

Mail Memo Document

Created on: 20/05/2002 14:07:28

Date Sent: 20/05/2002 14:35:21

To: "McVeigh; Allen"
Readers:

Created: Aidan McCann

By:

From: CN=Aidan
McCann/OU=CPG/O=DFP

CC: Sandra Millar

Edited: Aidan McCann/CPG/DFP
rs:

Reference: AM000942

Title: **Re- Football Fever - Personnel's Problems the World Over - reply to NIO**

Categories: EQUALITY

Category 2:

Category 3:

Category 4:

Category 5:

Allen

Thanks for this information.

I think it would be wrong to say that we decided to leave well alone. We decided that we wouldn't act corporately on the issue but would let departments adopt the same policies that have worked for them up to now.

The minutes of the DEOO meeting will record:

Aidan McCann alerted DEOOs to the issue of football shirts being worn at work. This was raised recently by OFMDFM in advance of the World Cup. Aidan contacted some Departments/Agencies and found that they have different policies on this issue.

The Equality Commission recommends that football shirts, which could be associated with one side of the community, should be prohibited: Celtic, Rangers, Linfield, Cliftonville, Republic of Ireland, England, Scotland and GAA. The EC stated that it could be argued that Northern Ireland shirts come into this category.

The EC would favour a corporate NICS policy on this issue and would be comfortable with a no sportswear policy as has been introduced in Shorts plc.

DEOOs were referred to the guidance notes issued by the former Fair Employment Commission on 'Sectarian Harassment' and, after discussion, it was agreed that departments should monitor the effectiveness of their existing policies in light of the NICS equal opportunities policy statement that, *Everyone has a right . . . to a good and harmonious working environment and atmosphere . . . in which no worker feels under threat or intimidated.*

DEOOs were asked to advise Aidan of any unresolved problems.

As documented in the article, Northern Ireland has a sectarian dimension about football shirts and because of this most departments already have a policy on football shirts / emblems. I note that the CSA intends to issue a circular to staff mainly about attendance during the World Cup but it also mentions the wearing of football shirts. There is nothing to stop others adopting a similar approach.

I hope this is helpful.

Regards

Aidan

"McVeigh, Allen" <Allen.McVeigh@nio.x.gsi.gov.uk>

"McVeigh, Allen"
<Allen.McVeigh@nio.
x.gsi.gov.uk>

20/05/02 13:54

To: 'Aidan McCann' <aidan.mccann@dfpni.gov.uk>

cc: 'Sandra Millar' <Sandra.Millar@dfpni.gov.uk>, 'Barbara
Medhurst' <barbara.medhurst@dfpni.gov.uk>

Subject: FW: FW: Football Fever - Personnel's Problems the World Over

Regards,

Allen.

-----Original Message-----

From: Cunniff, Grace

Sent: 20 May 2002 13:11

To: Waitland, Alan; McVeigh, Allen; Ross, Brenda; Rowe, Brian; Milford,
Bryan; Jackson, David; McLoughlin, David; Magill, Jane; Stratton, Jean;
Sheehan, Maire; Chambers, Maxine; McGuitty, Norman; Magee, Robert;
Warner, Roy; Marley, Sharon; Murphy, Stephen

Subject: FW: Football Fever - Personnel's Problems the World Over

"Football Fever - Personnel's Problem the World Over"

REF:0205 : Mail No.147: Guidelines, Warnings and Disciplinary Action.

The papers, at least, are claiming that it could be the biggest sickie in
history. The World Cup begins in just eleven days time and many employers
in Northern Ireland and indeed many parts of the world are having to
address

problems this event might cause in the workplace. We thought we would take
a look at how some countries expect to be affected by world cup fever and
the advice organisations are giving them.

