

# Extreme cold weather

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# Extreme cold weather

## A guide to safeguarding your business

Cold mornings, frost and the possibility of snow are becoming increasingly familiar weather conditions during UK winters. Over the past few years extreme weather has forced parts of the UK to come to a complete standstill, causing chaos for businesses throughout the UK.

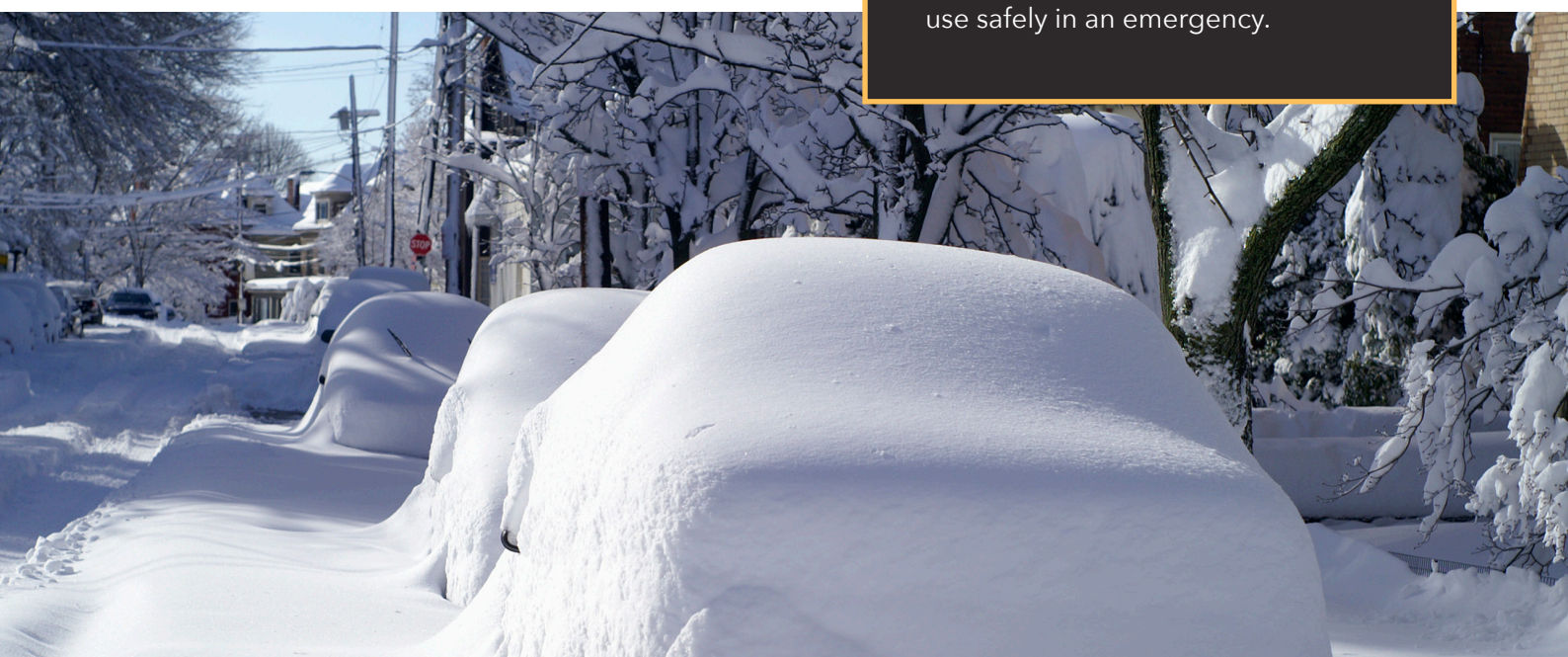
### Health & Safety in the cold - minimising risk

Businesses can minimise potential injury from slips on snow and ice by taking the following steps:

-  Identify the external areas of your premises where slippery conditions are most likely to occur for both vehicles and pedestrians, e.g. on pathways, car parks, access roads, steps, sloped surfaces and unofficial routes regularly used as short-cuts.
-  Monitor local weather forecasts and be aware of local conditions so that poor weather conditions can be anticipated.
-  Keep a stock of gritting material for your premises and suitable equipment to carry out the gritting process.
-  Where staff work outdoors, make sure they have suitable footwear to reduce the risk of slipping.
-  Ensure that adequate steps are taken to protect vulnerable groups, e.g. disabled persons, new and expectant mothers.
-  Where practicable, prevent access to non-essential areas where there is a higher risk of slipping and designate safer alternative routes for vehicles and pedestrians, e.g. use of barriers, cones and signs.
-  Enforce low speed limits to reduce the risk of vehicles skidding.
-  Provide adequate segregation between vehicles and pedestrians to reduce the risk from vehicles skidding and colliding with pedestrians.

### Remember...

It's important to clear areas of snow and ice leading from external fire exit doors and stairs for people to use safely in an emergency.



# What does the Health & Safety Executive say?

The HSE's Approved Code of Practice to the Workplace (Health, Safety and Welfare) Regulations 1992 relating to traffic routes and pedestrian walkways, states:

BB Arrangements should be made to **minimise risks from snow and ice**. This may involve **gritting, snow clearing and closure of some routes**, particularly outside stairs, ladders and walkways on roofs.

## Preventing ice from forming

The most common method to prevent external surfaces becoming icy is gritting the night before a frost.

