

## Pay during inclement weather & stand down

Employers can send employees home from work for reasons that are outside their control. These can include:

- severe and inclement weather
- equipment breakdown
- industrial action
- when the business has closed because of an enforceable government direction (<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/tools-and-help-during-coronavirus/other-government-information-and-assistance/list-of-enforceable-government-directions-during-coronavirus/default>).

Read on for information about when an employer can stand an employee down and whether they need to be paid. We also cover the difference between a stand down and a shut down.

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### 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 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.

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. Learn more about pay and conditions during natural disasters from 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](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/employment-conditions-during)).

## Stand downs

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, or
- business closure because of an enforceable government direction (<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/tools-and-help-during-coronavirus/other-government-information-and-assistance/list-of-enforceable-government-directions-during-coronavirus/default>) (which means the employee can't be usefully employed, even from another location).

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 \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards) page and access your award to see if this applies to you.

Employees can agree with their employer to use certain types of paid leave during a stand down. Examples include:

- annual leave
- long service leave
- paid leave under an applicable award, enterprise agreement or employment contract.

Employees who are stood down without pay by their employer under the Fair Work Act can't use paid sick and carer's leave or compassionate leave during the stand down.

An employer can still stand an employee down without pay during their leave period.

### Pay during stand down

During a stand down period, an employee:

- doesn't need to be paid
- accrues leave in the usual way (for example, annual leave).

#### 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
- change duties or hours of work.

Use our [Before standing down employees: employer checklist \(https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-leave-and-stand-downs/stand-downs#before-standing-down-employees-checklist\)](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-leave-and-stand-downs/stand-downs#before-standing-down-employees-checklist) for guidance on steps to take before standing down an employee and other workplace options available.

Find more detailed workplace information on stand downs in our library articles on:

- [Stand down of employees and continuous service \(www.fairwork.gov.au/library/K600488\\_Stand-down-of-employees-continuous-service\)](http://www.fairwork.gov.au/library/K600488_Stand-down-of-employees-continuous-service)
- [National Employment Standards and stand down \(www.fairwork.gov.au/library/K600634\\_National-Employment-Standards-and-stand-down\)](http://www.fairwork.gov.au/library/K600634_National-Employment-Standards-and-stand-down)
- [Difference between stand down, unpaid leave and shut down \(www.fairwork.gov.au/library/K600633\\_Difference-between-stand-down-unpaid-leave-shut-down\)](http://www.fairwork.gov.au/library/K600633_Difference-between-stand-down-unpaid-leave-shut-down) .

### Stand downs during coronavirus

Employers may be able to stand their employees down during the coronavirus outbreak for various reasons. This includes when:

- the business has closed because of an enforceable government direction (which means the employee can't be usefully employed, even from another location)
- there's a stoppage of work due to lack of supply for which the employer can't be held responsible.

For more information about stand downs (including during a sudden lockdown) during coronavirus, see [Stand downs \(https://coron-](https://coron-)

[www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-leave-and-stand-downs/stand-downs](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-leave-and-stand-downs/stand-downs)) on our coronavirus subsite.

## 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. Read more about casual employee pay and entitlements on our [Casuals \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/casual-employees\)](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/casual-employees) page.

## Disputes about stand down

An application to deal with a dispute about a stand down can be made to the Fair Work Commission 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.

Learn more about making applications disputing a stand down at [Fair Work Commission – Disputes at work](https://www.fwc.gov.au/disputes-at-work) (https://www.fwc.gov.au/disputes-at-work) .

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## Stand down vs. shut down

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. It's also known as a close 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 \(www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down\)](http://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave/direction-to-take-annual-leave-during-a-shut-down) page.

Source reference: [Fair Work Act 2009 s.524](http://www.comlaw.gov.au/Series/C2009A00028) (http://www.comlaw.gov.au/Series/C2009A00028)

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## Related information

- [Hours of work \(www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work/default\)](http://www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work/default)
- [Industrial action \(www.fairwork.gov.au/employee-entitlements/industrial-action-and-union-membership/industrial-action/default\)](http://www.fairwork.gov.au/employee-entitlements/industrial-action-and-union-membership/industrial-action/default)
- [Employment conditions during natural disasters and emergencies \(www.fairwork.gov.au/tools-and-resources/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies\)](http://www.fairwork.gov.au/tools-and-resources/fact-sheets/rights-and-obligations/employment-conditions-during-natural-disasters-and-emergencies)

## 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.

## 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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The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.