In GB, Trowers & Hamling, a large law firm based in central London,
recommends issuing guidelines to employees in advance of the matches which
are accompanied by a warning to all staff. These are:

- Request early notification of any requests for time off to watch the
football.
- Explain that as there are unusual circumstances, every effort will be
made to accommodate requests for time off.
- Allow staff to vary their start times or lunch hours if they make up the
time at a later stage.
- Make sure the warning policy is fair and communicated to all employees.
- Warn employees that if they simply do not turn up for work and have no
genuine excuse, then employers can withhold payment and take disciplinary
action.
- Include details of any action that will be taken against staff who
arrive at work under the influence of alcohol.
- If leniency has been applied in the past, for example, after work
Christmas parties, then the same attitude should be maintained.
- When considering disciplinary action, employers should take into account
the individual circumstances of their employees. It is more appropriate if
they work with dangerous machinery, for example, as they could put
themselves at risk of injury.
- Employers must carry out a full and careful investigation before any
disciplinary action is taken.

The Irish Independent is reporting that one survey has found a third of
German workers plan to take sick leave and 13pc say they are determined to
watch the game somehow. In contrast, 80pc of the country's top 500 firms
plan to take a hard line with their football-mad workers. According to the
research by business magazine Wirtschaftswoche. The paper also notes that
Irishjobs.ie is suggesting a number of ways in which employers in Ireland
might deal with world cup fever on a more practical level. Options include

Aidan

You might like to see this latest Legal-Island e-mail. Now if we had had this in time for last DEOO meeting!

Note the "it would be wise to remind employees (about wearing of f'ball shirts, etc) advice...."! We, collectively, took the opposite view to leave well alone.

Regards.

Allen.

-----Original Message-----

From: Cumming, Graeme

Sent: 20 May 2002 13:11

To: Maitland, Alan; McVeigh, Allen; Ross, Brenda; Hawe, Brian; Milford, Bryan; Jackson, David; McLoughlin, David; Magill, Jane; Stratton, Jean; Sheehan, Maire; Chambers, Maxine; McQuitty, Norman; Magee, Robert; Warner, Roy; Harley, Sharon; Murphy, Stephen

Subject: FW: Football Fever - Personnel's Problems the World Over

"Football Fever - Personnel's Problem the World Over"

KEYWORDS : Email No.147; Guidelines; Warnings and Disciplinary Action.

The papers, at least, are claiming that it could be the biggest sickie in history. The World Cup begins in just eleven days time and many employers in Northern Ireland and indeed many parts of the world are having to address

problems this event might cause in the workplace. We thought we would take a look at how some countries expect to be affected by world cup fever and the advise organisations are giving them.

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- Make sure the warning policy is fair and communicated to all employees.
- Warn employees that if they simply do not turn up for work and have no genuine excuse, then employers can withhold payment and take disciplinary action.
- Include details of any action that will be taken against staff who arrive at work under the influence of alcohol.
- If leniency has been applied in the past, for example, after work Christmas parties, then the same attitude should be maintained.
- When considering disciplinary action, employers should take into account the individual circumstances of their employees. It is more appropriate if they work with dangerous machinery, for example, as they could put themselves at risk of injury.
- Employers must carry out a full and careful investigation before any disciplinary action is taken.

The Irish Independent is reporting that one survey has found a third of German workers plan to take sick leave and 12pc say they are determined to watch the game somehow. In contrast, 80pc of the country's top 500 firms plan to take a hard line with their football-mad workers, according to the research by business magazine Wirtschaftswoche. The paper also notes that Irishjobs.ie, is suggesting a number of ways in which employers in Ireland might deal with world cup fever on a more practical level. Options include

setting up a television in a communal area, offering flexitime and even giving workers paid leave for the days in question.

Of course, in Northern Ireland employers must also be vigilant to ensure that the World Cup does not lead to sectarian behaviour at work. As the recent Decision (published on the web last week) of Kenneth Beck -v- H&P Campbell Ltd demonstrates, the law places a burden on employers to prevent unlawful discrimination and this requires more than just prompt action by the employer once abuse comes to light.

