

The World Cup has started, and many nations face a month of football fever.

How do employers tackle their employees' desire to support their national team? Can employers be flexible? What if employees stay up all night to support their team and are worse for wear in the morning? How do employers handle too many people wanting to take an afternoon off to watch a match? Should employers allow employees to organize workplace viewing parties or polls? What can an employer do if employees are tempted to follow a crucial match at work using the company's IT?

In this briefing employment lawyers around the world have commented upon the impact these issues may have on the workforce and what legal pitfalls might exist in their countries.

May the best team win!

BRAZIL

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

There is no specific Brazilian law related to the employee asking an employer for a day off in the event

However, as host of the World Cup, Brazil has passed the General Law of the World Cup, which autho

Additional days could be granted, depending on the outcome of the playoffs.

Employers are not obliged to accept the employee's request, except if there is any law declaring the da

In practice, employers will release their employees to watch the Brazilian games (entire day or hours, c

prolonged absenteeism (between a few days and
a month)?

Employees wishing to attend the World Cup or to be available to watch their favorite team should boo

Unauthorized absence is usually a disciplinary matter and could result in sanctions up to and including

Employers should remind employees of their absence policy and apply it consistently.

Employers should consistently manage unauthorized absence in accordance with existing disciplinary

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The same rules apply for unauthorized short-term absence — although one-off absence (including lea

Employers might have suspicions about post-match hangovers if an employee is late or claims sick le

Employers should monitor absence. If there are any unusual patterns during the World Cup, they can

a situation where a company adapts working time during the World Cup to follow the national team, wh

Nationality is a protected characteristic under the Brazilian Federal Constitution. Foreigners and Brazi

If employers in Brazil want to offer flexibility in relation to matches involving the Brazilian team they ar

In relation to certain events or religious festivals, the Brazilian federal laws specify which days are con

If an employee requests to be granted a day off in addition to the above, any flexibility and any applica

the personal use of company information technology tools?

Employees with access to a computer might be tempted to follow their team's progress using their em

This could have an impact on productivity and also affect the operation of the employer's systems.

Disciplinary action is unlikely to be justified unless an employee is in breach of an existing policy of wh

Employers should have a clear IT policy in place and be able to demonstrate that this has been comm

If an employer monitors web and computer usage it will need to have it expressly provided in its IT po

gambling and drinking alcohol in the workplace?

Anyone under the influence of alcohol in the workplace is likely to risk disciplinary action.

If, however, employers set up a social event and offer a drink to employees while they are watching a

Employers should apply their disciplinary policies fairly and consistently.

Employers remain responsible for their employees' conduct during work organized activities. It is impo

Vilma Toshie Kutomi | Mattos Filho

ARGENTINA

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

The employer has the right to determine the date of an employee's holidays for the year, to be taken by

In general, the employer and employee typically agree on the holiday period.

prolonged absenteeism (between a few days and
a month)?

The employees can only miss work for holidays, illness or adequate cause. In a case of absence, the e

The employer and employee may agree to a holiday or an unpaid leave.

In cases of unjustified absences, we suggest that the employer first apply a small disciplinary measure

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The employer has the right to organize the labor schedule as long as it is within legal parameters, and

Despite the fact that the employer, which is usually authorized by the company, is not an inappropriate

Nicolás Grandi and Valeriano Guevara Lynch | Allende & Brea

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

a situation where a company adapts working time during the World Cup to follow the national team, wh

SECTION 17 and SECTION 81 of the
Labor Contract Law No. 20.744.

It is a common practice for companies in Argentina to allow employees to leave their working position t

the personal use of company information technology tools?

SECTION 87 and 70 Labor Contract Law
No. 20.744

In Argentina, the company's IT tools are considered the company's property; therefore, the company is

gambling and drinking alcohol in the workplace?

SECTION 67 and Labor Contract Law
No. 20.744.

The employer can't watch an employee work in the workplace. Depending on the seriousness of the

Moreover, in Argentina gambling is reprimanded by law.

Rodrigo Sola Torino | Marval, O'Farrell & Mairal

AUSTRALIA

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Paid annual leave may be taken for a period agreed between the employee and the employer. Employ

Employers may refuse a request for leave if, for example, there has not been sufficient notice given; th

Employers might be tempted to be more flexible during an event like the World Cup but should ensure

prolonged absenteeism (between a few days and
a month)?

Employees wishing to watch their favorite team should arrange annual leave in the usual way.

Unauthorized absence is usually a disciplinary matter and could result in disciplinary sanctions up to an

Employers could remind employees of their leave policy and should apply it consistently.

