
Chapter 6

Employment law and duty of care

Learning objectives

After reading through this chapter you will be able to:

- Explain why a basic understanding of essential employment legislation is important
- Discuss the statement 'a little knowledge is a dangerous thing' in this context
- List and describe key employment laws and regulations
- Explain the concept 'duty of care'
- Apply knowledge of occupational health and safety legislation to the event workplace.

Introduction

This chapter will deal with employment legislation rather briefly for the potential scope of this subject. Employment laws, awards and regulations differ from country to country and from state to state. For this reason, general principles will be covered, with a cautionary recommendation that these issues be explored by managers locally and in depth.

Event organizers, regardless of the size of their events, need to pay close attention to the working conditions of everyone on site, with safety being the highest priority. A compulsory pre-event briefing is increasingly commonplace at today's events where safety issues are discussed and procedures for incident reporting and emergency evacuation are explained. For most, compulsory attendance (and in some cases the answering of a safety quiz) is required for all workers, including contract workers. This is the keystone of a risk management approach and essential for insurance purposes.

Duty of care is everyone's responsibility at every level as there are many examples of event fatalities at soccer matches and rock concerts. At least eleven people died and seventy-two were injured in a crowd trampling incident in South Korea in October 2005, reminiscent of the 1979 Who concert tragedy in Cincinnati, Ohio, at which eleven people died. Eight of those killed in South Korea were senior citizens or children, including one 12-year-old and a 76-year-old woman. People were waiting to enter a stadium in Sangju City for an evening concert when the doors did not open on time. In Australia in 1999 a race marshal was killed at the Melbourne Grand Prix.

Safety is important for both spectators and staff who could be caught up in crowd incidents such as fires and acts of terrorism. The lead-up to an event, called bump-in or build, is a time when risk is highest as there is always pressure to meet deadlines. Thirteen immigrant workers lost their lives on Athens' Olympic facilities, prompting outraged Greek unionists to draw comparisons with Sydney preparations that cost the life of only one building worker, 'What's happened is criminal in the truest sense of the word and it's been done in the name of profit,' said Giorgos Philiousis, president of the construction workers' union at the Athens 2004 Olympic Village. 'As the time got pressured with contractors chasing bonuses, and without serious health and safety measures, the number of accidents increased' (Workers Online, 2004, p. 216). According to unions there was also a high number of injuries. In contrast, Sydney's involvement of the unions in 2000 is illustrated in Case study 6.3 at the end of the chapter and is now regarded as a benchmark.

Thus, from a human resource perspective, a priority is the development of workforce safety policies and procedures and for this reason occupational health and safety (OHS) will be discussed in the chapter in some detail. Event organizers carry responsibility not only for their own workers (and volunteers) but for all workers on site.

Also covered in this chapter are the employment conditions of those on employment contracts with the event organization, as opposed to those on service contracts. These include equal employment opportunity (EEO), minimum wages and leave. Policies to deal with performance management, dismissal and grievance resolution will be covered in more detail in Chapters 11 and 13.

The role of unions is another topic for this chapter. In Sydney in 2000 there were 10 000 union members on site ('inside the fence') and 30 union organizers. A collaborative group of unions (calling themselves Union 2000) negotiated a special award for the Games which gave Olympic workers, on average, pay 15 per cent above normal award conditions. In addition, they received free transport, free meals and an attendance bonus of \$1.50 for every hour worked, as was mentioned in the last chapter. The support of the unions is crucial to the success of mega events as the following quote about the London Olympic Games 2012 indicates (TUC, 2004). Note here, too, the reference to contractors:

If Britain's Olympic Games, hopefully to be held in London in 2012, are really to be the 'best Olympics the world has ever seen', then trade unions will have a vital role, building widespread support and mainstreaming quality throughout the organization and the delivery of the Games. History shows that winning the Games has not always been good news for a city and that cities have delivered the Games with varying degrees of success. It is widely agreed that the Sydney Olympics was an immense success and so it provides an exemplar which London would have to exceed if Lord Coe's promise of the best ever Games is to be realised. 'London 2012' has already acknowledged that working with unions was a secret to Sydney's success.

