



# SNOW DAYS: BE PREPARED

FEBRUARY 2018

With weather updates posted on Facebook by the hour and a frenzy of interest in just how many centimetres we're going to see, Guernsey is set for some significant snow in the coming days.

Unlikely to be pulling out the toboggans and joining in with the chorus of "*let it snow, let it snow, let it snow*" are the island's businesses and employers who may face the prospect of empty offices, ringing phones and angry clients.

But what can you do as an employer if your employees don't, or can't, turn up to work in this weather?

## Non-attendance: know your policy

There are two main reasons for non-attendance at work during this type of weather:

- (i) The impossibility of getting to a place of work; and
- (ii) school closures, requiring employees with children to stay at home to look after them.

In those circumstances, an employee is not automatically entitled to take a 'snow day' and to be paid for it. However, an employer's policies, or an employee's contract, may dictate otherwise.

Normally, an employee will be expected to make reasonable efforts to come to work (such that they do not risk their own safety), or to make alternative arrangements such as working from home, if possible.

But for those don't, or can't, you will need to confirm the position. Your first port of call should always be to check your employees' contracts of employment and your staff handbook: do you have a "bad weather" or "travel disruption" policy? If so, do these address how snow days are to be treated?

Many policies will stipulate what events and weather count as an emergency, and how days away from the office are to be recorded in those circumstances – whether as leave, unpaid leave or some form of paid emergency day-off. Some may also allow the time to be made up at a later date, or for all employees to be paid as normal.

If you don't have a policy, what have you done previously? Through your existing conduct there may be an implied term in your employee's contract entitling them to a similar approach.

The contract of employment will also dictate whether an employer can deduct wages due to snow and travel disruption.

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Know your policy and ensure it is recorded fully and properly.

### **Communication is key – for employers and employees**

Regardless of your specific work policy, once ascertained you should look to communicate it to your employees clearly and ahead of time, if possible.

Remind your employees of it and ensure that you can answer any queries they may have relating to it – many minor (and potentially major) issues can be avoided by removing this uncertainty.

Any communication to employees should reiterate that they should not to risk their own safety in order to come to work. If there is relatively bad news to pass on (for example, confirming that those who are unable to come to work may have a day's leave deducted) don't beat around the bush - this should be clearly set out.

Employees, too, should communicate properly. If employees find that they are not able to get into work they should contact their manager or HR team. Ensure your employees know that they should contact work to confirm if they will be available to work, whether at the employer's premises or elsewhere.

### **Practical steps**

1. **Find out your policies and communicate them: ensure that employers and employees are on the same page.**
2. **Consider what reasonable adjustments you as an employer can make – allowing remote working is one option. Offering flexible hours to make up lost time is another.**
3. **Consider whether a light-touch approach may be sensible, particularly if your relevant policies are vague (or non-existent!).**

Please get in touch if you would like to discuss your approach to the upcoming weather disruption.

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