

# FOOTBALL EUPHORIA AND EMPLOYMENT LAW IN RUSSIA

**Publication Date:** 21 June 2016

**Member Firm(s):** ALRUD **Country:** Russia

Significant international sport and cultural events like Euro 2016 may, in some cases, result in conflict between employers and even the most disciplined and professional employees. So what is it like for employers? Obviously, football euphoria cannot stay outside the work place: plenty of discussions on victories and defeats of national teams during working hours, applications to work from home or leave, watching broadcasts on corporate devices and so on.

Once employees, usually known as brilliant performers and effective managers, turn into bright-eyed passionate football fans, employment law becomes of special importance. With all understanding of the football mania, nothing obliges businesses to tolerate such deep involvement into sport events if it affects the normal business flow. Employment law is still in force, even during Euro 2016.

While Russian legislation does not provide for any specific regulations on labour conflicts due to sporting events, still its general provisions can be applied in these situations. So how should employers in Russia use employment law to cope with football euphoria and win the “football-work balance” battle?

## *Working hours and leave*

Despite its social significance and international scale, Euro 2016 is not a legitimate ground for employees to request a leave without the agreement of the employer. Anticipating multiple requests on provision of days off to watch football games, employers should be aware of the following key rules:

- Employees are entitled to paid annual leave. However, annual leave is provided in accordance with the relevant annual holiday schedule which is adopted by the employer two weeks prior to the beginning of the new calendar year; which means that all vacations should have been

planned well in advance. Under the general rule, changing vacation dates is subject to agreement with the employer with certain exceptions.

Employees should take their annual leave in a single block (comprising 28 calendar days) but, by agreement with the employer, the leave can be split into two or more shorter parts, as long as at least one of these parts is at least 14 calendar days. Therefore, it is possible to split half of the annual leave entitlement into multiple one-day leaves by agreement with the employer. However, often provision of one-day vacations may negatively affect the business, therefore it is advisable to grant short-term leaves on exceptional basis.

- Under Russian law, employees may request unpaid leave due to family circumstances and other justifiable reasons. However, granting of such leave (as well as its length) is subject to an agreement with the employer (with some exceptions irrelevant for football fans).
- During the working day, employees must be granted a lunch break of at least 30 minutes, but no longer than two hours (depending on the internal rules of particular employer). Such breaks are provided either at particular time slots in accordance with internal policies, or if not fixed, employees can use the break at any time during the working day and thus adjust their lunch to a schedule of football games.
- Employers and employees may agree on individual flexible working time regimes during Euro 2016, which will require conclusion of an amending agreement to employment contract. Such working regime implies that the employer and the employee agree on the beginning, end and length of the employee's working day, and the employee works a fixed number of hours per day, week, month or other specified period.

#### *Use of social media and corporate devices for personal matters during working hours*

Working time is defined under Russian law as a period of time during which an employee shall fulfil his/her job duties in compliance with Internal Labour Rules of the employer and the individual employment contract of the employee. Relying on this provision, employers may reasonably expect that employees are fully dedicated to performance of their job duties during working hours. Watching games, listening to the broadcasts and similar activities during working hours are therefore not permissible. The same applies to the use of corporate devices and assets (including corporate Wi-Fi and mobile communication) for non job-related purposes, which is likely to be an issue during Euro 2016. However, holding the employees disciplinary liable may become an issue, if the relevant restrictions are not duly set out in the internal policies or employment contracts.

### *Fan clothing*

There is neither explicit nor implied rule under Russian law on how employees shall be dressed at work. Therefore, to ensure employees are appropriately dressed even on the occasions the national team is playing, employers have to implement relevant policies on dress code. Otherwise, it will be not possible to discipline employees who prefer to express their support with fan clothing and/or body art.

### *Consumption of alcohol*

It is hard to imagine under what circumstances employers would tolerate consumption of alcohol at work. Russian law is quite strict on this point stating that appearance of an employee at work in the state of alcoholic, narcotic or another form of intoxication makes a legitimate ground for dismissal. At the same time, dismissal on this ground requires observance of the relevant procedure and is usually both effort and time consuming.

### *Disciplinary sanctions*

Employers may take the following disciplinary sanctions against employees: warning, reprimand, dismissal. Disciplinary proceedings are subject to such principles as adequacy, proportionality and fairness. Thus, employers are obliged to take into account gravity of the violation, negative consequences for the employer caused by the violation as well as general profile of the employee and his/her previous performance. In this context, many violations considered above (e.g., non-compliance with the dress code or watching a game during working hours) may entail a warning or a reprimand.

As for dismissal, being the gravest disciplinary sanction, it may be applied only in certain cases as set out in the Russian Labour Code. This can be gross misconduct (e.g., appearance at work in the state of alcoholic and other intoxication; or unjustified absence of an employee at work (for more than four consecutive hours during one working day) or some other cases set out by law). In addition, another 'popular' ground for dismissal is repeated failure to perform job duties, whereby dismissal is possible if the employee was disciplined at least twice.

### *Betting games*

Russian law regulates the organization of gambling activities setting out specific licensing requirements, mandatory procedures as well as harsh administrative and criminal penalties. Arranging unlawful betting activity at the workplace by the employees may potentially lead to certain compliance risks for the employer as well.

At the same time, Russian legislation does not specifically address issues on betting games in the workplace albeit productivity, morale and corporate culture are likely to be affected if employees are engaged in excessive gambling during working hours. To avoid such negative practices, it might be helpful to explicitly forbid betting games at work as unacceptable workplace behavior in the internal policies.

#### *Incentive schemes*

Outstanding international sport games may be a perfect occasion to motivate the employees. Russian law encourages employers to introduce additional bonuses, incentives, awards; this might be both in the form of monetary compensations and gifts. Therefore, game tickets might be a good incentive in this regard. However, it is worth remembering that any incentive/ motivation programme or schemes shall be duly implemented in internal policies.

#### *Collective agreements*

Special rules regarding work regime during major sport and other cultural events may be specified in the collective agreements. Those rules may concern additional leaves, reduced working hours, flexible working regime as well as motivation schemes as articulated above. However, in practice inclusion of such provisions would be an extremely rare case.

#### *Conclusion*

While the lack of specific regulation in connection with employment relations during outstanding social and cultural events may lead to undesirable uncertainty in employment relations and potential labor law conflicts, absence of specific regulation in this field allows the employers to set out its own rules and thereby eliminate possible room for abuse of rights by employees. Therefore, it is recommended to ensure that internal policies cover the most important rules for the particular employer, which will surely help to prevent possible conflict situations at the workplace.

In the meantime, let us wish all the teams good luck and may the best win!