At the TUC Congress in September, Lord Coe, Chairman of 'London 2012', expressed the organization's commitment to working closely with unions, saying: 'And if London is to win the bid, and deliver the 2012 Games, we need your support. We need your support in developing the strategies for the organizations that will successfully deliver the Games. Our aim must be to draw as much of the workforce from the local community, complemented by local training initiatives run by the London Development Agency and other partners. In setting up the London Organising Committee for the Olympic Games, we will develop a fair employment framework, policies to cover issues such as remuneration, terms and conditions, and health and safety. We will implement this ourselves and take it into account when evaluating tenders and awarding contracts. These should also be our guiding principles for our national sponsorships. We should never forget that Olympic Games do not happen without the selfless legion of volunteers. Sydney was a towering example of this, as was the Manchester Commonwealth Games. A London Games would require up to 70 000 volunteers. To maximise the opportunities available to them, we would set up a voluntary job programme and local job brokerage schemes so that people can develop transferable skills through voluntary work opportunities. Working in partnership with trade unions and developers we can ensure infrastructure is delivered on time, on budget and

with appropriate levels of investment in skills, training, and health and safety, all enshrined in common practice. I will also encourage Trade Union Representation on the new Organizing Committee and the development of a framework agreement in line with the experience of the Sydney Olympic Games. When we make our case to the IOC, we must be able to say we have the firm, unequivocal, enthusiastic backing of Government. We must also be able to demonstrate that we have the firm backing of trade unions and the firm backing of business. That too will strengthen our case.'

Legal context of employment

Event and human resource managers must be familiar with the legal context of employment. *Common law* is the law created by *judges* in their court decisions and is based on precedent. *Statute law* is law made in *parliament*, sometimes at various levels. Statute laws cover issues such as anti-discrimination, occupational health and safety, and minimum wages.

Common law

Two aspects of common law are most relevant to employment. *Contract law* covers all contractual relationships, specifically here, the contract of employment. When an employee accepts an offer of employment (oral or written), a contract of employment has been established. Under this contract, both the employer and the employee have certain rights and obligations. If there is a breach of contract, this must be taken up with the courts as common law is the jurisdiction of the court system. Under common law an employer must:

- Pay correct wages (including national minimum wage)
- Reimburse employees for work-related expenses
- Ensure a safe working environment suitable for the performance of the employee's duties
- Not act in a way that may seriously damage an employee's reputation or cause mental distress or humiliation
- Not act in a way that will damage the trust and confidence necessary for an employment relationship.

Some terms of a contract of employment may not be written down, but are implied by law or by custom and practice in the workplace. For example, the employer's duty to provide a safe, secure and healthy environment is implied by law into all contracts of employment.

An employee must:

- Obey the lawful and reasonable instructions of the employer
- Exercise due care in the performance of the work and do it competently
- Account to the employer for all moneys and property received while employed
- Make available to the employer any process or product invented by the employee in the course of employment
- Disclose to the employer information received by the employee relevant to the employer's business
- Be faithful to the employer's interests, for example, by not passing on to a competitor information about the employer's business or denigrating the employer's products and services.

The second important aspect of common law is that of *negligence*, under which employers owe their employees a *duty of care*. This involves providing a safe place of work and safe systems of work. If an employee is seriously injured he can make a common law claim for compensation, although this may be limited by statute in some countries. In doing so it must be shown that the employer did not take reasonable precautions to prevent such an accident.

Employment legislation: statute law

As mentioned above, legislation is created by parliamentary processes. There are many acts which cover such conditions as parental leave, mechanisms for dealing with industrial disputes, legitimacy of unions, provision of collective agreements or awards, workers' compensation and occupational health and safety. Some of these will be dealt with rather briefly, particularly the field of discrimination in which many countries have multiple acts.

Occupational health and safety

Occupational health and safety is a matter dealt with by statute law. While under common law, an employer has a duty of care, these acts go further requiring, for example, the appointment of safety committees and reporting of workplace accidents. Breaches can lead to investigation and fines.