Rosemary Connolly of Rosemary Connolly Solicitors, Warren Point, advises as follows:

It would be wise to remind all employees of the need to maintain a neutral and harmonious working environment where, in the words of the Fair Employment Code of Practice No worker feels under treat or intimidated because of religious belief/political opinion. The code specifically gives as examples of actions which might infringe the neutrality of the working

environment the display of flags, emblems, posters, graffiti, or the circulation of materials, or (of particular relevance) the deliberate circulation of slogans or flags, which are likely to give offence or cause apprehension among particular groups of employees. Particular care needs to be exercised in organisations where one or other sections of the community

is underrepresented and it must be borne in mind that it is the effect on the worker who considers him or herself harassed which will be the salient consideration. It goes without saying that a consistent approach should be taken irrespective of which country individual workers are supporting. It should be made clear that the wearing of regalia will not be permitted.

The dates employment advisers are likely to remain most vigilant regarding absenteeism in the work place are set out below.

Date: 20 May 02
Legal-Island

> WORLD CUP 2002 DATES AND FIXTURES

- >
- > Round One
- > Date Venue K.O
- > Fri 31-May Seoul 20:30 France v Senegal
- > Sat 01-Jun Niigata 15:30 Irish Republic v Cameroon
- > Sat 01-Jun Ulsan 18:00 Uruguay v Denmark
- > Sat 01-Jun Sapporo 20:30 Germany v Saudi Arabia
- > Sun 02-Jun Ibaraki 14:30 Argentina v Nigeria
- > Sun 02-Jun Busan 16:30 Paraguay v South Africa
- > Sun 02-Jun Saitama 18:30 England v Sweden
- > Sun 02-Jun Gwangju 20:30 Spain v Slovenia
- > Mon 03-Jun Niigata 15:30 Croatia v Mexico
- > Mon 03-Jun Ulsan 18:00 Brazil v Turkey
- > Mon 03-Jun Sapporo 20:30 Italy v Ecuador
- > Tue 04-Jun Gwangju 15:30 China PR v Costa Rica
- > Tue 04-Jun Saitama 18:00 Japan v Belgium
- > Tue 04-Jun Busan 20:30 Korea Republic v Poland
- > Wed 05-Jun Kobe 15:30 Russia v Tunisia
- > Wed 05-Jun Suwon 18:00 United States v Portugal
- > Wed 05-Jun Ibaraki 20:30 Germany v Irish Republic
- > Thu 06-Jun Daegu 15:30 Denmark v Senegal
- > Thu 06-Jun Saitama 18:00 Cameroon v Saudi Arabia
- > Thu 06-Jun Busan 20:30 France v Uruguay
- > Fri 07-Jun Kobe 15:30 Sweden v Nigeria
- > Fri 07-Jun Jeonju 18:00 Spain v Paraguay
- > Fri 07-Jun Sapporo 20:30 Argentina v England
- > Sat 08-Jun Daegu 15:30 South Africa v Slovenia
- > Sat 08-Jun Ibaraki 18:00 Italy v Croatia

