

## Bad weather and can't get to work? What are your rights if you are disciplined?

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### **I have recently seen many cases of employers taking disciplinary action against staff as a result of the bad weather conditions.**

Such action can arise from situations where staff have not managed to locate their line managers for prior authorisation for an early departure, and have taken the initiative to leave early anyway. Or it can be as a result of their insisting they are going to leave early due to domestic necessities such as child care or delayed trains back home. It can also arise from arriving late, or not keeping to client appointments. In other cases, I have seen different staff within the same organisation being given different latitude. Bad weather can often bring out favouritism by employers.

Whilst it is certainly not the case that the majority of employers have behaved in this way, there are enough doing so to warrant consideration of what your position is if you are on the receiving end of such action.

Employers can only take disciplinary action if it is reasonable to do so. If you directly disobey a lawful instruction from your line manager, that could count as misconduct justifying disciplinary action. The question would then arise as to whether it was reasonable for your line manager to behave in the way that he or she has, such as not allowing you to leave work early due to the bad weather.

You do have the right to put your position fully and if necessary appeal the decision to a higher authority within your employer. If it is considered on appeal that your line manager has overstepped the mark, any disciplinary finding against you will be withdrawn.

You also have the independent right to lodge a grievance against your manager if you feel you are being unfairly treated. Your employer would have to investigate and there is likely to be a meeting to properly hear such grievance.

The problem with the disciplinary and grievance process is that once a process is commenced, you start to erode trust and confidence between you and your employer and sometimes this is never recovered. It could be argued, however, that if the trust and confidence was there in the first place you would never be in this position. This is often reflective of the situations that I have seen. Employers are far more likely to offer less latitude to employees who are generally not liked.

You would be very unlikely you be dismissed for one transgression, even if you were taking advantage of the weather and you could really work a full day if you had to. Disciplinary action in these circumstances would normally be a verbal or written warning. You should bear in mind, however, that you do not have full employment protection in the first year of employment and employers can dismiss you within this period without any major fear of recourse in the employment tribunal.

In summary, I would suggest that you do your absolute best to get into work without putting yourself in any danger and if you cannot do so, you let your employer know as soon as possible the attempts you have made and the reasons why you cannot make it in. If you need to leave early, or cannot make client appointments, seek authority from your employer before you leave early or decide simply not to turn up to meetings. If your direct line manager is not available, then seek appropriate authorities from a higher level. If all else fails, contact your HR department if you have one and explain the position.

With common sense by both employers and employees, all should be able to ride out the bad weather conditions with employment relations intact.

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