In the United Kingdom, the *Health and Safety at Work Act* (HASAWA) requires all employers to protect the health, safety and welfare of their employees. Most countries, including the United States, Australia, New Zealand and South Africa, have legislation with similar provisions. This legislation covers all work practices. Employers



Building the stage for the 2006 Winter Olympic Games, and attendant safety risks

must make every effort to prevent injury or ill health at work, and generally, health and safety legislation also places duties on employers to protect the public whilst on their premises, as well as temporary staff and contract workers.

An employer should provide:

- A safe system of work
- A safe place of work
- Safe equipment, plant and machinery
- Safe and competent workers, because employers are also liable for the conduct of their staff and managers.

An employer should carry out risk assessments and take steps to eliminate or control any risks. Employees should be informed about all potential hazards associated with any work process, chemical substance or activity. Instruction, training and supervision are key elements of workplace safety. Note that employers' safety obligations extend to other workers on site (e.g. contractors and members of the public). There are some specific risks in the event industry which require particular attention. As Figure 6.1 shows, at the Manchester Commonwealth Games, injuries were the most common incident. These can occur because of use of incorrect equipment, because people are tired or because people are working in a highly pressured, unfamiliar environment.

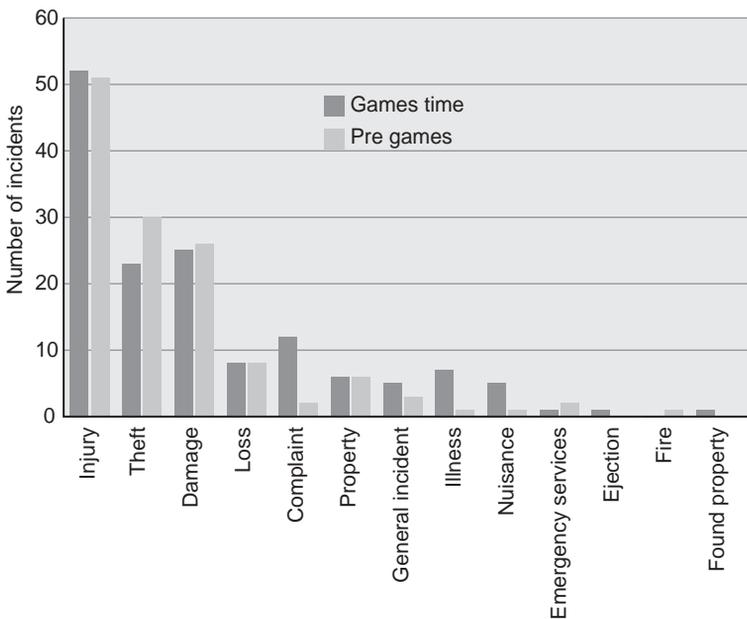


Figure 6.1 Pre Games and Games time incidents by incident type
 (Manchester City Council (2003), Manchester Commonwealth Games Post Games Report; for further information see www.gameslegacy.com)

One common injury which can occur is through manual handling where a risk assessment is needed, based on the load and the person's capability. Personal protective clothing is required in some cases. Instructions and material data sheets should be provided for workers handling chemicals and equipment. Where employees require licensing, it should be checked that their licenses are up to date and relevant to the job at hand – this relates to the requirement that employees must be working with competent others.

In the event industry there are two critical times when safety is often compromised, at bump-in and at bump-out. At bump-in the organizer is usually pressed for time and it is not uncommon for installers to work around the clock. At the end of the show or exhibition, bump-out carries an even higher risk as everyone is exhausted. Special attention should be given to working hours and breaks because fatigue is a significant risk factor. In the European Community there are directives governing working times and these provide useful guidelines in any context:

- Forty-eight-hour maximum working week
- Four weeks' paid holiday
- Minimum daily rest periods of eleven hours
- Twenty-minute daily rest breaks after six hours' work, with young workers entitled to forty-five minutes if more than four and a half hours are worked
- A weekly rest period of twenty-four hours every seven days.

