

Doesn't Everyone Love A Snow Day?



It may be March but that does not mean winter is behind us. According to the Weather Network across Canada, 2015-2016 has delivered a relatively mild winter, especially in the Prairies and Northern Ontario. However, the general forecast for the remainder of winter is to expect a return to normal March and April weather issues, and that may mean a few more weather warnings ahead.

When bad weather brings havoc to your city many employees are faced with the question of balancing childcare needs, personal safety, responsibility to their employer and, often, their own fiscal reality. Organizations feel the pressure of wanting to ensure the work gets done while at the same time recognizing that their employees may have safety or family-related obligations during weather-related events.

Weather-related events impact your employees in three primary ways:

Travel: Employees' ability to travel to and from work, which includes addressing arriving late or leaving early from work as a result of weather concerns

Attendance at work: Employees' attendance at work as a result of weather concerns including employees' caregiver obligations that may make attendance at work during weather events a challenge

Performance: Employees' ability to perform their duties when their duties involve travelling or working outside in the elements

When building a workplace severe weather policy you need to consider how weather impacts your employees on each of these fronts to build a policy that's fair to all parties.

The Basics for a Weather Event Policy

At a minimum your policy should address the following questions:

Weather related decision-making: Who decides if the weather requires your organization to shut down operations and based on what criteria? If, for example, the police or RCMP have asked travellers to stay off the roads would your employees have the option of remaining home?

Permissions: Who decides if your employees have the option and then permission to work from home or telecommute during weather related situations?

Communications: How are weather-related closures communicated to your employees and when? Your policy should also include how closure notifications are communicated to others including customers or clients (this is especially important in Ontario where the AODA Accessibility for Ontarians with Disabilities Act) requires notification of closures.

Notifications: Who must an employee notify in the event attendance at work is not possible or the employee requests working from home? Additionally, notification of any clients, customers or others whom the employee may have an appointment with.

Compensation: Will employees be paid if severe weather prevents them from attending to their usual place of work?

If employees are not paid and cannot work from home are they able to use vacation or other leave time to offset their lost wages?

If the business is closed for the day, will the employees receive any compensation?

What happens if an employee arrived at work and the business was closed or closed after the employee arrived?

Developing a severe weather policy is a useful way to address potential problems before they arise. Here are three common items to consider:

Addressing 3 Elements of your Weather Event Policy

School, Daycare and Care Program Closures: Often during bad weather schools, daycares, and other care programs such as eldercare or programs for individuals with disabilities are quick to shut down. This may leave some of your employees with a major dilemma and few options. Under the various family status rights legislation an employee may be able to make a case that in certain circumstances their employer must accommodate their need to take time away from work to care for a dependent relative during a weather-related incident. However, the legislation only applies to primary caregivers and it does not require an employer to pay the absent employee wages, only accommodate the need of the employee to provide care if required.

When crafting your policy consider incorporating the option for employees who are primary caregivers to be absent during weather-related incidents causing a program closure. Then clarify what options the employee has with regards to making up lost hours, using sick, vacation, personal leave or other leave or taking the time unpaid.

Outside Workers Safety: If your employees are travelling, as part of their workday or work outside, your policy needs to include travel, weather and

temperature guidelines and the related procedures your organization must follow when weather becomes an issue. This policy does not only apply to construction workers and delivery drivers. Many of your employees may travel for work so consider all the elements of this issue.

Some elements of your policy should include details of how your organization addresses risks associated with employees working outside in bad weather conditions, when those workers are required to stop working and what they should do when not working. For example, requiring workers to work shorter shifts, requiring and monitoring their use of proper gear and equipment, providing them with extra breaks and providing them with safe locations to go during those breaks. Under some circumstances you may require employees who work outside to not work under certain conditions. Be certain that you spell out how much notice you will provide an employee if you determine they cannot work outside and what compensation, if any, will be provided when that call is made.

Work Closures: Consider how you address the issue when you decide to stop your employees from working or close down the business. Ensure that your policy follows your provincial employment standards for requirements of minimum pay. For example, in Ontario there are rules that indicate how many hours an organization must pay an employee who is at work but sent home early, for example, requiring payment for some employees for a minimum of three hours work if they have arrived for a shift. However, there are also exceptions to the three-hour rule if the employer is *unable* to provide work because of “fire, lightning, power failure, storms or similar causes beyond the employer’s control that result in the stopping of work.”

It will be very important that you communicate your policies well to your employees so everyone is on the same page. You may not have to apply your weather-related policies often, but when you do it is important to get them right.