



HR Inc Guide: Travel Disruption



Introduction



We like to keep our HR Inc Guides as simple and effective for managers and employers as possible. Therefore, the inevitable issue of travel disruption occurs every year, like a looming torment sent to drain our resources, which needs to be dealt with appropriately.

Different employers treat travel disruption differently and not particularly in line with their values but more in line with their type of business and the amount of impact that the travel disruption causes.

When the inevitable snow, well these days anyway, making it almost impossible to get anywhere employers and employees should consider how travel disruption impacts the business and make plans to address it if possible.

So what are the main points to remember?

There are many different things to think about as an employer when dealing with travel disruption. The main employee issues are detailed below.

- ↳ Employees do not have a legal entitlement to be paid for travel delays. Some employers may have a contractual, custom and practice or even collective agreement (trade union agreement) with rules and entitlements around travel disruption.
- ↳ Be flexible with employees is recommended as it can demonstrate a lot of good and trust towards employees. It may be that you cannot afford to give employees a free day off work but it may be that the employees can work at home or make up the time at a later date. It is however important to communicate clearly and consistently with employees about the arrangements that have been made.
- ↳ Do not dismiss employees for not working particularly if they have contacted you. Employers that have tried to dismiss employees due





to travel disruption which, keeping it simple, is not fair or reasonable and therefore not likely to stand up in court.

- Plan ahead and consider how you will manage the business in the absence of the employees. It may be that you won't have any business due to the disruption (snow being the classic) and therefore it is not sensible to demand employees attend work. You can consider recommending alternative transportation but do not insist on employees attending as there are complications with insurance and employer obligations during the travel to work.
- Clearly travel disruption is going to happen therefore try to put a plan in place for the inevitable. Perhaps using technology to keep your business working such as skype (which can be used).

So what happens if the travel disruption causes domestic issues for employees?

It is clear that simple travel disruption affects not only your employees but others that may be connected to your employee through childcare, teaching, home care etc. We recommend that you use management discretion in the absence of a special leave policy to deal with such issues.

I don't believe my employees and I want to sack them for not coming into work.

This approach is not uncommon. However, it is an extreme approach and although likely to be morally justifiable very unlikely to be justifiable from an employment legislation point of view (following the standard disciplinary route of course). If you are allowing employees time off work, without making it up on another day, and you are sure that an employee is 'having you on' you may use your management discretion to remove pay for the day. It is advisable to be careful using this approach as it can be seen to be unfair without reasonable justification. However, as we stated earlier in this HR Inc Guide employers typically don't need to pay employees depending on the employment contract and custom and practice.



Travel disruption can be a difficult issue to deal with and therefore we do recommend that you seek advice before making any decision, policy or announcement.

Get in touch if you need any help.

For more help in recruitment contact us on:

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