

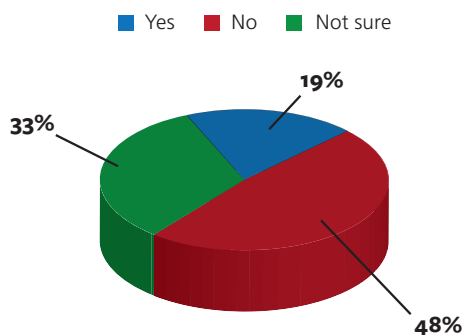
## The Olympic Games 2012 – Overcoming HR Hurdles

The Olympic Games will take place from 27 July to 12 August and the Paralympic Games from 29 August to 9 September. Key challenges arise for employers and their staff. In this update, we look at some of the HR hurdles for employers and how these can be addressed. We also summarise the results of our recent client survey about the approach some of our clients were taking.

### Olympic holiday

Some employees will undoubtedly want to take time off during the Olympics. Their rights will be governed by their employment contract, any existing leave policy and statutory leave rights, primarily the Working Time Regulations. If demand for leave is high, employers could consider whether requests should be granted on a first come first serve basis or on the basis of a lottery. Employers can introduce a one off leave policy to deal with requests for leave during the Olympics. Some employers have already done this.

Have you introduced or are you going to introduce a leave policy for the Games?

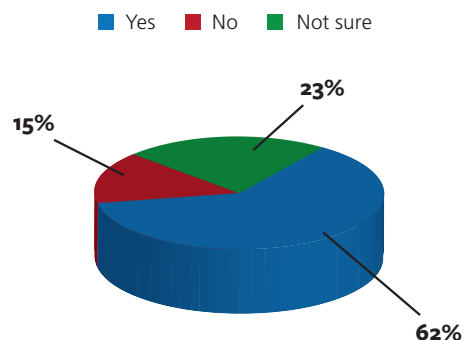


If the contract of employment does not deal with holiday requests or an employer does not have a leave policy in place, the default notice provisions in the Working Time Regulations (WTR) will apply. Under the WTR, employees who wish to take annual leave must give notice of at least twice the amount of leave

they wish to take. For example, for 10 days' leave, an employee must give at least 20 days' notice. An employer can reject a request for leave if the notification procedure under the WTR has not been followed or if, for legitimate business reasons, it cannot accommodate the leave requested.

Employees are not entitled to time off work if they have been selected as a volunteer during the Olympics. Employers can deal with requests for time off from volunteers by asking them to take annual or unpaid leave. Some employers (e.g. those associated with or sponsoring the Games) are granting special paid leave to acknowledge the contribution made by volunteers.

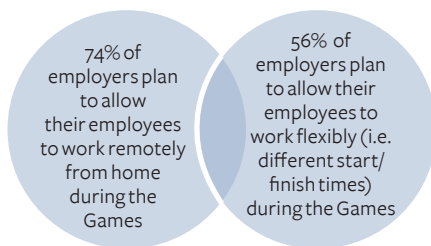
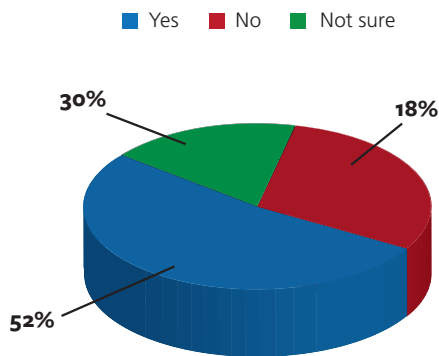
Will you allow employees to take paid or unpaid time off work to volunteer for the Games?



### All work and no play

London based employees are likely to face disruption to their journeys to and from work. Employers are considering introducing flexible working arrangements such as permitting employees to work from home during certain times or altering start/finish times. There is no legal obligation to permit employees to work flexibly. If working from home is a possibility, employers should consider whether this could raise any health and safety, business confidentiality and data protection issues.

Have you consulted or are you planning to consult with your employees about working arrangements during the Games?



## Managing misconduct

If an employee does not turn up to work without good reason, an employer would be justified in dealing with such unauthorised absence as misconduct under its disciplinary policy.

An employer could also be faced with employees who call in sick but suspect that the sickness absence may not be genuine. Employers should avoid jumping to any conclusions without firm evidence to confirm their suspicions. In the event of any sickness absences, employers should follow their sickness absence process and conduct return to work meetings, and ensure that these are applied consistently for all employees. If there is evidence of a sickness absence not being genuine, an employer can treat that as misconduct.

Employers could look to minimise the risk of employees pulling a 'sickie' by putting up screens at work and permitting employees to watch the Games at specified times. Alternatively, allow employees to watch the Games on their desktop computers, but set out reasonable limits.

## Other issues

Employers should treat all requests for leave and time off consistently and fairly to minimise the risks of any allegations of discrimination being made. In addition, employers should be alive to any nationalistic banter that constitutes unlawful harassment. Employers should therefore remind employees of their equal opportunities policies.

In relation to Olympics related corporate hospitality, employers should remind employees of their anti-bribery policy to ensure that they are not in breach of the Bribery Act 2010. Alternatively, employers should have clear guidelines to deal with the provision or acceptance of Olympics related hospitality.



## Practical tips

- Prepare in advance – if at all possible, consult with staff on taking time off and working flexibly during the Olympics.
- Consider whether flexible working arrangements can be put in place to manage the impact of the Olympics on your business.
- Communicate with employees on how you plan to manage the impact of the Olympics.
- Treat all employees consistently and fairly in relation to any requests for time off and to work flexibly.
- Have adequate policies/procedures in place to deal with requests for annual leave/time off, sickness absence, disciplinary/grievance matters, equal opportunities and corporate hospitality, and remind staff of these policies.

If you have any questions or require specific advice on the matters covered in this Update, please contact your usual Mayer Brown contact or:

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