A risk analysis specifically for occupational health and safety should be conducted. This includes the following steps: establish the context; identify the risk; analyse the risk; evaluate the risk; and treat the risk. Most countries have a standard for risk analysis that should be applied (Hood and Rothstein, 2000). This topic is too detailed to be covered here but an example of a simplified risk analysis is included in Table 6.1.

As with the assessment in Chapter 2, risks here have been assessed in terms of likelihood and consequence, with a subsequent evaluation of the level of risk. In this risk analysis the situations with the highest level of risk are fire, armed hold-up and bomb threat since both carry the possibility of injuries and fatalities. Other identified risks include crowd control issues, incompetent staff, manual handling injuries, injuries caused by antisocial spectators and illness caused by heat and dehydration. In each case preventative measures have been suggested, followed by contingency responses should this type of risk eventuate.

During workforce induction training, the following OHS-related information should be covered:

- The layout of the venue
- The command structure at the event, particularly for reporting serious and minor incidents
- Examples of event-specific risks likely to be encountered
- Prohibited items at the event (such as bottles and flares)
- Access control
- Bomb inspections and suspicious articles
- Evacuation procedures
- Potential hazards and personal risks
- First aid treatment
- Personal accidents and injuries
- Accidents and injuries involving the public
- Duty of care and insurance.

Table 6.1 Sample occupational health and safety risk analysis

<i>Type of risk</i>	<i>Level of risk</i>	<i>Prevention</i>	<i>Contingency</i>
Incompetent or unqualified staff, e.g. driving forklift or skylarking	Major	<ul style="list-style-type: none"> • Ensure job specifications are accurate, including licensing requirements for specific roles • Conduct job-specific training based on job description and specifications • Conduct safety briefing before shift • Supervise and monitor workforce 	<ul style="list-style-type: none"> • Remove worker or volunteer from task immediately • Investigate incident • Report incident • Implement disciplinary procedures if necessary
Inadequate procedures and instructions for crowd control	Catastrophic	<ul style="list-style-type: none"> • Fully document crowd measures • Assign responsibilities • Conduct training using scenarios • Brief staff • Conduct drills and simulations 	<ul style="list-style-type: none"> • First aid treatment if required • Advise venue communications centre and enlist support • Investigate and report incidents
Hold-up during cash transfer	Catastrophic	<ul style="list-style-type: none"> • Prepare hold-up procedures • Copy instructions and post in key locations • Train staff in procedures 	<ul style="list-style-type: none"> • Follow procedures to the letter • Investigate incident and report
Manual handling injury	Major	<ul style="list-style-type: none"> • Provide appropriate equipment • Ensure supervisors trained in OHS • Provide instructions during job-specific training regarding manual handling • Put up posters in staff areas 	<ul style="list-style-type: none"> • First aid treatment • Investigate and report incident • Submit claim if necessary
Injury caused by antisocial spectators	Major	<ul style="list-style-type: none"> • Roster adequate security personnel • Limit alcohol consumption • Involve police 	<ul style="list-style-type: none"> • First aid treatment • Contact police and security • Complete incident report
Bomb threat, fire or act of terrorism	Catastrophic	<ul style="list-style-type: none"> • Prepare procedures according to national standards • Train supervisors and staff • Rehearse procedures • Conduct searches 	<ul style="list-style-type: none"> • Follow established emergency procedures, alerting venue communications centre
Exposure to extreme heat – dehydration	Moderate	<ul style="list-style-type: none"> • Provide water, hats and sunscreen • Warn staff and volunteers and ensure that they take necessary breaks • Explain symptoms of dehydration 	<ul style="list-style-type: none"> • First aid treatment • Water and rest

As mentioned previously, some event organizations ask participants to complete a questionnaire to check their comprehension of safety information. If this is not done, at least an attendance register is essential to monitor who has and who has not done this training. Those who do not attend need to be provided with this information via email or a similar system. All the above information can be summarized in the form of a pocket guide.

There are numerous books on events and event safety covering risk management in more detail and providing guidelines for OHS risk management: Allen *et al.*, 2005; Bowdin *et al.*, 2001; Goldblatt, 1997, 2005; O'Toole and Mikolaitis, 2002.

