

LAW ADVICE

UNIONLINE

Legal Services for GMB
and CWU members and
their families

2018

Adverse weather difficulties and your employment rights

Can my boss cut my wage if I can't make it into work?

Generally speaking there is no legal obligation for an employer to pay you for any days off due to weather conditions. However, it is advisable to speak to your employer to see if any agreement can be made.

FOR EXAMPLE:

- Could you make up the time at some other point?
- Could you work from home?
- Could you make it in to a different place of work?

Are there any exceptions to this?

Yes, there may be a company policy or rights within your contract that entitle you to be paid in these circumstances. If this is the case and your wages have been docked, these deductions may be unlawful and you should seek legal advice.

Can I be made to take it as paid holiday?

An employer can ask you to take paid annual leave if they give the correct notice. This notice must be double the amount time of the leave. For example, for one days leave, you must be given 2 days' notice. Please note that this only applies to the statutory minimum holiday that you are entitled to. If have additional contractual holiday entitlement then your employer can potentially ask you to take this without notice.

But my workplace is closed?

You are then entitled to pay, as the employer has made the decision to close your place of work. However they may still ask you to work from home or at a different workplace. If you do not believe this request is reasonable please contact UnionLine for further advice.

My children's school is closed and I have no childcare?

You are entitled in law to be permitted by your employer to take a reasonable amount of time off if there has been unexpected disruption or termination of child care arrangements. This would amount to emergency parental leave.

However you must inform your employer as soon as reasonably practicable and it is only a temporary emergency measure, usually for only a day or two.

I don't feel safe making the journey to work?

Your employer cannot force you to attempt the journey into work in circumstances where your safety is potentially at risk. However much will be dependent on your own personal circumstances as to whether your employer's request is reasonable or not.

KEY POINTS:

Communicate with your employer

- If bad weather is expected address any concerns with your employer or discuss matters with your Trade Union representative.
- Plan ahead
- See if the journey is at all possible in difficult conditions.
- Arrange potential childcare in advance.
- Be flexible
- Where possible, try and be open to all options. However if you believe your employer is being unreasonable seek advice either from your union or from UnionLine.

If you believe that your employer is acting unlawfully please contact UnionLine for further advice.

Please note that in the event you have a claim in the Employment Tribunal you have only a limited period of time in order to take action, typically three months less one day from the date of the unlawful act.



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