trust and confidence and a claim for constructive unfair dismissal.

Companies should decide whether they wish to maintain employee working focus or if some positivity and togetherness through watching football will improve productivity. Then consider drafting and implementing policies to cover staff monitoring, sporting events or both.

If you would like advice on drafting policies to cover monitoring or sporting events, please contact our employment team.

Steven King
Solicitor
E: steven.king@3hrsc.com



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