

## Pay during inclement weather & stand down

Employers may send employees home for reasons outside their control such as severe and inclement weather, equipment breakdown or industrial action. Read on for information about when an employer can stand an employee down, whether they need to be paid, and the difference between a stand down and a shut down.

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- [What is severe and inclement weather?](#)
- [What is a stand down? \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#what-is-stand-down\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#what-is-stand-down)
- [Can casual employees be stood down? \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#casual-employees-and-stand-down\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#casual-employees-and-stand-down)
- [Is a stand down the same as a shut down? \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#is-stand-down-same-as-shut-down\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#is-stand-down-same-as-shut-down)
- [How do I resolve a dispute about a stand down? \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#disputes\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#disputes)

### What is severe and inclement weather?

Employees working outdoors have greater exposure to severe weather conditions. There are rules about working in inclement weather, including when an employee can be sent home and whether they need to be paid.

Inclement weather is when it's unsafe or unreasonable for an employee to work because of severe weather conditions. Examples include heavy rain and storms, bushfires, extreme heat or cold, hail or high winds.

Awards, enterprise agreements and other [registered agreements \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) can set out what:

- severe and inclement weather includes
- employees and employers have to do when there is inclement weather.

An employer can't ask their employees to start or continue to work during severe and inclement weather if it's unreasonable or unsafe. Employers don't have to pay their employees when this happens, unless an award or agreement says they do. If the award or agreement doesn't say anything about inclement weather, find out when an employer can [stand down \(www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#what-is-stand-down\)](http://www.fairwork.gov.au/pay/pay-during-inclement-weather-and-stand-down#what-is-stand-down) employees.

Check your award or agreement for information about how to decide if the weather is inclement and what to do.

Find information about inclement weather procedures in your award by selecting from the list below.

Based on what you've told us, it looks like you're covered by the Clerks - Private Sector Award [MA000002].

The Clerks Award does not have any rules about stopping work and payments due to inclement weather.

To find out more about who this award applies to, go to the [Clerks Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000002-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000002-summary) .

Can't find your award? Check the [List of awards \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards) .

### Workplace health and safety

Each state and territory has a workplace health and safety authority that can give advice to workplaces experiencing severe and inclement weather. If you must work during these conditions, get advice about preventing incidents and illnesses from your [local workplace health and safety body \(www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety\)](http://www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety) .

### Natural disasters

Natural disasters such as bushfires, floods and cyclones can cause devastation to communities, businesses and individuals. For information about pay and conditions during natural disasters check our [Employment conditions during natural disasters and emergencies fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies) .

## What is a stand down?

A stand down is when an employee can't do useful work because of:

- equipment break down, if the employer isn't responsible for it
- industrial action ([www.fairwork.gov.au/Dictionary.aspx?TermID=2057](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2057)), when it's not organised by the employer
- stoppage of work for which the employer can't be held responsible, including severe and inclement weather or natural disasters.

Employers can't stand an employee down just because the business is quiet or there isn't enough work. Some awards, agreements and contracts have extra rules about when an employer can stand down an employee without pay. Check the [List of awards](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards) ([www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards)) to see if this applies to you.

An employer can't stand down an employee if they're on approved leave.

### Pay during stand down

During a stand down period, an employee:

- doesn't need to be paid
- accrues leave in the usual way.

### Best practice tip

Employers may consider other options instead of standing down employees.

These include letting employees:

- take a period of paid leave, such as annual leave
- work at another location such as from home or another work site.

### Casual employees and stand down

Casual employees can't be stood down if the business is quiet but they can be sent home after they've worked their minimum engagement period. For more information about casual employee pay and entitlements, see our [Casuals page](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/casual-employees) ([www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/casual-employees](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/casual-employees)).

### Disputes about stand down

An application to deal with a dispute about a stand down can be made to the [Fair Work Commission](https://www.fwc.gov.au/) (https://www.fwc.gov.au/) by:

- an employee
- a union
- a Fair Work inspector.

If the Fair Work Commission makes an order about the dispute, you need to follow it or you risk being penalised.

## Is a stand down the same as a shut down?

No, a stand down is different to a shut down. A shut down is when a business temporarily closes during slow periods of the year, such as Christmas and New Year. A shut down is also known as a close down.

### Pay during shut down

Employees can be directed to take annual leave during a shut down if:

- their award or agreement allows it or
- they're award and agreement free.

To find out if employees can be directed to take annual leave during a shut down, go to our [Direction to take annual leave during a shut down page](http://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down). ([www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down](http://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down))

## Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

### You might also be interested in

- [Employment conditions during natural disasters and emergencies \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies)

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### Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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