



for immediate release

Snowed in or snowed under?

Bad weather can cause a host of problems. Now that snow and ice are prevalent, NASDAL's Amanda Maskery is advising employers to get a policy in place to manage situations when employees can't get to work.

Adverse weather conditions may cause major disruptions such as road closures and public transport delays or cancellations preventing staff from getting to work. Additionally, employees may need to take time off to care for their dependants due to an emergency school closure or cancellation of childcare arrangements.

It's worth noting, says Amanda of specialist lawyers, Sintons LLP, that employees are obliged to attend work according to the terms of their contract of employment. This obligation applies even in extreme weather conditions and the onus is on the employee to make sure they attend work. However, the law is a little grey on whether the employer can withhold pay if employees don't turn up for work.

There is an argument that the employer may be within their rights to withhold pay for the period of absence. On the other hand, recent case law suggests that if non-performance of work is genuinely "involuntary and unavoidable" the employee may in fact still be entitled to their wages. ACAS, the Advisory Conciliation and Arbitration Service, encourages employers to adopt a flexible approach.

Amanda said: "Given the number of extreme weather conditions we have had, it would be prudent to implement an internal policy on what to do when snow or flooding cause problems."

She suggested the policy should:

- Include the procedure employees are to follow when notifying work that they cannot make it in.
- Clarify whether employees will be paid for any day(s) they are absent.
- Make it clear that employees are expected to make reasonable efforts to attend work and that attempts to use the policy as an excuse not to turn up may result in disciplinary action.
- Ensure that employees do not feel pressured to risk their safety by making the journey to work.

This policy, and any subsequent changes to it, must be communicated to all staff and should be applied fairly and consistently to avoid any potential confusion or disagreement.

Note:

If you are interested in receiving further advice on any of the issues raised here or have any other employment law questions please contact Amanda Maskery of Sintons LLP on 0191 226 7838 or by email to Amanda.maskery@sintons.co.uk
Or to find a NASDAL member in your area, go to www.nasdal.org.uk