

# Employment E-Bulletin

## June 2010

**GLAISYERS**  
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## 2010 FIFA World Cup South Africa



### Introduction

Excitement is building in anticipation of the 2010 FIFA World Cup which is due to kick off on Friday 11th June 2010. As a result of this, many employees will be looking to book annual leave in order to make sure they do not miss all of the action. Some employers will already have put in place arrangements to deal with requests, others however will have to contend with unhappy employees whose requests for leave have been rejected, unauthorised absences and other problems often associated with the World Cup.

Only one of England's initial group stage matches falls on a weekday on Wednesday 23rd June 2010 with a kick off time of 3.00 pm GMT and if England progress to the latter stages, their games will be played on weekends or weekday evenings. As a result of this, most employers are less likely to face problems associated with requests for time off but instead employees possibly wishing to leave early in order to arrive at home in time to watch an evening kick off or turning up to work hungover after celebrating (or commiserating) England's performance.

As a result of the above, the tournament does give rise to a number of issues which employers may be required to contend with over the next four weeks, some of which we have attempted to address in this newsletter.

### Rules relating to annual leave requests

Most employers will set out their rules and procedures governing requests for time off work in the staff handbook. This document will provide employees with

guidance on matters such as how to make a request and how much notice must be provided. In the absence of such procedures however, the Working Time Regulations 1998 (Regulations) state that in order to make a request for annual leave, an employee must provide their employer with advance notice equivalent to twice the number of days he or she wishes to take off. As a result of this, an employee wishing to take one day off work must provide their employer with 2 days' notice. Although there is no express right to take annual leave to watch matches, employers should give clear reasons why annual leave requests are rejected (eg staffing difficulties) in order to avoid grievances from employees.

### Rest break issues

Many employers will allow staff to leave early and make up their time. Employers are however advised to avoid employees foregoing their rest breaks or taking them at the end of the working day so they can leave early. The Regulations entitle workers to a 20 minute break for every shift lasting more than 6 hours. Although the Regulations do not specifically address the point, guidance from the Department for Business Innovation & Skills states that workers should not be allowed to "take" their break at the beginning or end of a shift.

### Discrimination issues

Employers should also be alert to resentment from certain employees such as working parents who have previously made unsuccessful flexible working requests or those who have asked for time off for the observance of religious holidays which could give rise to allegations of

sex discrimination or discrimination on the grounds of religion or belief. Where football fans are given preferential treatment, this could be used as evidence to support claims of less favourable treatment. The same principle also applies to the different treatment of employees on the grounds of their race, meaning that employers must not forget that employees who support a different national team should be granted the same rights as those who support England.

### Phoning in sick

A common problem for employers is the employee who takes a "sickie" in order to watch a match or because he or she is suffering from a hangover. Unless the sickness extends beyond the self certification period, it will be very difficult for an employer to prove that the employee was not ill. Staff should therefore be put off the idea by being reminded that any absence will require them to personally phone their manager on the day of sickness and attend a return to work interview on their first day back in work. This will often have the effect of making staff think twice before taking a day off work.

### Conclusion

The timing of the majority of England games should hopefully minimise the impact of the tournament on working practices. By having regard to the issues above, employers should be able to limit the less favourable effects of the World Cup on their business.



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