Workers' compensation

Closely allied to occupational health and safety is workers' compensation. Under this legislation, employers are required to compensate employees for workplace accidents. In the United Kingdom, the United States and Australia, for example, as well as in other countries, this is no-fault legislation (also known as strict liability). The employee is compensated regardless of whether they have adequately taken care of themselves. Some acts specify specific sums for particular types of injury. In the past, an employee could claim negligence under common law as well and make a claim in the courts. In some countries efforts are underway to limit common law liability claims by setting limits or excluding the possibility entirely. In the United States, for example, the employee receives money and medical benefits in exchange for forfeiting the common law right to sue the employer. The employer benefits by receiving immunity from court actions against them by the employee in exchange for accepting liability that is limited and determined (see Case studies 6.1 and 6.2).

The general purpose of this legislation is to compensate for workplace accidents, injuries or fatalities. The acts that cover workers' compensation can vary and undergo frequent updates. Note that volunteers by definition are not workers and therefore generally do not come under the scope of workers' compensation insurance. They would be covered by the event organizer's public liability insurance or insurance taken out specifically to cover volunteers.

Case study 6.1

Workers' compensation

Workers' compensation laws provide a means of recovery for individuals injured during the course and scope of employment. Workers' compensation benefits are commonly reserved exclusively for injured 'employees' and their families. Several states, however, allow volunteers to utilize workers' compensation under some circumstances, while a few other states define 'employee' and/or 'employment' to include some classes of volunteers. Since workers' compensation laws vary from state to state, familiarity with the law of the state or states in which your organization operates is necessary to determine your obligation to purchase workers' compensation insurance.

The applicability of workers' compensation rules to volunteers depends on the wording of state statutes, some of which exclude nonprofits' employees as well as volunteers. The Arkansas statute, for example, expressly excludes from its definition of covered employment 'institutions maintained and operated wholly as public charities'. Idaho exempts from workers' compensation coverage 'employment which is not carried on by the employer for the sake of pecuniary gain.' Some states statutorily allow volunteer organizations the option of treating their volunteers as employees for purposes of workers' compensation.

In a few states, the question of whether a volunteer may receive workers' compensation benefits has been addressed by the courts. Some of these decisions hinge on whether the volunteer receives any form of compensation, such as a living allowance, stipend, room and board, benefits or even reimbursement for expenses. Other courts place little emphasis on whether or not the individual has been compensated, but look instead to the degree of control the employer exercises over the volunteer's service.

Although you may not want to pay workers' compensation premiums, covering volunteers under workers' compensation may offer a significant advantage if the option is available. In almost all states, individuals who elect to seek workers' compensation remedies cannot additionally attempt to recover damages through personal injury litigation against their employer. In these states, workers' compensation presents a tradeoff. Workers can recover under workers' compensation for work-related injuries without needing to prove the employer's fault; but their recoveries are more limited than a jury might award.

(Reproduced with permission of Nonprofit Risk Management Center; for more information see www.nonprofitrisk.org/csb/csb_mgv.htm)

Reflective practice 6.1

- 1 Summarize this article.
- 2 Give an example of a state, region or country that excludes volunteers from workers' compensation benefits.
- 3 Why is it vitally important that provision is made for volunteer insurance?

Conditions of employment

Industrial relations legislation can set up a framework for negotiating conditions of employment, which can vary widely from country to country and job to job. While some employees' conditions are extensively covered (particularly if their industry is unionized), other employees remain largely unprotected except, for example, by minimum wage rates and core statute legislation. In the case of union-negotiated contracts, awards and agreements, conditions of employment are spelled out in remarkable detail, covering special allowances, hours of work, casual and full-time rates of pay, etc. In Australia, there are moves afoot to reduce the number of conditions that form the minimum requirements for an Australian Workplace Agreement (AWA) in order to increase workforce 'flexibility'.

Equal opportunity and anti-discrimination legislation

Under most countries' laws, an employer cannot base employment, training and promotion decisions on personal characteristics that are not job related. These characteristics generally include:

- Age
- Race
- Sex
- Marital status
- Religion
- Country of origin
- Disability.

