



# Lawyer: March Madness Office Pools Pose Big Risks for Employers

News

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Bert Brannen was quoted in the *Atlanta Business Chronicle* on March 13, 2015. The article “Lawyer: March Madness Office Pools Pose Big Risks for Employers” discussed how the effort to boost office morale during March Madness can backfire and cause big legal problems for companies.

Bert was quoted on why employers need to protect themselves as a culture of bracketology balloons in the workplace.

Bert said the perils of office pools include:

## **Potential accusations of discrimination**

Some employees can feel left out of their office pools, if they are unable to participate or they aren't invited. Maybe they can't afford the entry fee or the organizer decides to exclude women. At best, employees have hurt feelings. At worse, they accuse their employer of discrimination.

## **Risk to Union-Free Workplaces**

Permitting employees to sign up other employees for gambling pools counts as solicitation. Solicitation policies must be enforced uniformly, according to rules set forth by the National Labor Relations Board. Therefore, if you let employees solicit for brackets in the workplace, you also may have to also let them solicit for a union.

## **Big Money, Bad Feelings**

Office pools have expanded into big money over the years as employee participation has swelled. In some cases, thousands of dollars are at stake. Gambling losses can easily ignite tension between employees. In fact, employers have historically banned gambling because it led to fights, not because it's illegal.

## **Spike in Social Media Activity Sparks Badmouthing**

Almost 250,000 people follow the official March Madness twitter feed. Spikes in social media activity can increase the risk of employees publicly badmouthing their bosses during a time with the NLRB is expanding its oversight in this area and siding with employees.

## **Gambling is illegal**

No employer wants to condone illegal activity. It's simply not worth the risk, no matter how small.

According to Bert, employers should consider taking the following steps to limit the risks associated with March Madness:

- Prohibit employees from using work computers to engage in March Madness activity
- Limit March Madness related activity to non-work time during breaks, lunch and in the parking lot
- Restrict supervisors from participating in office pools
- Enforce no-solicitation and no-gambling policies

To read the full article, please visit [Atlanta Business Chronicle](#).

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