They should also manage any unauthorized absence in accordance with their usual processes. Again,

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The same rules apply for unauthorized short-term absence — although one-off absences (including lea

Employers might have suspicions about post-match hangovers if an employee arrives late or claims pe

Given the time difference with Brazil, some matches will fall within the working day. However, many of

Communication between employee and employer is important, and may be possible to negotiate pe

Employers should already be monitoring absence: If there are any unusual patterns during the World C

a situation where a company adapts working time during the World Cup to follow the national team, wh

It is possible that an employee could bring a direct discrimination claim if, for example, they could establish

Applying different criteria or practices during the World Cup could also lead to inadvertent indirect discrimination

This requires careful analysis of the facts to determine whether the operation of the condition or requirement

If employers in Australia want to offer flexibility in relation to Australian matches they should consider other

To avoid possible indirect discrimination employers should consider each situation on its facts and

Any flexibility and any applicable conditions should be agreed with relevant employees before the event

the personal use of company information technology tools?

Employees with access to a computer might be tempted to follow their team's progress using their employer's

This could have an impact on productivity and also affect the operation of the employer's systems.

Disciplinary action is unlikely to be justified unless an employee is in breach of an existing policy of which they are

Employers should have a clear IT policy in place and be able to demonstrate that this has been communicated

If an employer wants to conduct surveillance of an employee in New South Wales or the Australian Capital Territory

gambling and drinking alcohol in the workplace?

Different organizations will have different requirements and legal obligations in relation to alcohol in the workplace

If, for example, employers set up a social event and supplied alcohol to employees while they are working

Employers may be responsible for their employee conduct during work organized activities.

Employers should consider whether they require a specific alcohol policy for their organization or for specific events

Employers should also consider whether safety, bullying or harassment policies or other policies in relation to alcohol

Having a policy and/or reminding employees of expectations in advance of a function should assist with managing alcohol

Gordon Williams, Eliza Evans and Shira Saks | Minter Ellison

BELGIUM

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

In Belgium, the holiday dates are either decided collectively for the whole company or individually between

The employee can therefore never unilaterally decide his holiday dates. Mutual consent will always be

The employer can also refuse holidays requested on short notice if such a refusal is proportionate.

Alternatively, an employee whose holiday request was not approved and who does not turn up at work

It should be verified whether a procedure regarding holidays was inserted in the work rules or the individual

If no rules were inserted, the holiday dates should be decided in mutual consent with each employee.

It is best to ask all employees of a department to plan ahead to ensure continuity.

prolonged absenteeism (between a few days and a month)?

If the employee is absent from work without any justification, it is possible (and even recommendable) to

Multiple unjustified absences are generally accepted by courts as a dismissal for just cause.

Doctrine is how we divide up the question of "when" an unjustified absence justifies a dismissal

Employers should remind the employees of the sanctions that could apply in case of unjustified absence

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The employer and the employee can temporarily agree to adapted working hours.

A temporary change to the normal working hours can allow the employee to commence or stop his work

These alternative working hours ideally are convened on in an addendum to the employment contract.

In case a lot of absenteeism is to be expected, the employer can opt for an alternative working schedule

Sylvie Dubois | Altius

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

a situation where a company adapts working time during the World Cup to follow the national team, wh

Belgian Anti-Discrimination Acts of
10 May 2007.

Changing working time schedules based on some football matches is allowed under Belgian legislation

In principle, all employees will benefit from the arrangement: some to watch football, others to spend m

Because of the potential benefit for all employees, and because an employee must demonstrate loss to

the personal use of company information technology tools?

Belgian Act of 3 July 1978 on Employment Contracts.

National Collective Bargaining Agreement n. 81 of 26 April 2002 with regard to employees' privacy tow

Employees must perform their work in line with their employment terms and conditions.

Use of IT tools may be regulated by the employer. The employer may prohibit private use of profession

However, privacy protection rules still apply where an employer monitors Internet and IT use by employ

Therefore an IT monitoring policy should be established upfront, in accordance with CBA 81 requirements.

During the coming weeks, employees will be tempted to follow the results of their favorite team on com

Employers could decide to restrain access to websites in this regard. In addition, and in any case, emp

gambling and drinking alcohol in the workplace?

National Collective Bargaining Agreement n. 100 of 1 April 2009 (CBA100) and Belgian Act of 4 August

Belgian Act of 7 May 1999 on Gambling, betting activities and the protection of players.

There is no general regulation prohibiting alcohol consumption in the workplace. However, employers a

Such policies may forbid alcohol consumption in the workplace. However, this does not prevent some “

If employees are allowed to watch a game on the employer’s premises, employers should be reminded

If an employer make exceptions and allow some alcohol consumption, it should be consistent with the

Organizing any form of gambling is usually strictly regulated and may require a specific license if a bet

However, with regard to the World Cup, the Belgian Gaming Commission shows some latitude with reg

However, an employer should not officially organize such games and prohibit any reference to their cor

Filip Saelens | Loyens & Loeff

CANADA

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

It is up to the employer's discretion to allow
an employee to take vacation time on short notice.

