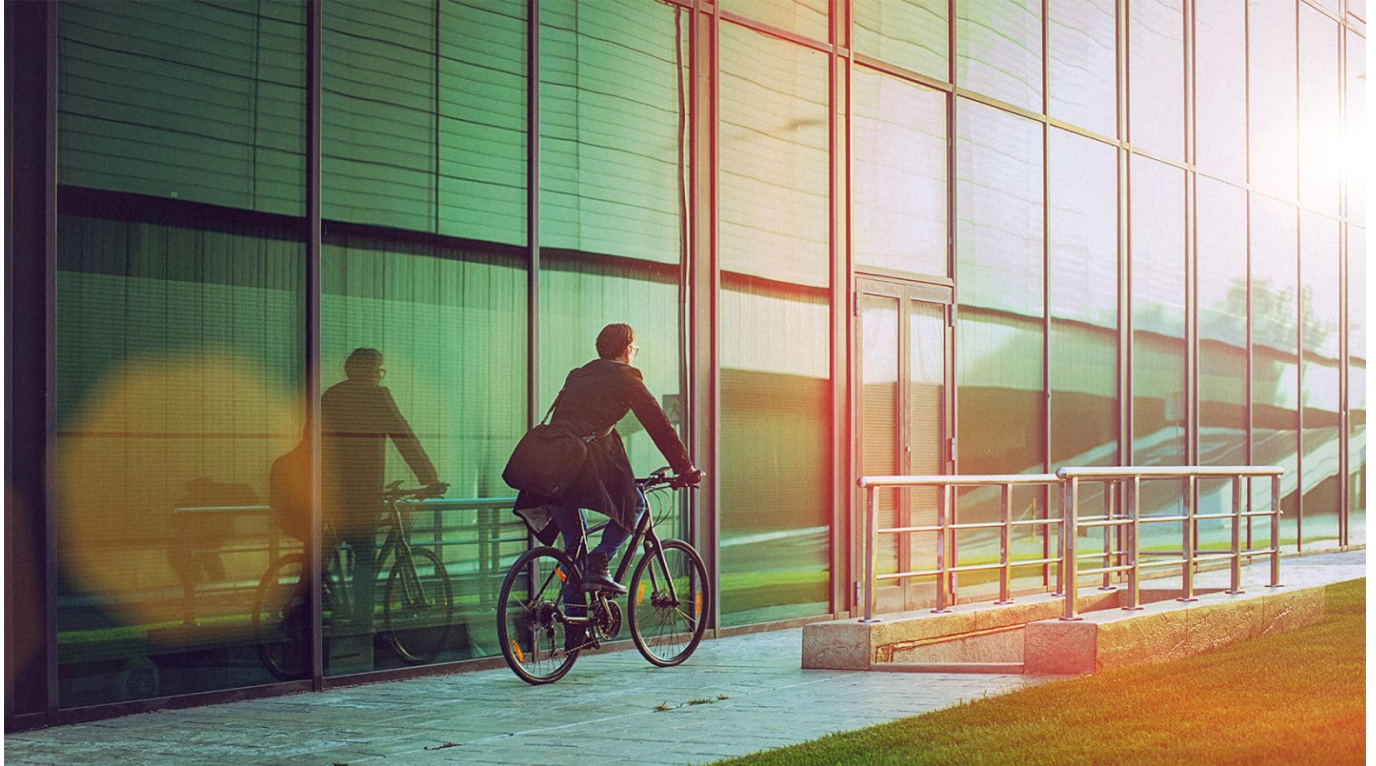


Snow, strikes, how employers can navigate travel disruption



As the transport strikes seem set to continue and the weather worsens, here are our tips to navigate the ongoing travel disruption:

Plan ahead

Communicate with staff what their options are so they know your organisations' expectations about being physically present at work on strike days. If staff are currently engaged on a hybrid or flexible working model, can perform their work from home or make up lost hours, it would be sensible to allow these alternatives.

In the retail and hospitality sector, some of your people will be unable to perform their role from home. Encouraging them to swap shifts or find alternative ways to travel to work could be an option. If they cannot make it in, allowing them to use their holiday allowance or "borrow" from next year's leave will mean they don't lose out on pay at a costly time of year. Where pay will be affected, it is good practice to make this clear in your communications.

Being open with staff, flexible when reviewing options and planning ahead will help you minimise the impact of the current disruption.

Understand employee rights

Employees have a right to be paid if they are performing their work at their normal workplace (or the agreed

alternative). If they are unable to physically attend their workplace and therefore cannot perform their role, they won't usually be entitled to their pay. You may want to be more generous and pay staff whose absence is due to travel disruption to maintain a positive working relationship. If you are not going to pay, then alerting them before they receive their pay, is important.

There isn't a legal right for employees to work from home because of travel disruption. It can be a sensible temporary solution, which you or your staff may want to propose. Employees who want to change their working arrangements on a permanent basis can make a formal request to their employer and you would need to respond in a reasonable timeframe and manner, which should include a meeting with the employee to discuss their proposal. Changing ad hoc days or shifts is more likely to be informally discussed.

You need to be aware of the right for staff to take time off, at short notice, where the travel disruption causes a breakdown in carer's availability and/or school and nursery closures. Your employees are allowed a reasonable amount of time off during their working hours for the unexpected disruption or termination of arrangements for the care for someone dependent on them (a parent or child). There is no right to pay during such time off, although you can be more generous to support them. The period of leave is limited to the time needed to put the care in place (not to provide the care).

Clarify your policy

Industrial action and bad weather can often cause disruption. Having clear policies in place to address dependant care leave, transport issues and another unavoidable events, will enable your team leads to take a consistent approach and signpost your expectations more easily.

Ensure that your absence reporting requirements are up-to-date and that your people know the arrangements they can make in advance to keep performing their role, such as working in another location and ensuring they have secure IT equipment. Think about the staff they need to be in contact with to agree arrangements, how you will function with reduced staff and the steps to follow in the event your workplace is closed.

How we can help

If you need guidance on understanding employee rights, or if you need specific advice in relation to dealing with staff absence or responding to flexible working requests then please get in touch with our [employment team](#).

[Sign up for legal insights from our employment team](#)

Written by



[Melanie Stancliffe](#)



Partner



[Emily Byrom](#)

Associate