



World Cup Fever

With the World Cup just about to start, we look in this edition at the problems that might arise when match time meets working time – a quick reminder of the relevant principles.

Q: Am I entitled to time off to watch a match?

A: There is no special entitlement and it's unlikely that the contract of employment will provide for it. You can't rely on a "special event" excuse.

Q: Can I take holiday instead?

A: Yes, provided that you have holiday left, and you follow any works procedure for booking it. If there's no set procedure, then under the Working Time Regs you should give at least *twice* as much notice as the time you want off. So if you're taking just one day off, you need to give 2 days' notice. To avoid argument, give 2 clear days – if you want Thursday off, let the employer know on Monday.

Q: Can my employer refuse?

A: Yes, but if he does so without good reason you might be able to pursue a Tribunal claim about the refusal. A good reason would be e.g. that too many other people are already absent, and that the employer needs minimum operational staff cover.

It may be dangerous however just to take the time off – if the employer gives you notice (at least equivalent to the time off you want) that he requires you to work, and you don't turn up, you could face disciplinary action.

Q: What if I'm sick on the day?

A: Many employers are making special arrangements for daytime matches (e.g. the England match at 3pm on 23/6 – not that we've got this in our diary...). Some are offering flexible working arrangements or unpaid time off. But inevitably there will be some "sickies".

Whether the employer accepts the reasons given will depend on whether medical evidence can show that you were in fact ill, but other issues might be taken into account. So, if you requested time off a few days before, and that was refused, and you "happen" to be ill on the day, expect a return to work interview at least. In the right set of circumstances, if the employer has enough rope, disciplinary proceedings may follow. On a worst-case basis, dismissal could result (especially if e.g. you have a track record for absenteeism). Don't think employers are obliged to take a sickie at face value. And remember that unless your contract says otherwise, you aren't entitled to sick pay for the first 3 days' absence.

Q: Can I insist on unpaid leave?

A: No, you can only take the time off unpaid if your employer agrees. Explore the options with the employer. Unpaid leave is one, making up time at another time is another.

Q: My employer has given staff paid time off to watch the match. I don't like football. Can I take time off too?

A: Well, you could pretend to like football! Some employers are putting on big screens in the workplace for the big matches. If you don't want to attend, you have no automatic right to take time off in lieu of match-watching. An employer will not "discriminate on football grounds" (though we are anxiously waiting to see if e.g. a woman claims indirect discrimination on the basis that more men than women watch football... we don't mean it).

