



Snow and bad winter weather

Interruption to business – paying employees

Bad weather is a one-off, unusual occurrence, and should generally be treated as such. So we are not really getting into the 'lay-off' or 'short time working' situations which are really applicable to situations which are business related. For example, the car industry may have agreed short time working in consultation with the unions.

However it is a good to think ahead and this is to provide some clarification about your obligations to pay staff if your business is disrupted during adverse weather conditions.

Firstly, the question is dependent on who made the decision. Where a business opted to close due to the weather conditions, the decision is clearly out of the employees' control. In this case, they should receive their usual pay. Where there is a specific clause in individual employment contracts which states that this is not required, you do obviously have a let-out. However a decision not to pay may not be in your business' best interests.

If a business is open but the staff member was unable to get in, (they made the decision not to turn up to work), their employer is not obliged to pay, and the day would, in normal cases, be taken either as holiday or unpaid leave. However, where an employee was willing to turn up to work but was prevented because their journey to work was affected by poor weather or driving conditions, the employee still effectively had no choice. In which case, requiring them to take holiday or unpaid leave is likely to cause considerable ill feeling, which may be counter-productive in the long run. As an employer, you are also responsible for the safety of your staff, and by penalising their decisions not to come into work you could be pushing them to try to come into work in the future in similar conditions, and put themselves at considerable unnecessary risk.

The advice to pay covers the core contractual hours. If the employee is on flexible hours or has regular overtime, an employer should take a fair and reasonable approach. In many cases it is normally acceptable to negotiate with the employee that they cover those hours another time but obviously this would vary on a case by case basis.

In summary, as an employer you need to consider the cost/benefit of the potential impact of staff morale, goodwill and personal safety compared to the short-term salary savings. That this is something they could neither prevent nor prepare for means that any subsequent penalisation would be seen as unfair, even by the most understanding of employees.

In the long term, disruption due to snow and ice could be something you build into disaster plans. This will enable employees to be prepared in advance, it can help you to communicate decisions quickly and may help you to consider whether employees who have an enforced day at home can still be



productive. Disaster plans tend to be overlooked as a low priority, until it is suddenly too late, but a bit of strategic thinking in advance can make it easier to cope when a crisis does arise.

The Business Link website is a source of further information
www.businesslink.gov.uk