It is best practice to ensure consistency in the employer's approach. Employers should strive to adhere

prolonged absenteeism (between a few days and
a month)?

There is no statutory protected leave for watching sports.

If an employee is absent for a prolonged period without the permission of the employer or other good reason

Employers should consistently apply company policies regarding any permission granted or progressive

Prior to initiating any disciplinary steps, the employer should seek information from the employee as to

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did not
the night before?

There is no legal requirement to allow an employee to be absent from work as related to the World Cup

It is at the employer's discretion as to whether short-term absences for these reasons are permitted. If

Employers should consistently apply company policies regarding any permission granted or progressive

Prior to initiating any disciplinary steps, the employer should seek information from the employee as to

a situation where a company adapts working time during the World Cup to follow the national team, when

Depending on the jurisdiction in Canada, prohibited grounds of discrimination may include "place of origin"

If the current work hours are a fundamental term of employment, and an employer unilaterally changes

Employers should consider the impact of implementing a unilateral change to a term or condition of an

Caution should be exercised if the employer's actions will result in an adverse impact for employees on

the personal use of company information technology tools?

It is at the employer's discretion to permit use of company IT tools for personal use.

Whether or not an employer permits personal use of company IT tools may impact an employee's reaso
IT tools.

It is best practice for employers to have an IT policy outlining the accepted use of company IT tools and

Employers should strive to consistently apply company policies throughout the organization in this regard

gambling and drinking alcohol in the workplace?

It is at an employer's discretion as to whether gambling and/or drinking alcohol in the workplace is perm

If an employer is going to permit gambling and/or drinking alcohol, it should ensure compliance with ap

Employers should consistently enforce workplace policies to ensure appropriate workplace behavior w

If drinking is permitted, an employer should notify employees that they should not drink and drive and t

Andrea York | Blake, Cassels & Graydon LLP

FINLAND

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Section 8 and 20 of the Annual Holidays Act.

The employer determines the timing of all holidays after hearing from the employees. The employee ha

The employer is not required to allow the employee to take holidays at a short notice. In fact, as long as

It is of course advisable to listen to the employee's wishes and try to be as flexible as possible. However

prolonged absenteeism (between a few days and a month)?

Chapter 7, Section 2 and Chapter 8, Section 3 of the Employment Contracts Act.

Groundless absence by the employee may be a reason for the employer to terminate the employment

Should an employee be absent for a week without, during that time, providing a justifiable reason for the

An employer has the right to terminate the employment agreement with an employee who has been ab

Generally, the employer needs to issue a warning to the employee before termination. However, this is

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

Chapter 7, Section 2 and Chapter 8, Section 3 of the Employment Contracts Act.

Even a short-term absence may be considered a breach or neglect of the employee's duties and thus c

The severity of a short-term absence is reviewed on a case-by-case basis and can vary significantly de

Repeated short absences are more likely to constitute a justifiable ground for termination than a single

Should the employer see this as a problem, the employer may wish to impose clear guidelines and not

Also, to keep the employees happy and motivated, it is of course advisable to be as flexible as possible

a situation where a company adapts working time during the World Cup to follow the national team, wh

Chapter 2, Section 2 of the Employment Contracts Act.

All employees must be treated equally and the employer cannot discriminate or treat employees differ

Unfortunately, Finland did not qualify for the World Cup so this issue is unlikely to pose any major issue

If all employees may not be given equal opportunity to follow their favorite team, it would be advisable r

the personal use of company information technology tools?

Chapter 1, Section 1 and Chapter 3, Section 1 of the Employment Contracts Act.

The employer is entitled to direct and supervise the employee's work. The employee is obliged to do his

Work time and IT tools provided by the employer are mainly meant for work purposes, and the employee

However, as long as the employee is able to fulfill his/her duties and does not disturb other employees,

We note that the earliest games begin at 7 p.m. local time and thus games take place outside the regul

gambling and drinking alcohol in the workplace?

Chapter 7, Section 2 of the Employment Contracts Act.

Gambling or drinking alcohol in the workplace or appearing in the workplace intoxicated may constitute

The employer is entitled to define the rules of the workplace and the behavior expected from the emplo

If such behavior is seen as a potential issue and there is no established practice in this regard in the w

FRANCE

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

The time period during which the paid leave must be taken and the order of departure are determined by

Unauthorized leave is a reasonable cause for dismissal.

More flexibility is possible, but it is at the discretion of the employer.

prolonged absenteeism (between a few days and
a month)?

