

Black Friday: Employment Law Implications



Black Friday, the day when shops offer their goods at discount prices, is on 25th November this year. This shopping phenomenon has spread from the USA to the UK and recent years have seen scenes of chaos due to large price reductions in shops. Here, we take a look at some of the employment law issues it can cause.

What is Black Friday?

Originating in the USA, it takes place on the day after Thanksgiving and was traditionally the day Americans would start their Christmas shopping. Shops often run various in store and online promotions on Black Friday, and many people look to it as a way of getting some Christmas present bargains.

What issues can Black Friday bring to employers?

Holiday requests

Dedicated sales shoppers are likely to have already booked time off but, with a number of days still to go, employers may find themselves facing short notice requests for holiday. Where holiday requests have been turned down or holiday caps have been reached, there is the potential for employees to falsely claim sickness to get their day off. In the lead up to the event, employers should remind staff of the rules regarding false absence and how this will be treated.

Absence

If an employee does ring in ill on Black Friday, the obvious suspicion is that they have taken the day off to go shopping. This may not always be the case and employers should be wary of automatically jumping to this conclusion. As standard practice, employers should hold a return to work meeting with every absent employee to ascertain the reason for their absence and if there are any steps the employer can take to keep them at work. This is even more important after a Black Friday absence as requiring the employee to explain their reasons face to face can deter them from claiming false sickness. Employers may be unable to take formal action unless they have evidence that the employee was abusing the absence system.

Internet Use

As Black Friday sales are generally welcomed by online retailers, employers may also find themselves facing issues regarding personal use of work internet and equipment such as computers and mobiles. Employers should ensure they have set internet, company property and email policies in place. Employees should know in advance of any internet use what they can and cannot access and what they are allowed to use work equipment for. If any monitoring takes place, including on company property which can be used during personal time, this should also be communicated to employees through these policies. This inclusion eases the way for any information found during monitoring to be used in any later action against the employee.

The content of this briefing is correct at the time of publishing.

Summary

- Employers have the right to refuse annual leave requests; it is a request after all, not an instruction;
- Robust sickness absence procedures which include rules on aspects from how employees should notify their absence to recording and monitoring absence will help employers keep on top of it;
- Be consistent with the application of your procedures otherwise their integrity may be called into question.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.