

1 March 2018

3HR Newsflash

Employment

Newsflash 1 March 2018 - How to deal with the bad weather

In light of the bad weather we have experienced over the last couple of days and which is likely to continue for the rest of the week, we are sending out this news update to advise our clients on how to respond to employee questions about travel disruption.

The first thing to consider is whether you have a travel disruption or similar policy in your handbook. Some of our clients have already provided for this eventuality in their handbook and, if you have done this, you may simply be able to refer your employees to the handbook.

If you do not have a travel disruption policy, then it is a good idea to send an email round to every one confirming the arrangements if they are not able to come in.



Pay

Most employees first question will be whether they are entitled to be paid if they cannot come in. Generally, an employee who is not at work is not entitled to be paid. This is true even when the reason the employee cannot come in is out of their control, such as because public transport is not running or because of road closures. There are limited exceptions to this rule, for example where you have an arrangement with a particular employee to provide their travel or, where it would put the employee's health and safety at risk to travel but these rarely apply.

Paid or unpaid leave

If the employee cannot travel to work then you can offer them the option of taking paid or unpaid leave. Typically a request for annual leave cannot be made on the day it is to be taken but the employer can waive the notice requirements and approve the leave request at short notice. If the employee does not have any annual leave left that they can take, then you can approve a request for unpaid leave. This should be granted as special unpaid leave and you should not record it as an absence for ill health or similar.

You could also consider informing all employees that the office will be closed and requiring them to take paid annual leave; however, in order to force an employee to take leave you must give them twice as much notice as the number of days of leave. So to require an employee to take one day off as annual leave, you must give them two clear days' notice. In reality, this is unlikely to be helpful in the instance of travel disruption which often occurs suddenly or without much notice.

Working from home

In the event an employee cannot travel in, it is good to have a business continuity plan in place to make sure that work isn't missed. If it is possible for an employee to simply work from home then this will often be the best option; however, many jobs cannot be carried out from home. Employees should be provided with a contact telephone number (this could either be their manager or a central admin desk) so that they can report their travel difficulties. They should also be told who to contact to advise of any urgent matters that need to be dealt with in their absence.

If you do require your employees to work from home or to remain contactable and available for work during the day, then you will have to pay them so it is best to decide whether an employee can actually be effective away from the office. If they are unlikely to be able to achieve any meaningful work when not in the office, then it is best to only give them the option to take annual or unpaid leave.

If you have any questions about the employees who cannot attend work because of travel disruptions, please contact our employment team.

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