



## 'Legal Corner'



### Question

**I've been snowed in and couldn't get to work – what are my rights in regard to taking time off and my pay?**

### Answer

**Kelly-Jean Rayner, employment solicitor at Phillips Solicitors, replies:**

There is no 'cut and dried' answer to this as there is no standard policy or position in respect of people's inability to get to work in adverse weather conditions. There is no legal provision which obliges your employer to pay you if you are unable to get to work, although many employers do exercise some discretion to do so in these circumstances. There are many different reasons why people can't get to work in adverse weather. Some employees live far away and may be subject to impassable roads or public transport failures; others may live nearby but have a physical condition which precludes them from walking in snowy or icy conditions; others may have childcare responsibilities when schools are closed or be carers for an elderly or vulnerable adult. Your legal rights will differ depending on your individual circumstances.

There are legal provisions which allow time off for parents to care for children or carers time off to care for dependants which would be required by many employees in bad weather. These are however rights to unpaid leave only. What is also clear is that employers cannot and should not force someone to come to work if they are concerned about their health and safety, or discipline or dismiss someone if they are not able to get to work due to the weather conditions or personal circumstances caused by the weather (unless of course they are seen about town when they are supposed to be stuck at home!).

Employees need to know where they stand and employers need to consider how best to balance running a productive business against the difficulties encountered by their most valuable resource, their staff. There are no hard and fast rules as every business will have its own unique operating requirements. Some employers are giving options to staff to make the time up on returning to work or to work from home where feasible. Others are allowing employees the choice of taking the time off as paid annual leave, though this shouldn't be forced on employees. At the end of the day, any policy that is implemented by an employer should be tailored to fit their business and communicated clearly to employees so they know where they stand.

Kelly-Jean Rayner is a solicitor at Phillips, specialising in employment law. Call Kelly on 01256 854670 or email your question to [krayner@phillips-law.co.uk](mailto:krayner@phillips-law.co.uk).

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