

Snow Related Queries - FAQs

1. What is the legal minimum temperature for working conditions?

The legal minimum temperature for working conditions is 16 degrees Celsius.

2. Do we have to pay an employee who doesn't make it to work because of snow?

Firstly, the terms of the contract of employment should be checked and considered to see if any provisions can be applied to the current circumstances. In the absence of any contractual position, there is no need to pay hourly staff for hours not worked. You may decide to compromise and ask the employee to make up the hours on a different day. Even though the employee has no legal entitlement to payment for hours not worked, you may decide to exercise your discretion and pay the employee regardless of whether the employee makes it to work. You will need to balance staff morale and goodwill against the cost to the business as a matter of employment policy. Note that any *salaried* employees will still need to be paid as normal but they may be asked to make up the hours at a later time or take them as holidays.

3. Do we have to pay an employee who has to take time off to look after their children due to school/nursery closures?

Employees have a statutory right to **unpaid** time off work to care for dependants. The entitlement is the right to take a "reasonable" amount of unpaid time off work to take "necessary" action to deal with particular situations affecting their dependants. The spirit of the law is to provide for time off to deal with family emergencies. If schools/nurseries close due to the weather conditions, employees should be seeking alternative childcare

arrangements. You are within your right to reduce pay accordingly for hours not worked. It may also be more practical for employees to take emergency holiday to cover any time off. Alternatively, employees could be asked to make the time up by working extended hours another time. It would be high risk to dismiss an employee affected in these circumstances and legal advice should be sought.

4. What is the position if we have to send staff home due to a reduced number of customers in due to snow?

If you find that customers are not coming in due to the adverse weather conditions and there is not enough work for all of the employees working, you may consider sending employee(s) home. Ideally you should contact staff before they start their shift on the rota to advise them that they are not required. Again, the basic position is that you do not need to pay employees for work which they do not do, although you may still choose to pay them as a matter of good employment policy. You should look at the specific nature of the case (e.g. an employee may have spent several hours getting into work and may have had to pay increased travel expenses) but any decision taken should be applied fairly and consistently. Alternatively you may compromise and ask the employee to make up the hours on a different day.

CONTACT US

This briefing note sets out a summary of the law at the time of writing and is for information purposes only. It should not be regarded as legal advice but if you would like further information please contact:

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