

How to...respond when staff can't get to work due to bad weather

Whenever bad weather strikes and some employees are unable to get to work, employers will need to allow for some flexibility but the bottom line is that it is an employee's duty to attend work. As an employer it is a balance between minimising disruption to the efficient running of your business with the health and safety of your employees.

Employees can be expected to allow extra time to travel into work or make alternative arrangements for travel where appropriate. They need to make sure they communicate with the Company so that everyone is aware of their individual circumstances.

Consider options for your employees if it is too difficult for them to get into work such as:

- Requesting them to make up any time lost at a later date
- Suggesting they take the day from their annual leave entitlement
- Allowing them to work from home if this is viable for their role.

Whatever you do, be fair and consistent.

The last resort should be unpaid leave. However, if this is something that you are considering then the legal position is that in law, there is no obligation to pay employees who fail to attend work, or who arrive late, due to public transport disruption, unless there is specific contractual provision for this. The onus is on the employees to get to work and the obligation to pay under the contract of employment arises only where they are ready, willing and available for work. If employees fail to turn up for work or turn up late in these circumstances, the employer is under no obligation to pay them for time not worked, even though their absence or lateness was through no fault of their own. A failure to pay an employee in this situation is not an unlawful deduction of wages under s.13 of the Employment Rights Act 1996 because there is no contractual right to any such payment.

Crafnant Consulting – HR solutions for your business provides businesses in and around Wiltshire with outsourced HR support.

For further advice and help on dealing with staff absence due to bad weather, please contact us on 07899 665506 or email tracy@crafnantconsulting.co.uk