

EMPLOYEES AND THE WORLD CUP

Specialising in Employment Law, Maxine Orr, a Partner with Worthingtons Solicitors, discusses the proper procedures for dealing with the World Cup.



Maxine Orr of Worthingtons Solicitors

As the World Cup kicks off and the nation tunes in, employers groan at the knock-on effect on their businesses. Absenteeism, lateness, 'illness', hangovers, late/early lunches are part and parcel of World Cup fever for many employees. It is important that employers deal with these matters equitably and in line with their terms and conditions of employment to ensure workplace harmony and avoid employee disputes. One major difficulty is the behaviour of employees who attend matches and the extent that this can impact on their employment. The Courts have had to address this in a number of cases which have arisen from the 1998 World Cup and UEFA Cup Final in 2000 - lessons that no employer can safely dismiss.


In the first case Mr Alan Liddiard was employed by the Post Office. In January 1999 he travelled to Marseilles to watch England play Tunisia. At the match there was clashes between rival fans and Mr Liddiard was involved in hooliganism - throwing bottles and attacking a French police officer. At this time, football hooliganism by fans was attracting considerable media coverage to the extent that the Prime Minister publicly stated that he hoped employers would take these matters seriously. Mr Liddiard was convicted in France and sentenced to 40 days in prison for his conduct. As a result of the heightened media coverage the Post Office suspended Mr Liddiard on the grounds that he had brought his employer's name into disrepute and not on the basis of his behaviour and subsequent criminal conviction. Mr Liddiard was charged with gross misconduct and dismissed. He lodged Employment Tribunal proceedings and was successful. The Post Office appealed but lost their appeal and brought the matter to the Court of Appeal.

Mr Liddiard's case was that the employer had taken the decision to dismiss based on political pressure and media coverage. The

Employment Tribunal and Appeal Tribunal accepted this but the Court of Appeal felt that the employers were entitled to take into account the newspaper coverage of the matter to support the dismissal. It held that Mr Liddiard had brought the Post Office into disrepute and the articles in the press and statement by politicians were evidence of that, rather than the cause of that.

Mr Liddiard also contended that he was innocent of the charge. The Court of Appeal rejected this saying that the employer was perfectly entitled to rely upon a conviction in France just as much as they were entitled to rely upon a conviction in England.

In another case, two brothers travelled to Copenhagen to watch the UEFA Cup Final between Arsenal and Galatasary. Fighting broke out among the Turkish and English fans and television footage showed one of the brothers kicking a Turkish fan. The tabloid press identified the employees and gave details of where they worked - Consignia (now the Post Office). They were subjected to disciplinary action and subsequently dismissed. The Tribunal held that the dismissals were unfair as the employer had placed undue reliance on media coverage and failed to give weight to the brothers' testimony and previous unblemished records. The Post Office also failed to prove that a sufficient nexus between the brothers' actions and an appreciable effect on its business existed.

The importance of these cases lies in the emphasis the tribunals and courts placed on "following correct internal procedures" and ensuring that the reason for the dismissal related to the their employment. Employers should always seek legal advice before taking action as each case is decided on its facts. 

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