Absenteeism (leave without pay) is not a suspension of the employment contract and is not a ground for dismissal or other sanctions.

Before taking action against the employee, it is common practice to send a letter asking for the reasons

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

Unjustified absences and delays can justify disciplinary sanctions which are defined by internal rules.

The employee may be sanctioned only after a disciplinary procedure, which must be launched within two

The employer can adapt collective working time to the match schedules, in some cases subject to cons

In practice, the employer might prefer to have informal agreements with football fans so they adapt the

a situation where a company adapts working time during the World Cup to follow the national team, wh

Equality of treatment applies only in cases of different remuneration (equal pay principle). Thus, adapti

If the planning is modeled solely on the games of the national team, there is a risk of discrimination on

A fair compromise is to provide a time period within which any game could be watched or replayed, bas

the personal use of company information technology tools?

Personal use of IT tools is possible as long as that it does not affect the performance of work.

The employer might want to control the personal use of IT tools to ensure the execution of work, as long

gambling and drinking alcohol in the workplace?

Workers are generally not allowed to drink alcohol or gamble in the workplace. This should be reflected

Occasional consumption of alcohol might not legitimate a dismissal, except when it may affect the safe

For example, dismissing an employee for consuming alcohol during a firm celebration without permissi

To fulfill their safety obligations, the employer is entitled to conduct an alcohol test proportionate to the

Stéphanie Stein, Skadden

GERMANY

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

In Germany, there are no minimum notice requirements for taking annual leave, but employers can imp

Employers might be tempted to be more flexible during an event like the World Cup but should ensure

prolonged absenteeism (between a few days and
a month)?

Employees wishing to attend the World Cup or to be available to watch their favorite team should book

Unauthorized absence is usually a disciplinary matter and could result in sanctions up to and including

Employers should remind employees of their absence policy and apply it consistently.

They should also manage unauthorized absence in accordance with their disciplinary procedures.

Again, employers need to be consistent.

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The same rules apply for unauthorized short-term absence – even a one-off absence (including leaving

Employers might have suspicions about post-match hangovers if an employee is late in or claims sick l

Given the time difference with Brazil, few German matches will fall within the working day other than fo

Employers should already be monitoring absences: If there are any unusual patterns during the World

a situation where a company adapts working time during the World Cup to follow the national team, wh

Nationality is a protected characteristic under the German Anti-Discrimination Act: Employees and wor

Given that not everyone likes football, applying different criteria or practices during the World Cup coul

If employers in Germany want to offer flexibility in relation to matches involving the England team they

To avoid indirect discrimination a consistent approach should be taken throughout the year to similar e

Any flexibility and any applicable conditions should be agreed and communicated clearly before the ev

If a works council is established, such guidelines must be agreed upon by the works council.

the personal use of company information technology tools?

Employees with access to a computer might be tempted to follow their team's progress using their emp

This could have an impact on productivity and also affect the operation of the employer's systems.

Disciplinary action is unlikely to be justified unless an employee is in breach of an existing policy of whi

Employers should have a clear IT policy in place and be able to demonstrate that this has been commu

If an employer monitors web and computer usage, it will need to get the written consent of the employe

If a works council is established, such monitoring must be agreed upon by the works council.

gambling and drinking alcohol in the workplace?

Anyone under the influence of alcohol in the workplace is likely to be at risk of disciplinary action.

If, however, employers set up a social event and offer a drink to employees while they are watching a g

Employers should apply their disciplinary policies fairly and consistently.

Employers that are responsible for their employees' conduct placed work organized activities. Make sure

Ulrich Ziegler | Skadden

INDIA

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Employees are, under relevant laws, generally entitled to leave, but need to provide a minimum notice

Employers may consider revising the policy to provide flexibility to reporting managers, such as to relax

prolonged absenteeism (between a few days and a month)?

While this is typically governed by the contract (which would provide for prolonged absenteeism as a g

The employer should have in place a clear policy to discourage such behavior. Any flexibility or ambigu

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The laws generally provide that such short-term absences can be treated as absenteeism, inviting as o

Employers may consider revising the policy to provide flexibility to reporting managers, to permit such

a situation where a company adapts working time during the World Cup to follow the national team, wh

Such a situation is not covered by Indian discrimination laws.

An employer may consider changing the official timings, as it may have a positive impact on work effici

the personal use of company information technology tools?

This is typically governed by the employment contract, which would include the IT policy of the employer.

An employer desirous of preventing live streaming of football matches by employees on their computer

Employers may also, with due notice to employees put in place a policy (if there isn't already one) of m

gambling and drinking alcohol in the workplace?

