Refusing and Cancelling Holiday Requests

In a recent article we put out, we stated that due to the busyness of your salon once the lockdown is eased, it may be a good idea for you to ask your staff that no holiday is taken for the first few months until things slowly start to get back to normal, or whatever our new normal ends up being.

Following this article, we have had a couple of questions asking if is it legal for a salon owner to actually cancel pre-booked staff holidays – as in holidays that were already booked in prior to COVID-19.

Our answer is this:

With this pandemic, the government has introduced a temporary new law that allows employees to carry over up to four weeks paid holiday into their next two holiday leave years. This law applies for any holiday your employee does not take because of coronavirus, for example if:

- They’re self-isolating or too sick to take holiday before the end of their leave year
- They’ve had to continue working and could not take paid holiday
- They may also be able to carry over holiday if they have been furloughed and cannot reasonably use it in their holiday year

This last point is an important one and one that will mainly affect salon owners and staff. For example, if your salon is really busy post COVID-19 and you don’t allow holidays to be taken or staff can’t take them because they are too busy with clients, then their holiday would be rolled over for them to use later. At what point would this end though? There is no guidance on this, so we think that this decision would be up to the salon owner to decide what is reasonable.

If you have staff that have holiday already booked for say the first/second month that the salon reopens, then you do have the right to cancel this holiday request depending on your contracts of employment.

Many contracts state that an employer can reasonably refuse a holiday request or that an employer has to approve a holiday request. If you’ve always approved holiday requests then you will be able to do so now. You can cancel an employee’s annual leave as long as you give them notice of the same length as the leave (e.g. one week’s leave needs one week’s notice). However if they suffer financial loss as a result (e.g. flights, hotels etc.) and you don’t compensate them, they could have a case for constructive dismissal - where you left them no choice but to resign because what you were doing was unfair.

We suggest that you raise the issue of possible pre-booked holiday cancellations now with your team because you are expecting to be very busy, and that except for emergency leave, you don’t expect anyone to want to take holiday for three months and that if anyone has an issue they should speak to you directly.