- > Sat 08-Jun Seogwipo 20:30 Brazil v China PR
- > Sun 09-Jun Miyagi 15:30 Mexico v Ecuador
- > Sun 09-Jun Incheon 18:00 Costa Rica v Turkey
- > Sun 09-Jun Yokohama 20:30 Japan v Russia
- > Mon 10-Jun Daegu 15:30 Korea Republic v United States
- > Mon 10-Jun Oita 18:00 Tunisia v Belgium
- > Mon 10-Jun Jeonju 20:30 Portugal v Poland
- > Tue 11-Jun Incheon 15:30 Denmark v France
- > Tue 11-Jun Suwon 15:30 Senegal v Uruguay
- > Tue 11-Jun Shizuoka 20:30 Cameroon v Germany
- > Tue 11-Jun Yokohama 20:30 Saudi Arabia v Irish Republic
- > Wed 12-Jun Miyagi 15:30 Sweden v Argentina
- > Wed 12-Jun Osaka 15:30 Nigeria v England
- > Wed 12-Jun Daejeon 20:30 South Africa v Spain
- > Wed 12-Jun Seogwipo 20:30 Slovenia v Paraguay
- > Thu 13-Jun Suwon 15:30 Costa Rica v Brazil
- > Thu 13-Jun Seoul 15:30 Turkey v China PR
- > Thu 13-Jun Oita 20:30 Mexico v Italy
- > Thu 13-Jun Yokohama 20:30 Ecuador v Croatia
- > Fri 14-Jun Osaka 15:30 Tunisia v Japan
- > Fri 14-Jun Shizuoka 15:30 Belgium v Russia
- > Fri 14-Jun Incheon 20:30 Portugal v Korea Republic
- > Fri 14-Jun Daejeon 20:30 Poland v United States
- >
- > Round Two
- > Date Venue K.O.
- > Sat 15-Jun Seogwipo 15:30 Winner Group E v Second Group B
- > Sat 15-Jun Niigata 20:30 Winner Group A v Second Group F
- > Sun 16-Jun Oita 15:30 Winner Group F v Second Group A
- > Sun 16-Jun Suwon 20:30 Winner Group B v Second Group E
- > Mon 17-Jun Jeonju 15:30 Winner Group G v Second Group D
- > Mon 17-Jun Kobe 20:30 Winner Group C v Second Group H
- > Tue 18-Jun Miyagi 15:30 Winner Group H v Second Group C
- > Tue 18-Jun Daejeon 20:30 Winner Group D v Second Group G
- >
- > Quarter Finals
- > Date Venue K.O.
- > Fri 21-Jun Shizuoka 15:30 Winner In Niigata v Winner In Kobe
- > Fri 21-Jun Ulsan 20:30 Winner In Seogwipo v Winner In Jeonju
- > Sat 22-Jun Gwangju 15:30 Winner In Suwon v Winner In Daejeon
- > Sat 22-Jun Osaka 15:30 Winner In Oita v Winner In Miyagi
- >
- > Semi Finals
- > Date Venue K.O.
- > Tue 25-Jun Seoul 20:30 Winner In Ulsan v Winner In Gwangju
- > Wed 26-Jun Saitama 20:30 Winner In Shizuoka v Winner In Osaka
- >
- > 3rd Place Play Off
- > Date Venue K.O.
- > Sat 29-Jun Daegu 20:00 Loser In Seoul v Loser In Saitama
- >
- > Final
- > Date Venue K.O.
- > Sun 30-Jun Yokohama 20:00 Winner In Seoul v Winner In Saitama
- > Personnel Officer
- >
- >
- >
- >

DRAFT

WORLD CUP – MESSAGE FROM AMB**To Be Seen By All Staff**

1. AMB is aware that there is a high level of interest in the Football World Cup which runs from 31 May to 30 June 2002 and recognises that many staff will hope to take time off to watch televised matches, especially those involving the English and Irish teams. This comes at a very busy time for the Agency and at a time when staff numbers will be depleted because of summer holidays. In consultation with Trade Union Side, AMB has considered different options to balance the pressure of enthusiasts to want time off to watch matches and the business needs that constrain approval of leave.
2. AMB considered various options, including temporary changes to the flexible working hours (FWH) arrangements and the provision of big-screen TV in the staff restaurant. The latter was not feasible because of the space available, consideration and comfort of those staff who are not interested in football, and the fact that it was a facility not readily available to field staff.
3. Various options for changes to FWH were also considered, including suspension of core time for the duration of the World Cup competition. However, AMB has decided that core-time and fixed hours working rules will be suspended for all staff only on the days that the English and Irish teams are playing. In the first instance, therefore, this will apply on the following dates:

Saturday	1 st June
Wednesday	5 th June
Friday	7 th June
Tuesday	11 th June
Wednesday	12 th June
4. Consideration will be given to other dates should either of the teams progress further in the competition. More detailed information on how this will be operated will be issued later.
5. Staff should be aware that football shirts, emblems or other such regalia should not be worn or displayed in the workplace at this time as these have the potential to cause offence or lead to disharmony among staff.