While this would be governed by contract, in the case of certain industrial establishments, the laws con

State-specific laws would have provisions regulating gambling and serving alcohol, which would also n

The employer would need to carefully weigh various considerations such as loss of productivity versus

William Vivian John and Suyash Srivastava | Luthra & Luthra Law Offices

ITALY

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Under the national collective labor agreement (NCLA) and Italian Civil Code (article 2109), employees

Normally, at the beginning of the year, the employer informs the employee about the entitled annual ho

The employee can require holidays, but with an adequate notice to allow the employer to organize the

Should the employee require holiday days at “very” short notice, the employer may not authorize it. It d

To adopt a policy which rules specifically the way to apply for holidays (notice, length, procedure, etc.).

The employer cannot just reject an employee’s holiday request, but should ground its decision on valid

prolonged absenteeism (between a few days and a month)?

The absence of the employee from the workplace always has to be justified; otherwise the employee ca

The employee has to immediately inform the employer of his/her absence before the working day starts

He/she has to justify his/her absence by sending to the employer a sickness certificate. This is normally

As long as the absence is justified, the employee can stay at home from one day up to a maximum of 1

For other reasons, the employee can ask in advance for a paid permit (normally it is for one day), but th

If the company has some concerns over the employee's sickness, it can ask the National Health Servic

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

See above.

Normally, if the employee arrives late at work, he/she has to immediately inform the employer and he/s

The employee cannot leave the workplace earlier without authorization from his/her line manager.

Any absence has to be authorized; if not, the employee is subject to disciplinary action.

The company position should be clear: (i) to propose to all the employees any permission in advance for

If the lateness is not justified but it is the first episode, we may suggest notifying the employee with a le

If the employee does not modify his/her conduct, the company may intervene with disciplinary action.

a situation where a company adapts working time during the World Cup to follow the national team, wh

If the company adapts working time for the specific purpose of allowing fans of the national team to fol

On the contrary, those employees not interested in football would not have a valid ground to claim the c

If the employer has different nationalities in its workforce, it may be advisable to offer to non-Italian employ

the personal use of company information technology tools?

Unless otherwise established by company policies and/or regulations, the personal use of company IT

The employer's control of the use of IT tools by employees during the working activity is subject to strict

Two different paths may in principle be followed:

– The use of company IT tools to watch matches or to follow the national team is expressly prohibited

– The use of company IT tools to watch matches is permitted, but through precise rules. To this reg

gambling and drinking alcohol in the workplace?

As a general rule, gambling and drinking alcohol in the workplace are not allowed to the extent that th

If gambling and drinking alcohol should take place when the employees should be in the company's pr

To the extent that employees should be engaged with company activities, specific policies should be adopted

Silvia Tozzoli and Elena Ryolo | Legance
Sergio Barozzi and Serena Muci | Lexellent

JAPAN

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

In Japan, there is no clear law regulating the timing of the notice of paid leave. A notice that is provided

Some companies have their own internal rules for the procedures for paid leave. Employers should con

prolonged absenteeism (between a few days and
a month)?

Employees wishing to attend the World Cup or to be available to watch their favorite team should book

Unauthorized absence is usually a disciplinary matter and could result in sanctions up to and including

Employers should remind employees of their absence policy and apply it consistently.

They should also manage unauthorized absence in accordance with their disciplinary procedures. Emp

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The same rules apply for unauthorized short-term absence – although one-off absence (including leavi

Employers might have suspicions about post-match hangovers if an employee arrives late or claims sic

Employers already should be monitoring absence: if there are any unusual patterns during the World C

a situation where a company adapts working time during the World Cup to follow the national team, wh

Nationality is a protected characteristic under the Article 3 of Japan's Labor Standards Act: employers c

Given that not everyone likes football, applying different criteria or practices during the World Cup coul

If employers in Japan want to offer flexibility in relation to matches involving the Japan team, they shou

To avoid indirect discrimination, a consistent approach should be taken throughout the year to similar e

Any flexibility and any applicable conditions should be agreed and communicated clearly before the ev

the personal use of company information technology tools?

Employees with access to a computer might be tempted to follow their team's progress using their emp

Disciplinary action is unlikely to be justified unless an employee is in breach of an existing policy of whi

Employers should have a clear IT policy in place and be able to demonstrate that this has been commu

If an employer monitors web and computer usage, it will need to notify employees in advance. Person

gambling and drinking alcohol in the workplace?

Gambling is a crime in Japan.

Anyone under the influence of alcohol in the workplace is likely to be at risk of disciplinary action.

If, however, employers set up a social event and offer a drink to employees while they are watching a g

Employers should make sure that employees do not gamble over the World Cup games.

Employers should apply their disciplinary policies fairly and consistently.