An interviewer isn't allowed to ask questions relating to these characteristics. Interview questions that aren't allowed include:

- Are you married? Are you planning to get married?
- Do you have children? Are you planning to have children?
- Will your children restrict your flexibility and availability?
- Where were you born?

This applies to volunteers as well. The reasons for rejecting an applicant must be job related.

Minimum wages and working time

The concept of minimum wages has already been mentioned. In the United States, the *Fair Labor Standards Act* (FLSA) sets minimum rates at federal level. This Act is very specific about working hours for young people (child labour). The Wage and Hour Division is responsible for administering and enforcing the minimum wage, overtime, and child labour provisions of the *Fair Labor Standards Act* and the *Family and Medical Leave Act* (FMLA). The FLSA requires that employees must receive at least the minimum wage and may not be employed for more than forty hours in a week without receiving at least one and a half times their regular rates of pay for the overtime hours.

Working hours for the United Kingdom were covered earlier, including break and rest times. From an event management perspective, working hours' rules provide challenges, as this can be a crisis environment in which people are working above and beyond expectations to stage the event, and generally they do this quite willingly. An employer must acknowledge, however, that this is not only a breach of guidelines but a serious risk. By allowing workers and enthusiastic teams to work unacceptable hours the employer is not displaying proper duty of care.

Leave

There are many different leave provisions: annual leave, parental leave, bereavement leave, etc. These may be covered by statute law or by employment contract, and variations from country to country are extensive.

Unions

The potential role of the unions has already been mentioned. Again, there are significant differences between countries such as the United States and the United Kingdom in the way in which unions and government work.

Discipline and dismissal

Disciplinary issues are more common than one would think in the event environment. Perhaps this is because there is less routine and control in terms of supervision. Workers and volunteers might harass athletes, celebrities or each other. Stories of major equipment disappearing are legendary. Many items are removed from the athletes' villages during closing ceremonies: taking home 'souvenirs' such as flags and other decorative items is commonplace. Many volunteers also feel the urge to take home memorabilia. One Sydney volunteer working in accreditation made himself a badge that would

allow him into the athletes' village, but unfortunately he made it in the name of a popular and famous athlete and his identity was immediately questioned.

Policies in relation to misconduct and dismissal will be covered in Chapter 11.

In the majority of states in the United States, employees not working under an employment contract are deemed to be 'at will'. At-will employees may be terminated for any reason, so long as it's not illegal. There are numerous illegal reasons for termination. Typically such reasons fall into one of two large categories: illegal discrimination or illegal termination in violation of a public policy. Generally, employees who work under an employment contract can only be terminated for reasons specified in the contract. By contrast, Australia has unfair dismissal laws (currently the topic of debate and amendment), which cover dismissal and redundancy.

Registering attendance

One of the most problematic issues for event organizers and contractors is registering attendance of their staff and volunteers. This is particularly the case for people who may work across a number of precincts, signing on at one location and signing off at another. Clearly, a sophisticated, barcoded accreditation badge that can be scanned on entry and exit would solve this problem. Generally, however, most event budgets cannot accommodate such systems for temporary venues. The issue of signing on and off duty must be solved, however, as it is incumbent upon the event organizer to account for all personnel on site. Attendance registration for volunteers would form part of the procedural guidelines for managing volunteers.

As mentioned previously, insurance for volunteers is recommended (see Case study 6.2).

Case study 6.2

First insurance policies for Beijing 2008 Olympic Games volunteers underwritten

The PICC Property and Casualty Company Limited (PICC P&C) today underwrites the first batch of insurance policies for the Beijing 2008 Olympic Games volunteers, immediately after the insurance company has signed a partnership agreement with the Beijing Olympic organizers.

The policies cover personal accident and medical insurance for the thirty-six persons who work as pre-Games volunteers for the Beijing Organizing Committee for the Games of the XXIX Olympiad (BOCOG). The agreement, backed up by the new policies, constitutes the start-up of the partnership between PICC P&C and BOCOG.