Gritting by laying rock salt is the usual means of stopping ice forming and melting snow and ice. To prevent ice forming grit should be laid when temperatures below zero are expected.

Gritting is most effective when it is carried out early the night before a frost or early in the morning before staff arrive to allow the salt sufficient time to dissolve.

## Working indoors - keeping snow and ice out

When extreme winter weather sets in, employers should take into consideration the impact this has on the indoor working environment as well as the outdoor environment.

During extreme weather conditions employees, contractors and visitors tend to bring snow and ice into buildings on their footwear. It is important for employers to clean up any wet corridors, reception areas and particularly near entrances and place 'caution wet floor' signs in these areas, ensuring all employees and visitors etc are aware of the hazard, to limit potential slips.

## Treating icy surfaces

Snow or ice can be melted by applying rock salt directly after a snow fall or ice formation. However, fresh or compacted snow should be cleared before treating surfaces, in order to enable the rock salt to work most effectively. Ensure the snow removed does not create a risk elsewhere or block drainage channels.

Gritting should not be carried out during heavy rain as this will wash the rock salt away.

Rock salt is not expensive and can be obtained cheaply from most builders merchants. Where supplies of rock salt are not available then consider other sources of materials, e.g. grit, table salt, sand, cat litter.



# What's the minimum temperature permitted for working indoors?

The Workplace (Health, Safety and Welfare) Regulations state:

BB During working hours, the temperature in all workplaces inside buildings shall be reasonable.

There's no legal minimum temperature set for an indoor workplace. The temperature should provide reasonable comfort without the need for special clothing.

It is recommended that rooms, where people usually work for more than short periods, should be normally maintained at a temperature of at least 16°C. If the work involves severe physical effort e.g. manual handling then the recommended minimum temperature should be at least 13°C. Employers should also consider other factors to achieve reasonable comfort, e.g. air movement and relative humidity.

Where these temperatures are impractical e.g. because of cold processes, all reasonable steps should be taken to achieve a temperature which is as close as possible to comfortable.

Sometimes it is difficult to maintain these temperatures in, e.g. particularly cold rooms or warehouses where there are often large open doors. In these circumstances suitable measures, e.g. localised heating, breaks to allow warming up, facilities to make hot drinks and personal protective clothing, such as warm overalls, should be provided by the employer. Thermometers should also be provided around the workplace.

## HR and Employment Law and cold weather - points to consider

### Snow days...

When there has been a heavy snowfall, quite often employees are unable to get into work. This can be because of hazardous driving conditions, school closures leaving them with no childcare arrangements and public transport cancellations. Employers are often concerned about whether or not an employee should be paid if the employee is unable to get into work under these uncontrollable circumstances.

**The quick legal answer is No!  
But there's a contractual 'however'...**

If you have paid employees in the past under these circumstances, your employees might claim that this has become 'custom and practice' and that

discontinuing the payment would be a breach of an implied term of their contract. A knee-jerk 'No' might also rebound on you.

What if, for example, an employee has anticipated the heavy snow and has taken work home with them. If they offered to do the work at home, would you want to say 'no' and not get the work done, just because it wasn't done 'at work'?

It's best to try to take a flexible approach to these types of involuntary absences. If the employees can work from home or make the time up, then why not get the work done and pay them? Even if the work cannot be done remotely or at some other time you should consider other solutions, such as allowing them to take the absence as a day's holiday.



# Extreme cold weather HR FAQs

## What happens if an employee cannot attend work because of the weather?

In this situation, employees are not obliged to be paid unless anything in your handbook, contract or a collective agreement state otherwise, or custom and practice has established that employees do get paid on a bad weather day.

## What happens if the school/nursery of an employee's child closes due to weather conditions?

Employees are entitled to a reasonable amount of unpaid emergency time off where the care of a dependent is unexpectedly disrupted. What is considered reasonable will depend on the circumstances.

## What if there is an essential reason why the employee is needed in work?

However vital it is for the employee to be in work, as an employer you should try not to pressurise them to come in. This would be unreasonable and in the worst-case scenario could undermine your duty of trust and confidence.

## What happens if an employee says they can't attend work because of the weather but another employee, who travels the same journey, manages to come in?

If you suspect an employee is using the weather as an excuse to stay off, this is best first tackled with an informal 'back-to work' chat. As an employer you need to be sure of facts first, and you shouldn't require an employee to take unreasonable risks to get to work.

## What happens if an employee couldn't travel to work but is also ill?

If your employee confirms they're too unwell to work, it would be appropriate to pay the employee sick pay in line with their contractual/statutory entitlement. They would still be expected to comply with your usual sickness reporting procedure.

## Can annual leave be used to cover a 'bad weather day'?

Employees may request to take a 'bad weather day' as annual leave in order to be paid in full. This is fine providing that the employee has sufficient annual leave left.



## What alternatives are there to not getting into work because of the weather?

You could consider some of the following:

- Working from home (NB: if the contract doesn't allow this, then the employer cannot insist that the employee should work from home)
- Varying hours if this would help - for example to cover childcare caused by bad weather
- Working from another site closer to home
- Taking annual leave
- Making time up once the disruption has passed

## Need help keeping the cold out?

When you partner with Citation our experts are available, 24/7, 365 days a year, whatever the weather.

If you want the benefit of our Health & Safety experts backing up your business, give us a call on **0345 844 1111**.