Employers remain responsible for their employees' conduct during work-organized activities. Make sur

Michihiro Nishi | Skadden

MEXICO

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

The employer is required to deliver to the employees an annual certification of the vacation days the en

The company could grant its employees vacation days for attending to the World Cup or for watching th

prolonged absenteeism (between a few days and
a month)?

Mexico's Federal Labor Law (LFT) provides that the employee can only miss work during (i) vacation d

Any nonauthorized or unjustified absence must be approved in advance (even during the World Cup).

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

Employers are entitled to terminate employment for cause if the employees miss work (without authoriz

Many employees use their three unjustified absences wisely in order not to fall under the relevant term

The best way to avoid these employee behaviors is to let them watch certain games in designated spa

a situation where a company adapts working time during the World Cup to follow the national team, wh

The law mentions that the employer cannot discriminate for reasons of gender, nationality, race, religio

To avoid any confusion or which games may be watched by the company, it should communicate this t

the personal use of company information technology tools?

Use of a company's tools for purposes other than work can lead to a sanction against the employee de

The company should expressly remind the employees that computers and other IT tools of the compan

gambling and drinking alcohol in the workplace?

The LFT prohibits drinking and gambling in the workplace.

Gambling and alcohol often give rise to inappropriate behavior in the workplace; thus, employers should

Rafael Vallejo | Gonzalez Calvillo, S.C.

Rodrigo Roel | Cesar Roel, S.C.

NETHERLANDS

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

An employee should inform his employer in a timely manner if he/she wishes to take a holiday. Accordi

When considering requests for time off, an employer should act fairly, consistently and follow the norm

Being flexible during the World Cup and granting employees' (last-minute) requests could reduce the c

It is however important to make clear to the employees that the flexible rules only apply during the Wor

If more employees want time off than can be granted, the employer should consider granting leave on

prolonged absenteeism (between a few days and
a month)?

As is the case with regard to holiday, an employee needs approval to stay away from work. As a conse

If the employer finds out the prolonged absenteeism (without approval) has to do with the wish of the e

Furthermore, it can be advisable to (i) remind employees (preferably just before the World Cup begins)

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did
the night before?

Both the employer and the employee have an obligation to act as a "good employer/employee" (Article

If this happens more than once, it is likely that the lack of rest will come at the expense of the productiv

It is of importance that the employer makes clear under which circumstances a short-term absence to v

The employer needs to be aware of the fact that the World Cup can lift the spirits of the employees and

Klaas Wiersma | Loyens & Loeff

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

a situation where a company adapts working time during the World Cup to follow the national team, wh

Dutch Equal Treatment Act, article 7:611 and 7:613 Dutch Civil Act.

The Dutch Equal Treatment Act prohibits, among others, adapting the working basis of (un)paid overtime on the basis of (un)paid overtime. The

the personal use of company information technology tools?

Article 8 ECHR, Dutch Personal Data Protection Act

Dutch law does not contain any statutory rules whether and to what extent employees may use compa

gambling and drinking alcohol in the workplace?

Article 7:611, 7:658 and 6:162
Dutch Civil Code

Dutch law does not contain any mandatory rules that specifically prohibits drinking and/or gambling in t

Marjolijn Lips | Van Doorne N.V.

POLAND

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Polish law provides for annual vacation leave of 20 or 26 working days. In principle, the vacation should

On-demand leave requests (up to four days a year) should be accommodated.

Other leave requests submitted at a short notice can be denied.

prolonged absenteeism (between a few days and a month)?

Excused absence

An employee may use his/her vacation leave to participate in the 2014 World Cup. Polish law provides

Unexcused absence

An employee is bound to immediately notify a superior about his/her absence, but not later than by the

In practice, there is a risk that the employees, instead of using the vacation leave to participate in the 2

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

Excused absence

It is allowed under Polish law) to grant his/her employee the time of leave should be then worked off by the

Unexcused absence

An unexcused absence may trigger disciplinary liability. Namely, in case of unexcused absence (even

Employers may opt to notify their employees in advance of the World Cup that any unexcused absence

Roch Pałubicki | Sołtysiński Kawecki & Szlęzak

SINGAPORE

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

There is no minimum notice period required under Singapore law in relation to the utilization of annual

Assuming that sufficient notice is given by the employee, the approval of an employee's leave application taken

Leave taken without the employer's prior approval would constitute absence from work in accordance with

To the extent that the employee is well regarded by the management and that the request for leave is s

However, it should be highlighted to the employee that this is an exception and should not be taken to

prolonged absenteeism (between a few days and
a month)?