The volunteers of the Beijing 2008 Olympic Volunteer Programme refer to those who provide services on a voluntary basis to the Olympic Games and Paralympic Games, to other people and to the society through their voluntary actions within the scope of the volunteer programme before and during the 2008 Olympic Games and Paralympic Games. It is estimated that at least 100 000 volunteers will be needed for the 2008 Olympic Games and the Paralympic Games. As a partner, PICC P&C vows to provide continued and outstanding services for BOCOG's pre-Games volunteers and Games-times volunteers.

(Beijing 2008, press release, 9 September 2005; for more information see <http://en.beijing2008.com/51/69/article211986951.shtml>)

Validating suitability

In the process of assessing an individual's suitability for employment, there are a number of checks that might be done such as:

- Visa and other requirements for official employability status
- Licences and permits (e.g. to drive a forklift)
- Educational and other qualifications (e.g. responsible service of alcohol certificate, food safety training, first aid certificate). All of these need to be checked for currency
- Police check, mainly for mega events
- Working with children, training and register of child offenders
- References from past employers.

In all cases, the individual has to provide consent for the check to take place. This is commonly done by including a statement to this effect at the end of the application form, which the prospective employee or volunteer signs. This is also an important consideration when accepting applications online.

Offer letter

As mentioned previously, the employment offer is a contract like any other. Some important details need to be included such as:

- Position offered
- Compensation/pay
- Benefits
- Trial period
- Start and finish date (if project or temporary)
- Reference to the attached job description for duties and responsibilities
- Reference to the attached employee handbook for policies and rules
- Signatures of both parties.

In the case of volunteers, it is equally important to highlight the position as a voluntary position and include clear expectations of both sides.

Record keeping

Employee record keeping requires that the following information is maintained for auditing purposes (by the taxation department in particular). The period of time required for storing these records differs from region to region; however, seven years is a good guideline.

- Name
- Address
- Position held
- Hours or time card details
- Gross pay or earnings
- Deductions such as tax
- Record of leave due and taken.

It is also highly recommended that records of interview, training, evaluation and timekeeping are maintained for volunteers.

Case study 6.3

Rings of confidence

In his study of the 2000 Olympic Games, Tony Webb (2001) showed that the government and the unions reached a new level of co-operation, and goes on to explore a number of the lessons in more detail.

Industrial relations at the Games – how it worked on the ground

'It got to the point where we almost forgot sport was involved we were so caught up in dealing with the problems on the site.' Paul Howes, Unions 2000.

What the unions also learned was that for all of the planning some of the arrangements for the Games workforce would be found wanting during the Games operation. Two weeks before the Games the unions were given accreditation for an official at each venue, allowing direct contact with the workforce, and thirty-two union officials from five unions were rostered to provide coverage throughout the Games. In addition, members could access union support through a general call-centre number linked to a Unions 2000 office on site in the OCA building at Olympic Park. The plan was that unions would be in touch with the workforce and on call to identify and deal with any workplace or industrial relations problems that arose during the Games. In order to ensure efficient handling of disputes all officials involved went through a three-day training programme organized by the Labor Council and SOCOG. On site the rostered union officials had status on a par with venue staffing managers. The industrial structure envisaged by SOCOG was that each venue management would supervise the Games venue staff and volunteers allocated to that site. Contractor companies in the venue would have their own management and supervise their workers but report to the venue manager.

Fortunately a range of disputes in the twelve months leading up to the Games had helped in the building of trust between the unions, SOCOG and the companies. There had been:

- Changes to the awards
- Issues over paid and volunteer workers for the Ceremonies
- The question of bonuses for bus drivers
- A major dispute over young people, some as young as fourteen, employed as vendors who were being defined as 'contractors' with full responsibility for self-employment
- The problem of New Zealand security workers recruited without licences or job guarantees
- Underpayment of wages at Bondi Beach Stadium.

And a number of others.

All had been resolved satisfactorily and a large reservoir of trust and respect had been established. But nothing like the problems encountered during the Games had been anticipated.

