

The screenshot shows the top of the MT Management Today website. The logo 'MT Management Today' is on the left. A navigation bar includes links for 'BULLETINS', 'REGISTER', and 'SIGN IN'. Below that is a secondary navigation menu with categories like 'Home', 'News', 'Advice', 'Books', 'Features', 'Comment', 'Women', 'Entrepreneurs', and 'BMAC'. A search bar is located on the right. The main content area features a featured article titled 'HOW TO SAVE YOUR BUSINESS FROM BAD WEATHER: A LAWYER'S GUIDE' with a sub-headline: 'Floods and high winds aren't just devastating for households; if your employees can't turn up, it's bad for business, too. But what does the law say, asks Ian Taylor.' To the right of the article is a social media sharing bar and a promotional graphic for 'SEAMLESS CLOUD FOR THE WORLD' by NTT Communications.

By Ian Taylor **Friday, 21 February 2014**

How To Save Your Business From Bad Weather: A Lawyer's Guide

Floods and high winds aren't just devastating for households: if your employees can't turn up, it's bad for business, too. But what does the law say, asks Ian Taylor.



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TAGGED: *Economy, People Strategy, Weather, Leadership*

Unless you're in the business of selling umbrellas, wellies or sandbags, the high winds and heavy rain of the past few weeks and months have been unusually miserable. With bad weather a long-standing British tradition, employers should know where they stand with the inevitable HR issues that arise when the weather turns foul.

1. Business as usual?

Whatever the weather, you can still expect your staff to come in to work. But don't forget that, as an employer, you owe a duty of care to your employees. Be reasonable and don't force them to come in to the office when it would be dangerous for them to make the journey.

Requiring someone to navigate 14 miles of floodwater is unlikely to be reasonable in anyone's book. But distance shouldn't be the only factor to consider. A pregnant employee may live near the office, but when there's heavy snowfall or no public transport running, it's probably right to let her stay at home. In all cases, employees who cannot make it into work should be required to contact the business and explain why they can't get in.

2. Money for nothing?

It's always worth being clear on issues like pay, so make sure you've thought through how you're going to deal with the inevitable 'Will I get paid for this?' type of questions. Unpaid leave is an option, but you might also want to consider:

- Home-working – if bad weather is forecast, ask employees to plan for disruption and take work home with them
- Holiday – offer employees the option of taking holiday to cover their absence
- Other sites – can the employees make it to another office?

Making up the time – agree with the employee to make up the lost time over the next few weeks.

3. What about my kids?

Getting the day off school because of snow or flooding might be fun when you're young, but it loses its appeal if you're a working parent. Employees have a right to unpaid time off to look after their children in an emergency, such as school closures. However, this type of leave is only available where necessary and until parents are able to put other childcare arrangements in place (which could include taking annual paid leave). It doesn't permit them to spend the rest of the week off work with their children watching Octonauts or Horrible Histories.

4. Stranded on business

Employees stranded on business trips due to bad weather will need to be paid as normal. Make sure employees are clear on your expenses policy. A bill for an eight-course taster menu at a Michelin starred restaurant is unlikely to be covered.

5. Take a break

Bad weather may mean that some staff just can't make it in, resulting in a busy day for those who are able to get to work. The business still has obligations to provide these staff with suitable breaks during work hours and rest periods between working hours. If that's just not possible due to extreme staff shortages, remember to give those staff compensatory rest to make up for the extra hours worked.

6. Dangerous driving

Be careful how you treat employees who raise health and safety concerns about having to drive in bad weather. Just because the chief executive managed to get into work in his 4x4, it doesn't mean all employees will feel quite so confident on the road.

A recent tribunal decision has made clear that treating an employee detrimentally for having raised concerns about road safety in bad weather can leave an employer open to a claim for whistleblowing.

7. 'Honestly, I just couldn't get into work...'

Ben calls up one morning to say he can't get into work because of flooding. Later that day, a colleague lets slip that Ben had been planning to use the weather as an excuse to stay at home and watch Team GB go for gold in the women's skeleton event at Sochi.

If you think an employee is using the bad weather as an excuse to stay off work or get in late, you can take disciplinary action. Investigate the allegations of misconduct and follow the process set out in your disciplinary policy and the ACAS code.

8. Treats for turning up?

Natalie has struggled in to work through the wind and rain, her broly's broken and her feet are soaking. To make matters worse, Ben (yes – the same Ben) hasn't made it in to work again because of 'flooding', so Natalie has to cover his work for the day. Should you reward her for going the extra mile?

Businesses don't have to give employees extra rewards for turning up to work in these situations. Nevertheless, coffee and cakes for those who do make it in and an early home time are unlikely to lead to complaints.

9. Putting policies into practice prevents precipitation problems

Having an adverse weather policy won't help to stop the rain or flooding, but putting in place a policy which addresses the issues covered here should help to avoid confusion and unhappiness in the future. You might think, do we really need yet another policy? Extreme weather seems to be a regular fixture and communicating your position on these issues upfront will help you to manage them.

10. Bring me sunshine!

British summertime begins officially on 30 March. If anyone knows of an umbrella that genuinely can cope with wind and rain, please do get in touch.

- *Ian Taylor is a solicitor at [Borges Salmon](#)*