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Employment Briefing Note

World Cup Fever Are you a good sport about absence?

The World Cup is almost upon us. Nobody likes to be a kill joy, and we all recognise that we need to be sensible. However, what do you do if you are faced with unauthorised absences of members of staff who are, you suspect, watching the football?

Employers shouldn't jump to conclusions just because an employee is absent on the day of an all important match. There may be a reasonable explanation. Disciplinary procedures should be followed consistently. This too applies in the case of suspected 'hangover' absences. Employers must treat all absences, including those of one day or less, in line with existing policies and practices. For that reason, it is sometimes preferable to adopt a pragmatic approach in the circumstances.

Options

Many employers take a more realistic view of matters and consider how such policies may affect workplace morale. Some employers set up television screens around the offices to allow workers to watch the action, in preference to them taking "sickies," or allow extended lunch breaks to enable at least part of the match to be viewed. Internet usage may also be allowed by authorising a live scoreboard to tick away in the corner of the screen. Employers could also consider allowing employees some temporary level of flexibility in working hours.

Red card?

But what do you do when faced with evidence, e.g. TV footage that an employee has engaged in disorderly or even violent behaviour? The ACAS code on disciplinary procedure suggests that criminal offences committed outside the employment relationship should not be treated as automatic reasons for dismissal. This is the case regardless of whether the offence has any relevance to the duties of the individual as an employee. *In Post Office v Liddiard*, a 2001 case, Mr Liddiard was dismissed for bringing the Post Office into disrepute after he had been convicted by a French court of hooliganism at a world cup match in Marseilles. The violence in France received widespread press

If you have any questions about how to manage potential disruption by the World Cup please contact the Employment Team at Spearing Waite on 0116 262 4225. It may be that you are looking to implement a specific policy for the sporting event, or alternatively, you may require clarification of where you stand as an employer under your current practices.

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Such informal policies and gestures of goodwill, especially where employees do not overstep the mark, could benefit all parties and save management time.

Employers could decide to deal with such issues by way of clear policies which deal with disciplinary offences during high profile sporting events. Policies should also deal with how the firm tackles the use of the internet, radios and TVs during working hours.

coverage. The Employment Tribunal originally ruled that Mr Liddiard's dismissal was unfair, but the Court of Appeal eventually found favour with the Post Office's argument that the conviction in France had, through the bad publicity, brought the Post Office into disrepute, and resubmitted the case to a fresh Tribunal.

The fairness of the dismissal may depend on the employer proving the detriment to its business, the prominence or seniority of the employee and the amount of coverage that the disorderly conduct receives.

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