Even before the Games some problems were apparent. The opening of the Games villages in June 2000 exposed a lack of understanding among staff of the systems, particularly payroll for workers. The unions assisted with presentations to supervisors and helped with the interpretation of the award. Within a few days of the Games Opening Ceremony, caterers struck problems. People were simply not purchasing food on the scale anticipated and the contractors proposed to lay off 1000 staff. Using the award provisions for flexible working the unions negotiated redeployment of some to other Games work. SOCOG staff used email networks to contact a number of industry groups, letting them know that there were people willing, keen and available, and asking if they needed any staff. These industry groups sent the message on to their members and within minutes SOCOG had emails from all over town saying they

had openings for this or that number, skill etc. and a hot line of positions found many people work. For the remainder, the unions and caterers negotiated an across the board reduction of hours rather than layoffs so that no-one was without a job.

But above all the problem was with the payroll. Day in, day out there were problems with people not being paid, in some cases for weeks. It was not that these were unusual, complicated or difficult to resolve. It was the sheer unremitting volume and the knowledge that the problem was a generic one – that the systems were simply inadequate and could not be reorganized during the course of the Games.

In all the unions negotiated twelve major disputes, eight with 'real strike-potential', during the Games period that required intervention from SOCOG at a senior level, and dealt with over 2500 individual problems mainly over pay. The official procedure for dealing with issues through the venue manager was largely bypassed. Most problems were resolved directly with the companies involved. Many employers had people in place who were committed to resolving issues as they arose and networks of personal relations between the unions and these companies had been established. Some problems the unions stepped back from – judging that employers were acting with goodwill and working to deal with the issues.

One example might illustrate the nature of the collaboration. As part of the major problem we discussed earlier where caterers were laying off staff early in the Games, twenty workers in four bars in the Stadium threatened to walk out because three of their workmates had been laid off by the catering contractor Sodexo. Chris Christodoulou says:

It took three meetings, at 10 pm, 12 midnight and 5 am, along with help from John Quayle, from SOCOG – along with a few drinks in the bar near the Novotel with the key workers in the dispute to fix it.

Paul Howes describes another:

There were just two food halls for some of our people to take their meal breaks. We had employers saying the meal break starts when they leave work and they would have to get back in twenty minutes. As you know everything was jam packed on the site so it could take that long just to get between the buildings. SOCOG overruled the companies, saying that it starts when they get to the food hall but, during the Games, there were long lines in the halls – it could take ten minutes to get served – so it was changed again – based on the principle that workers deserved a real break – they had to be fed properly – we gave flexibility on meal times and short breaks – and the companies gave back within a human relations principled framework. Nobody abused the system and morale stayed high.

Overall the Games were a success, 'the best Games ever'. In the face of this the problems, large and small, pale into significance – unless that is, we wish to learn from both our successes and our failures in order to better understand:

- What are the underlying components of the human relations framework that made this success possible?
- Which aspects were not in place in those 'near-disaster' areas and did their absence contribute to the problems?
- Why did these areas nevertheless succeed in spite of the problems?
- Whether any of these lessons might be useful in planning other major events or projects requiring collaboration between large groups of people in the future?

(Extract from Webb, T. (2001). *The Collaborative Games*. Pluto Press, pp. 88–91. Reproduced with permission.)

Reflective practice 6.3

Answer the above questions for this case study.

Chapter summary and key points

While laws and regulations differ widely from country to country and state to state, effective human resource management requires close attention to these matters. The most important issues are working time and wages, followed by occupational health and safety on the event worksite. Events carry significant risks and a visit to (www.crowdsafe.com) will convince anyone that crowd management and safety are essential components of induction training, on-the-job training, briefings and debriefings. Duty of care requires responsible management of everyone on site, including visiting workers and volunteers. Duty of care also extends to the public.

A risk management analysis needs to be done on the issue of legal compliance as it applies to human resource management, covering all pertinent laws and regulations. This should be extended still further to cover the topic of occupational health and safety in detail as this is the one issue that dominates the minds of organizers and supervisors responsible for a temporary and often unskilled workforce.

Revision questions

- 1 Who has a contract of employment?**
- 2 Is a volunteer covered by workers' compensation insurance?**
- 3 What is duty of care?**
- 4 What are the responsibilities of employers under OHS?**
- 5 Referring to discrimination in employment, which characteristics are causes for complaint?**

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