



## Winter weather - Work and travel disruptions

When disruptive weather arrives in the UK and/or there are delays or industrial action arising on transport systems, (the train network and the London Underground etc), both you and your employer may face problems in the workplace. Travel delay and bad weather can slow you down or prevent you getting to work. It can also mean employers need to adapt working arrangements or close workplaces.

### Will I be paid if I can't get to work?

Generally, unless your contract provides otherwise, there is no obligation on your employer to pay you if you fail to attend work, or arrive late, due to public transport disruption, even though your absence or lateness was through no fault of your own.

The onus is on you to get to work and the obligation to pay under the contract of employment arises only where you are ready, willing and available for work.

In difficult circumstances your employer may wish to explore/consider:

- alternative means of transport, for example other public transport options, walking, cycling, travel by car or car-sharing with other employees.
- whether you could usefully work from home or from an alternative local office until the travel situation improves, or whether the time could be made up later.
- work overtime to provide cover for staffing shortfalls, or switch to duties that can reasonably still be carried out.

You or your employer could also suggest that you take paid annual leave if you wish to ensure you are paid for the

time off. You cannot insist this happens and your employer cannot force you to use annual leave in this way.

If employer-provided transport is cancelled because of bad weather or travel disruption, and you were otherwise ready, willing and available to work, you should be paid for any working time you have missed. Some contracts and workplace policies may have special arrangements covering this kind of situation.

### Will I get paid if the business closes for a few days?

Your employer may choose to close its business if disruption to public transport or arising from adverse weather means that a significant number of its staff, or a few key individuals, cannot get into work.

In these circumstances the following may occur:

- some employees may be able to work from home, in which case your employer must pay them their normal wages.
- some employees may be temporarily relocated to other stores/offices.
- if you are not able to work due to your employer's temporary business closure you should be paid in full during that time unless your contract provides otherwise.

If your contract specifically states that you are not to receive any pay if the workplace is closed, you may be entitled to a guaranteed payment of £28 per day for a maximum of 5 days in any 3 month period.

To qualify for this payment you must be available for work and have been employed for at least a month before the business was closed.

## Adverse Weather and the “knock on effect”;

In an emergency involving a dependent, anyone with employee status has the legal right to take unpaid time off. Situations could include:

- school is closed and you cannot leave your child
- caring arrangements for a disabled relative are cancelled
- your partner is seriously injured as a result of bad weather.

This time is unpaid unless a contract or policy says otherwise. You should talk to your employer as soon as you know that you may need to take time off, explaining: exactly what the issue is, and the likely length of the absence.

You could request, and if your employer agrees, this time could be off be taken as annual leave, so you do not miss out on pay.

## Working temperatures during bad weather

Perhaps surprisingly, there is no minimum workplace temperature. There is, however, a duty on all employers to deal with health and safety issues in the working environment. If low temperatures make it unsafe for you to carry out your role, then your employer should address this and consider whether they can relax their dress code to enable you to wear warmer clothing, allow extra breaks to make hot drinks, or bring in extra heating options such as portable heaters.

Your employer should take extra care for vulnerable workers, such as pregnant workers. If a risk cannot be avoided or removed such workers may have to be sent home to protect their health, usually on full pay.

It is always helpful to think ahead if you know there is going to be disruption which may affect your ability to work. There may already be a workplace protocol set out in your staff handbook but if not make sure you discuss any changes with your employer.

*NOTE: Please be aware there are links contained within this factsheet that may take you to external sites, we are not responsible for their content. This is a general advice and information factsheet only and should not be treated as a definitive guide and does not constitute legal or professional advice. We are not a law firm and information is not intended to create a solicitor client relationship. Law Express does not accept any responsibility for any loss which may arise from relying on information contained in this factsheet. This is not a substitute for legal advice and specific and personal legal advice should be taken on any individual matter. If you need more details or information about the matters referred to in this factsheet please seek formal legal advice. This factsheet is correct at time of going to print. The law set out in this factsheet applies to England and Wales unless otherwise stated.*