J Forster
Personnel Officer

PERSONNEL BRANCH
MAY 2002

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P /02

WORLD CUP – SUSPENSION OF CORE TIME

Introduction

1. The purpose of this note is to set out the arrangements for the suspension of flexible working hours core time on the days on which the English or Irish football teams are participating in the 2002 World Cup. Initially this will affect:

Saturday 1st June

Wednesday 5th June

Friday 7th June

Tuesday 11th June

2002 FOOTBALL WORLD CUP : SUSPENSION OF FLEXIBLE WORKING HOURS CORE TIME

Consideration should be given to additional dates should either team progress further in the competition.

2. The provisions of the circular are not confined to staff wanting to watch televised football matches.
3. Where staff have had flexible working hours withdrawn, for example, as part of disciplinary action, the withdrawal will be suspended for the specified days, provided that any time taken is worked up in agreement with their line manager.
4. The effect of this is that their supervisor, staff can start work or leave work at any time throughout their contracted hours on the specified days, with any shortfall in attendance appearing as a flexi-debit.
5. These arrangements will operate within the requirement to meet customer service standards and maintaining adequate staffing levels.

TO BE SEEN BY ALL STAFF

Operation of Suspended Flexi-Time

6. Staff should give notice of their intention to arrive at work late, leave early or take extended absence midday to allow managers to plan cover of essential customer service.
7. On the days listed at paragraph 1, the normal

PERSONNEL BRANCH
MAY 2002

* arriving after the start of core-time will not count as lateness

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WORLD CUP – SUSPENSION OF CORE TIME

Introduction

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Saturday 1st June

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Consideration will be given to extending the arrangements to additional dates should either team progress further in the competition.

2. The provisions of the circular are not confined to staff wanting to watch televised football matches
3. Where staff have had flexible working hours withdrawn, for example, as part of disciplinary action, the withdrawal will be suspended for the specified days, provided that any time taken is worked up in agreement with their line manager.
4. The effect of the changes are that, after consultation with their supervisor, staff can start work or leave work at any time throughout their contracted hours on the specified days, with any shortfall in attendance appearing as a flexi-debit.
5. These arrangements will operate within the requirement to meet customer service standards and maintaining adequate staffing levels.

Operation of Suspended Flexi-Time

6. Staff should give notice of their intention to arrive at work late, leave early or take extended absence midday to allow managers to plan cover of essential customer service.
7. On the days listed at paragraph 1, the normal rules applying to attendance during core-time will be suspended in so far as :
 - arriving after the start of core-time will not count as lateness

DRAFT

- arriving after the start of core-time will not count as one of the six core time breaks allowed under FWH rules (that is 3 days / 6 half days flexi-leave in the accounting period)
 - the normal rules concerning maximum credit and deficit levels of carry forward will continue to apply
8. Staff should record their actual time of arrival / departure / lunch on their flexi-sheets, with any shortfall in hours attended appearing as a deficit. A minimum lunch break of 30 minutes must be recorded for staff attending more than 6 hours in total.

Further Information

9. Any queries on the application of this circular should be addressed to Barbara MacQuarrie, Personnel Branch, Great Northern Tower, or telephone ext. 2740.

Trade Union Side

10. The contents of this circular have been agreed with Trade Union Side.

AJ FORSTER
MAY 2002

Football Shirts in the Workplace

Issue

The following advice has been sought from OFMDFM about the wearing of football shirts:

"I would welcome your advice regarding allowing staff to wear football shirts while in work. With the world cup approaching a number of our staff have appeared in various football shirts which clearly display the country and emblem of the team they are supporting. I have asked that they do not wear this type of clothing while in the office. I would appreciate your advice in that carrying out this action I am not infringing on their human rights given that the Service does not have a formal dress code. I would also welcome confirmation that it is permissible under the equality code to ban this type of clothing being worn while in a working NICS environment without contravening any other legislation.

