

Employers Ponder Emergency Leave Provisions – Adverse Weather

Following the recent extreme weather conditions and flooding across the UK, many employers have had the difficult task of balancing employees' well-being, with ensuring that their businesses are not affected. In addition to many workers' homes being damaged by the flooding, businesses have also experienced staff shortages as roads were shut and public transport disrupted, preventing them attending work.

As a result employers have been faced with dilemmas over what allowances they should make for employees not able to attend work and whether they should be paid for this period or forced to take it as annual leave.

FROM A LEGAL VIEWPOINT

The onus is on staff to attend work, regardless of any outside implications such as severe weather conditions. If they fail to do so, then companies are under no obligation to pay them and are legally entitled to deduct pay for any time taken off work.

Whilst The Employment Rights Act 1996 gives employees the right to reasonable time off work in the event of unforeseen circumstances affecting their dependants, this right does not cover domestic emergencies.

However, employers should weigh up their legal standpoint with the interests of the business and the negative impact that such an approach may have on staff morale.

Employers should also take into consideration their health and safety obligations towards their employees. At no time should individuals feel under pressure to risk their health and safety to attend work in such circumstances and employers may find themselves being criticised, should an employee have an accident whilst struggling to get to work in such conditions.

THINGS EMPLOYERS CAN DO

There are some actions that employers can put into place to ensure that they are as prepared as possible for such unforeseen and extreme circumstances, such as:

- Have policies and procedures set up so that employees are clear what the absence reporting procedures are in such situations
- Be clear on how decisions about pay for any emergency leave will be decided
- Make contingency plans for any emergencies, such as providing provisions for home working where appropriate
- Include flexibility clauses in staff contracts and handbooks so that you can call on staff when needed
- Be clear on how employees may make up time lost if they are to lose out on pay

THINGS EMPLOYERS SHOULD ALSO CONSIDER

The difficulty is deciding on a discretionary basis where any payment is made. Failure to apply any decisions consistently may leave companies open to discrimination claims as well as bad feeling amongst employees.

On the flip side, businesses may also find that such emergency situations, and the way they are subsequently dealt with by employers, can result in increased morale and loyalty, particularly where bosses have demonstrated understanding and flexibility.

If you would like more tailored advice on managing leave or any other employment matter please contact Peopletime Ltd on 01280 875220 or email info@peopletime.co.uk

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