



# **CVS Rochdale** **Policy Briefing**

## **Snow Days**

As prolonged snow threatens travel disruption and school closures, employers and employees are wondering what their rights are when work is disrupted due to the bad weather. Here are some 'Snow Day' FAQs.

### **1. Can an employer deduct an employee's wages if they fail to arrive at work because of snow?**

The short answer is 'yes', unless contracts of employment state otherwise. The responsibility for an employee's journey to work does not lie with the employer unless the employer has contractually promised to provide transport to work. If an employee cannot get into work safely by their usual means of transport, they should first be encouraged to consider alternative transportation, or if possible, working from home. If this is impossible then the options could be that the time off is unpaid, or the employee may choose to (not be required to) take it as annual leave.

In reality, the decision to award pay for snow days is at the employer's discretion and some employers will pay employees under these circumstances. However, if employers do choose to make discretionary payments, it is important that they are administered fairly across the employees. Employers should be aware that practices outside of employment contracts that become customary over a period of time can become implied terms and conditions. It is also worth considering the feelings of employees who did battle in to work when they find that those who did not have effectively received an extra day's paid holiday.

### **2. What if an employee can't get to work because of public transport disruptions due to snow?**

This is a similar situation in that it is the employee's responsibility to get to work. The employer is not obliged to pay the employee if they are late or

absent because of public transport disruptions, although an employer may work with an employee to explore the alternatives.

**3. Do employees get paid if the business is closed due to snow, or if they are sent home early?**

If employees are not able to work due to the employer's decision to close the business temporarily, this counts as a temporary lay-off. As such employees should still be paid unless there is a contractual provision allowing for unpaid lay-offs.

**4. Is there a minimum acceptable workplace temperature?**

The Workplace (Health, Safety and Welfare) Regulations 1992 do not give a specific minimum temperature, but states that the temperature in workplaces should be 'reasonable'. However, the Health & Safety Executive's guidelines on the Regulations recommend a minimum temperature of 16 degrees centigrade in office-type environments, and 13 degrees centigrade where much of the work involves physical effort.

**5. What if the schools are closed and childcare becomes an issue?**

Employees have the right to reasonable unpaid time off to deal with emergency situations connected with their dependants. This can include unpaid time off to deal with an unexpected disruption in childcare arrangements. Employees should check their organisation's leave policy for specific details.

For HR Advice from CVS Rochdale, please contact Becky White ([r.white@cvsr.org.uk](mailto:r.white@cvsr.org.uk))