

EMPLOYER RESPONSIBILITIES IN WINTER WEATHER

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Snow days were a highlight of winter when many of us were children, but now winter weather presents a host of difficulties for employers. There are safety concerns, OSHA regulations to comply with, potential liability risks, attendance confusion and pay-related issues to address. It's important to be prepared for all scenarios associated with inclement weather before the weather arrives, and to make sure employees are properly informed of all relevant policies and procedures.

WORKING IN ADVERSE CONDITIONS

Your biggest concern should be the safety of your employees. This is especially important for any job in which employees work outside or are exposed to the weather conditions throughout the day.

COLD STRESS

Working in the extreme cold can be dangerous for employees, and precipitation and wind exacerbate that danger. OSHA has issued guidelines offering precautionary measures to prevent cold stress, which can lead to tissue damage, hypothermia, frostbite and trench foot - conditions that can cause serious injury or death. Factors that contribute to cold stress are: cold air temperatures, high velocity air movement, dampness of the air, and contact with cold water or surfaces. Therefore, it is important to remember that even temperatures of 50° F with enough rain and wind can cause cold stress.

PREVENTING COLD STRESS

There are several precautions that employees should take while working in cold or dangerous weather:

- ▶ Take breaks to get warm
- ▶ Drink plenty of liquids, but avoid caffeine and alcohol
- ▶ Avoid smoking, which constricts blood flow to skin
- ▶ Be aware of any cold weather related side-effects that their medication may have
- ▶ Know and understand symptoms of cold-related illnesses and injuries
- ▶ Stretch before physical work to prevent muscle pulls and injuries

Wear protective clothing:

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- ▶ At least three layers: something close to skin to wick moisture away, an insulation layer, and an outer wind and waterproof layer (outer layers should be loose to allow ventilation and prevent overheating)
- ▶ Hat or hood
- ▶ Insulated boots
- ▶ Gloves - not only can the cold cause injuries to exposed skin, but cold hands also make one more prone to injury when handling machinery or other objects
- ▶ (Note: OSHA requires employers to pay only for protective gear that is out of the ordinary; employees are responsible for everyday clothing like those listed above.)

PROPER TRAINING

Winter weather can cause unusual conditions and higher risks, so it is important to train employees on safety procedures. They should understand the danger of exposed skin, insufficient protective wear and cold/wet/slippy equipment. Employees also should be trained to recognize cold-weather illnesses and injuries in themselves and co-workers, and should be aware of how to treat such incidents.

DRIVING ON COMPANY TIME

Another concern regarding winter weather is employees who drive a company car or vehicle as part of their workday. Driving in severe weather can be extremely dangerous, so it is important to take precautions. All vehicles should be given a safety check by a mechanic before the bad weather hits, and they should also be equipped with emergency materials such as a snow scraper, blanket, first aid kit and flashlight.

In order to protect your company against liability, any employees who may drive in bad weather on company time should be trained in safe, cautious driving techniques and what to do in case of an accident.

All of these cold and inclement weather provisions should be included in your safety plan, and discussed before and during the onset of such weather.

PAY-RELATED ISSUES

Pay issues arise when weather forces your business to close for any length of time or prevents employees from making it to work even if your business remains open.

For non-exempt (typically hourly) employees, you are only required to pay them for the hours they

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actually work. Thus, if your business opens late, closes early, closes for an entire day or if they cannot come in, you are not required to pay them for any time missed.

Exempt (typically salaried) employees are a different situation. If an exempt employee works any part of the day, you must pay them for a full day. Similarly, if the business is closed for the day, you must also pay them (unless the business is closed for a week or more). You may, however, require that they use available paid time off or vacation time, if available. If your business remains open but an exempt employee cannot come in due to weather, this is a personal reason and you do not need to pay them. One option to ease the loss of a business day or any missed productivity is to ask exempt employees to work from home (if you are already paying them for the day).

BE PREPARED

Employees should be informed of your company policies related to inclement weather – safety, attendance and pay-related. You should have an established communication method to inform your employees of a business closing or delay. When bad weather is coming, address all your policies again, remind employees of communication channels to address attendance and plan for the worst potential outcome to ensure your company is prepared for the weather.

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