

14 June 2016

Can / should employers allow staff a little flexibility around the Euros?

The UEFA European Championship is now well under way with matches scheduled up until 10 July 2016. For those people who are not football fans (including me) this will make little / no impact on their day to day lives. However, for those who are keen not to miss a match, with kick off times varying between 2pm and 8pm, they may wish to request annual leave or change shifts etc.

It is important to stress that employers are not under any obligation (legal or otherwise) to allow staff flexibility around the Euros to watch matches. However, for some employers, to allow a degree of flexibility may serve to enhance staff morale.

ACAS (England / Wales' equivalent to our Labour Relations Agency) recently published guidance to help employers plan ahead for Euro 2016. ACAS advises that flexibility from both employers and employees is key to a productive business and engaged workforce. ACAS highlighted some of the main issues that may affect both employee and employers, namely:

Requests for annual leave:

Employers must deal fairly with competing requests for time off as it may not be possible to allow a number of employees to be off over the same period of time. It may be possible to be flexible with working hours (around matches) when employers are unable to accommodate a request for annual leave. Above all, employers should be careful to avoid discrimination and ensure that requests for annual leave from employees who are not following the Euros are dealt with fairly and consistently.

Similarly, requests for annual leave made by foreign nationals (to watch their own country play in the Euros) should be dealt with in the same way as requests from, for example, Northern Irish employees.

Sickness absence:

It is likely that employees may "pull a sickie" in order to watch a match or may be unwell as a result of a post-event celebrations. If employers consider that an employee's absence is not genuine, it will be able to commence disciplinary action. Employees should be aware that sickness absence will be closely monitored in accordance with the Company's sickness absence policy.

Internet and social media use during working hours:

There may be an increase in the use of facebook, twitter, websites etc. during the Euros. Employers should have a clear social media policy and communicate this to its employees. In order to avoid this, and to avoid a reduction in productivity, employers may consider allowing staff to listen to the matches on the radio or watch TV or allow some flexibility around break times to allow some "football chat" among staff.

Drinking or being under the influence at work:

Employees should be reminded that any employees found drinking at work or found to be under the influence of alcohol in the workplace will be subject to disciplinary procedures. If there is an alcohol and substance abuse policy, employees should be reminded of this.

Whilst the LRA have not issued similar guidance for Northern Irish employers, ACAS' recommendations could prove beneficial to NI employers' businesses.

Finally, in addition to the issues above, we would advise employers to be mindful of potential rivalry as a result of the Euros and ensure that employees are aware of any bullying and harassment policy, in particular, the potential for harassment claims arising out of office "banter".

Can employers relax the usual rules re wearing of football shirts?

Employers can operate a uniform / dress code policy within the workplace and can require

employees to adhere to this. During the Euros, some employers may decide to relax the rules and allow employees to wear football shirts. Should an employer decide to relax its policy, it must be mindful of the Fair Employment Code of Practice and associated guidance issued by the Equality Commission for Northern Ireland. Under the Code employers must "promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion". The Code specifically makes reference to the wearing of emblems that have the potential to cause disharmony (especially those that have been directly linked to community conflict in Northern Ireland and / or to politics). Football shirts may cause unnecessary tension and be divisive and could lead to claims of discrimination, in particular, harassment. I would advise employers to err on the side of caution and prohibit the wearing of football shirts in the workplace.