Where nonexempt employees (see Note in 2.b.) are concerned, pursuant to Section 13(2) of the Emplo

Whilst there are no statutory guidelines in relation to exempt employees and in the absence of local ca

In such case, the employer shall be entitled to terminate the employee's contract of employment on the

Such absenteeism (without either approval/excuse or notification) is not condoned and we would recon

Note: In Singapore, employees are generally divided into two broad categories: (i) employees who fall

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did
the night before?

Individual employment contracts and employee handbooks will often stipulate the normal office hours o

Constant late attendance, despite repeated warnings issued by the employer, may constitute willful dis

To the extent that this (i) has been disclosed in advance to the employer, (ii) is not on a regular basis a

Su May Tan | Allen & Gledhill LLP

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

a situation where a company adapts working time during the World Cup to follow the national team, wh

Article 12(2) of the Constitution of Singapore protects individuals from discrimination on grounds of race

In addition, there are also general guidelines that do not have statutory force, such as the Tripartite Guidelines

Legal action over such forms of discrimination is very rare in Singapore, and the risks to employers in taking

In any event, in practical terms, any adapting of working hours in Singapore in connection with the World

the personal use of company information technology tools?

Certain Singapore statutes do cover unauthorized use of IT tools and equipment (such as the Computer

Beyond this, the company policy on personal use by employees of IT tools and equipment will likely be

To the extent that personal use of company IT equipment is intended to be for the following day, it does not adversely

Heavy usage which does adversely affect work performance and productivity should however not be considered

gambling and drinking alcohol in the workplace?

Leaving aside statutory restrictions against running illegal gambling rings or the unlicensed sale of alcohol

To the extent that participation in any informal company betting pools (involving small sums) and eveni

Any such activities which do adversely affect work performance and productivity (or involve high financ

Ian Lim | TSMP Law Corporation

SPAIN

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Holiday periods must be set, by agreement, between the employee and the employer.

The provisions of any applicable collective bargaining agreement must also be complied with.

While employers may want to offer some more flexibility because of the World Cup being such an impo

prolonged absenteeism (between a few days and a month)?

If employees want to travel to Brazil or take time off to watch matches on television, leave must be booked

If absence is unauthorized, it is a potential disciplinary matter.

Employees should be reminded of the absence policy, and this policy must be applied consistently. Un

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did not
the night before?

Unauthorized short-term absence is dealt with in the same way, but isolated instances are unlikely to justify

If an employer is skeptical about post-match absence or sickness, they are entitled to take disciplinary

Few matches fall within Spain's working day, unless employees are working out of conventional hours.

a situation where a company adapts working time during the World Cup to follow the national team, wh

Nationality is a protected characteristic under the Spanish Constitution. Employees and workers should

If Spanish employers want to offer flexibility for the Spanish football team's matches, they should offer

the personal use of company information technology tools?

If an employee uses a work computer to follow games, or uses social media around the games, and th

Employers should have a clear IT policy in place and be able to demonstrate that this has been commu

gambling and drinking alcohol in the workplace?

If an employee is under the influence of alcohol in the workplace, he or she may be liable for disciplinar

Disciplinary policies must be applied fairly and consistently. As employers remain liable for their employ

Mario Barros García | Uría Menéndez

SWEDEN

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

The employer decides when an employee may take holiday. All employees are entitled to four consecu

Considering the four-consecutive-weeks rule, there is a pretty good chance the employee will be on ho

prolonged absenteeism (between a few days and
a month)?

There could be grounds for dismissal if no sick-leave certificate is produced.

Due to the time difference, all games will take place during evenings and nights, so this should not be a

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did
the night before?

There could be grounds for dismissal if no sick-leave certificate is produced.

See above.

a situation where a company adapts working time during the World Cup to follow the national team, wh

Not applicable (see above). They can watch the games outside working hours.

the personal use of company information technology tools?

This depends on internal policies and, thus, is completely up to the IT department.

As long as the employees actually work at least close to the agreed working hours and the usages of c

gambling and drinking alcohol in the workplace?

Alcohol in the workplace is not allowed without express permission from the employer. Reasonable ga

Again, all the games will be in the evening or night so drinking should not be a problem! If someone ne

Torbjörn Lindmark | Maqs Law Firm

SWITZERLAND

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

In Switzerland, it is up to the company to introduce internal guidelines

An employer should respect an employee's wishes regarding holidays

An employee, on the other hand, should announce his holiday plan

In general, in such an extraordinary situation as the World Cup,

prolonged absenteeism (between a few days and a month)?

In case of absenteeism, the employer is not required to pay the

Repeated absenteeism is a ground for dismissal, even for dism

Since the dates for World Cup are known for quite some time and

short-term absence (between one and two hours) to (i) watch a the night before?