"Additionally are rugby shirts in the same category?"

NICS Equal Ops Policy Statement

Everyone has a right . . . to a good and harmonious working environment and atmosphere . . . in which no worker feels under threat or intimidated.

DRD

- In its awareness training for all staff, DRD stresses the EO Policy Statement about the good and harmonious working environment.
- DRD does not have a general policy against the wearing of any particular football/sports colours or emblems.
- Managers are trained to be aware of the general atmosphere in their offices and deal with particular incidences where there is an issue about the wearing of football colours. Managers are expected to try and resolve the issue locally by speaking to the parties concerned. They point out to persons wearing such favours that they could be named in any harassment case.
- If a manager is having difficulty with a case s/he is advised to contact Personnel, which may, in turn, have to take legal advice on individual cases.
- DRD has dealt with a case where staff complained of a contractor's workers wearing Celtic/Rangers shirts. The contractor was told that such shirts were not to be worn on site.

SSA

- SSA prohibits the wearing of Celtic and Rangers shirts.
- Solicitors Branch has advised SSA that there are emblems associated with one community that could be considered as aggressive and others as non-aggressive – a Celtic or Rangers shirt would be regarded as aggressive whereas a fáinne or a poppy would be regarded as non-aggressive. The argument goes that a Roman Catholic may choose to cross if the road if being approached by several men wearing Rangers shirts but would be unlikely to take this action if approached by a people wearing poppies.

CSA

- CSA prohibits Celtic, Rangers, Cliftonville and Linfield shirts and GAA shirts.
- CSA does not prohibit rugby shirts on the basis that there is an all-Ireland team and the sport is played in Ireland by both Protestants and Roman Catholics, even though it is a sport, which in Northern Ireland, is associated with Protestants.
- CSA intends to issue a memo to staff in advance of the World Cup.

Equality Commission

- The EC recommends that football shirts, which could be associated with one side of the community, should be prohibited: Celtic, Rangers, Cliftonville, Linfield, Republic of Ireland, England, and Scotland. It could be argued that Northern Ireland shirts come into this category. GAA shirts do come into this category.
- The EC would be "comfortable with a no sportswear policy" as has been introduced in Shorts plc.
- The EC would favour a corporate NICS policy on this as with all equality issues, with EOU taking the lead.

Brenda Conlon
04/10/02 11:59 AM

To: Derek Smith/CPG/DFP@DFP
cc: Deirdre Kenny/OFMDFM/DFP@DFP
cc: Deirdre Kenny/OFMDFM/DFP@DFP
Subject: RE: FOOTBALL SHIRTS

Derek,

I would welcome your advice regarding allowing staff to wear football shirts while in work. With the world cup approaching a number of our staff have appeared in various football shirts which clearly display the country and **emblem of the team** they are supporting. I have asked that they do not wear this type of clothing while in the office. I would appreciate your advice in that carrying out this action I am not infringing on their human rights given that the Service does not have a formal dress code. I would also welcome confirmation that it is permissible under the equality code to ban this type of clothing being worn while in a working NICS environment without contravening any other legislation.

Additionally are rugby shirts in the same category?

Many thanks, Brenda

1. Mr. Sullivan - for info ✓
2. Mr. Conn.
Can you please consider.
D. Smith
10/4

~~Mr. Smith~~ - tricky. He keeps me posted. Does it point to
the need for a dress code (or would let go
counter to the diversity drive?)

J 7/4

Adrian
10.11.02
to see
- we will be
sim looked as we
the this forward
D. Smith 11/4

Brenda Conlon

04/10/02 11:59 AM

To: Derek Smith/CPG/DFP@DFP
cc: Deirdre Kenny/OFMDFM/DFP@DFP
cc: Deirdre Kenny/OFMDFM/DFP@DFP
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1. Mr Sullivan - for info
2. Mr H. Conn ✓ 10.4.02

Can you please consider.

D. Smith
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