

Employment Alert

Adverse Weather

It's snow joke!

Snow and ice continue to cause employers numerous problems and inevitably, some employees may take advantage of the bad weather to have some extra time off and, with the bad weather looking set to continue there are a number of potential employment issues facing employers.

Employees, especially those living in remote areas, may have been unable to travel to work, causing disruption to business. Also, parents faced with the temporary closure of schools and nurseries have been forced to stay at home to care for their children.

Employers may consider allowing employees, where possible, to work from home. However, this solution is not free from risk, as employers should ensure that employees homes (i.e. the temporary workplace) meet health and safety standards.

Consideration should also be given to those employees whose main role is driving. Employees should be given extra time to complete their journey, and employers should be checking routes, where possible, to ensure that employees are not being placed in dangerous situations.

To pay or not to pay?

The general rule is that, in the absence of any express or implied agreement to the contrary, an employee who is prevented from coming to work because of bad weather is not entitled to

pay during this absence.

If a parent is unable to attend work because they have no one to look after their children as a result of an unexpected school closure, on the first day of absence, this should be treated as time off for a family emergency, which in most organisation's leave policies would be unpaid. During that first day an employee should be able to make arrangements for the care of their children and further time off may not be reasonable and may no longer be for an emergency, if for example he or she has been advised the school will be closed all week. An employer may have to grant an employee holiday at short notice if an employee cannot make alternative arrangements for the care of children.

Disciplinary action?

If you become aware an employee has taken time off (particularly if he or she has been paid for the time off and you discover that employee could have attended work as they were not 'snowed in'), you may wish to consider taking disciplinary action against an employee.

Comment

Many employers may have more beneficial contractual terms so, in the first instance, you should consult an employee's contract and handbook to see what an employee is entitled to if they are unable to attend work due to bad weather. You should also consider whether you have paid for bad weather related absence in previous years, as payment due to such absences may have formed an implied contractual term, entitling the employee to be paid. With Christmas round the corner and more snow expected an updated Adverse Weather Policy is recommended!



Employment Legislation in 2011

Default retirement age abolished	6 April 2011
Right to make a request in relation to study or training for organisations with fewer than 250 employees	6 April 2011
Right to request flexible working extended to parents of children under 18	April 2011
Equal treatment for agency workers	1 Oct 2011



If you have any comments or queries, please contact your HR representative or alternatively email HR Direct at info@hrdirect.org.uk or call **07812 073379**.

