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How should you handle online shopping at work?

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As the Black Friday frenzy begins, Orla Bingham outlines how employers should tackle the problem of staff bargain-hunting at their desks

Black Friday is now a prominent event in UK calendars, but without a national holiday the existence of readily accessible online sales presents a dangerous distraction for employees. The total spent on online retail sites on Black Friday in 2016 and 2015 was £1.23bn and £1.1bn respectively. It is likely that this year many staff members will spend a significant part of their working day tracking sales online when they should be working.

If an employee went out shopping during working hours, there would undoubtedly be disciplinary consequences. But how should less overt online shopping be handled?

There are no express statutory rules about internet use during working hours; it is governed by an employer's internal policy. So the most important step in combatting excessive personal use of the internet is to have a usage policy that sets clear and transparent guidelines and boundaries.

Today, most jobs involve internet access and generally employers will also allow 'reasonable' personal use of the internet, but 'reasonable' should be defined. Employees should know when it is acceptable to use the internet (for example, during lunch breaks) and what exactly constitutes 'excessive' use. The policy should state the disciplinary consequences of breaching the policy, so that employees fully understand the gravity of the issue.

Monitoring staff internet usage is another way to reduce excessive use and ensure compliance with the policy. This should ideally be periodic and, for privacy reasons, it should be automated by the use of security technology wherever possible. Employers must also make sure they provide sufficiently detailed information in their policy about how and why they are monitoring their employees, what kind of information they are collecting and how that information might be processed and held.

Any IT policy should be clearly communicated to all employees. An employer might have staff 'sign off' that they have understood and agreed to the policy, for example, by incorporating this into induction procedures. With the approach of Black Friday, a reminder or memo containing the policy could also be disseminated, reminding employees of the company's expectations. Ensuring widespread communication of the policy will prevent employees later claiming to be unaware of what it entailed. It will not be sufficient to simply leave the policy on the company's intranet or internal system in the hope that it is observed.

If an employee does misuse internet access, an employer could lawfully discipline (and potentially dismiss) them if they identify a clear breach of policy. Employers should, however, exercise some caution and adopt a common-sense approach. If this is the employee's first

offence of excessive usage, or if they are longstanding employees and/or have a clean disciplinary record, it is unlikely to be appropriate to dismiss them. This could also lower morale and create mistrust among staff.

A proper investigation of the issue should always take place before instigating any disciplinary action, giving the employee an opportunity to explain themselves. Depending on the extent of the misuse, a written warning could ultimately be given with a timeframe during which further incidents of misuse could result in dismissal. If the employee is found to be in regular or serious breach of the internet usage policy, this could amount to gross misconduct and ultimately lead to dismissal.

Prevention is nearly always better than cure. A clear and accessible IT policy will hopefully deter staff from spending this Black Friday browsing the online sales, but it will also provide employers with a strategy to manage the problem should it arise.

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