



GSC Update

Volcanic Employment Rights

Various employment issues arise from the recent volcanic disruption to flights. In particular, what should employers do if their employees cannot get back to the UK? Frequently asked questions include:

Can the employees be dismissed for failing to attend work?

Any dismissal in these circumstances would almost certainly be considered unfair due to the exceptional circumstances and “Act of God”. Dismissal is therefore not an option.

Is there any obligation to pay the employees during this absence?

Under the Working Time Regulations, all employees are entitled to 28 days paid holiday leave per year (including bank holidays). Most companies offer more than the statutory entitlement.

If an employee is absent over and above the pre-booked holiday leave then any payment would be at the discretion of the employer. Some employees may choose to take the additional leave as holiday leave.

What if an employee manages to do some work whilst stranded abroad?

If an employee is able to work using laptop/telephones whilst stranded abroad, then they are entitled to be paid for the work carried out. If the company has an office in the overseas location then they could try and make arrangements for the employee to work from there.

Should you have any queries on the above, please contact Tessa Fry or David Nathan on:

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Disclaimer

This update is intended to provide readers with information on recent legal developments. It should not be construed as legal advice or guidance on a particular matter.