According to Art. 321a para 1 CO, the employee must carry out

Employees with flexible working hours, on the other hand, might

In case the employer suffers damages or loss due to an employ

If the workload in the office allows it, the employer may consider

If the employee is not fit for work because he/she was watching

As mentioned, it is generally the best approach of both the emp

Employees, on the other hand, are best advised to adhere to th

a situation where a company adapts working time during the W

Although the Swiss constitution applies a general anti-discrimi

There are no risks in this context.

the personal use of company information technology tools?

As mentioned, the employer is entitled to and should issue dire

The employer, however, might also restrict such use comprehe

Whether employers allow their employees to follow matches du

Provided that it does not disturb other employees and the busin

gambling and drinking alcohol in the workplace?

Even if no general ban exists on alcohol in the workplace, empl

The employer's duty of care towards his employees might even

Professional gambling is closely regulated and subject to gove

Allowing alcohol consumption is, in principle, at the discretion

Gambling (to a normal, healthy extent) itself normally does not

UNITED KINGDOM

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

There are minimum notice requirements for taking annual leave in accordance with working time legisla

Employers might be tempted to be more flexible during an event like the World Cup but should ensure

prolonged absenteeism (between a few days and
a month)?

Employees wishing to attend the World Cup or to be available to watch their favorite team should book

Unauthorized absence is usually a disciplinary matter and could result in sanctions up to and including

Employers should remind employees of their absence policy and apply it consistently.

They should also manage unauthorized absence in accordance with their disciplinary procedures.

Again, employers need to be consistent.

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

The same rules apply for unauthorized short-term absence – although one-off absence (including leavi

Employers might have suspicions about post-match hangovers if an employee is late in or claims sick l

Given the time difference with Brazil, few England matches will fall within the working day other than fo

Employers should already be monitoring absence: if there are any unusual patterns during the World C

a situation where a company adapts working time during the World Cup to follow the national team, wh

Nationality is a protected characteristic under the UK's Equality Act: Employees and workers should no

Given that not everyone likes football, applying different criteria or practices during the World Cup coul

If employers in England want to offer flexibility in relation to matches involving the England team they s

To avoid indirect discrimination a consistent approach should be taken throughout the year to similar e

Any flexibility and any applicable conditions should be agreed and communicated clearly before the ev

the personal use of company information technology tools?

Employees with access to a computer might be tempted to follow their team's progress using their emp

This could have an impact on productivity and also affect the operation of the employer's systems.

Disciplinary action is unlikely to be justified unless an employee is in breach of an existing policy of whi

Employers should have a clear IT policy in place and be able to demonstrate that this has been commu

If an employer monitors web and computer usage it will need to notify employees in advance and comp

gambling and drinking alcohol in the workplace?

Anyone under the influence of alcohol in the workplace is likely to be at risk of disciplinary action.

However, if employers set up a social event and offer a drink to employees while they are watching a g

Employers should apply their disciplinary policies fairly and consistently.

Employers remain responsible for their employees' conduct during work-organized activities. Make sur

Helena Derbyshire | Skadden

UNITED STATES

What Are the Legal Issues Arising From:

Legal Rule Applicable

Action Points

employees taking holidays at very short notice?

Time off is governed by company policy. No particular federal, state or local legislation addresses notio

Employers should review their policies in advance and be prepared to respond to employees' requests

prolonged absenteeism (between a few days and a month)?

Employees wishing to attend the World Cup or to be available to watch their favorite team should sched

Unauthorized absence usually results in disciplinary action, including termination of employment if app

We would not anticipate that U.S. employers would receive many requests for prolonged absenteeism

short-term absence (between one and two hours) to (i) watch a match or (ii) because the employee did the night before?

Generally, employers can sanction employees' unexcused absences from work. For example, an empl

Since U.S. time zones approximate Brazil time zones and many matches are scheduled to occur during

a situation where a company adapts working time during the World Cup to follow the national team, wh

Given the diverse ethnic and cultural backgrounds in the U.S., there is a wide spectrum of interests in s

Employees' national origin is a protected category under U.S. federal, state and local anti-discrimination

Given the varying degrees of interest in the World Cup from different ethnic groups in the U.S., employ

the personal use of company information technology tools?

Employees with access to a computer may wish to follow their favorite teams using their employer's IT

Disciplinary action is unlikely to be justified unless an employee is in breach of an employer's computer

Employers should develop computer use policies that address such issues and should remind employe

gambling and drinking alcohol in the workplace?

Employers should not allow general workplace use of work-related gambling tools, such as playe

Employers are not required to sponsor work-related social events or accommodate employees' reques

Información recabada y compilada por John Furfaro, Erica Schohn, David Schwartz and Anne Villanueva | Skadden

Sin mas por el momento, nos ponemos a sus órdenes para cualquier aclaración en relación con la presente.

Cesar Roel Abogados