

A Fair Work Charter for Severe Weather

The severe weather experienced across Scotland early in 2018 had a severe and prolonged impact on workers and businesses. Many workers were unable to get to work; some were prevented from working; and those with caring responsibilities were also affected.

This Charter has been developed jointly by the Scottish Government and the Scottish Trades Union Congress (STUC), providing a set of guiding principles to support employers and workers to plan for and manage the impact of severe weather. It is neither mandatory nor prescriptive; rather, it promotes fair working practices and encourages shared responsibility and mutual respect between workers and employers in developing their response.

The *Fair Work Framework* (2016) defines fair work as work that offers effective voice, opportunity, security, fulfilment and respect; and sets out how fair work can deliver clear benefits for individuals alongside higher productivity, performance and innovation for employers. Central to fair work is treating workers respectfully and ensuring their health, safety and wellbeing is protected, whatever their role and status. It recognises that fair work can be supported in a variety of ways, including, through organisational policies and practices.

Engaging with workers and trade unions is an important way for employers to establish clear policies and procedures covering the various workplace and personal situations, a worker may have to deal with. It is also an important step to embedding fair work in workplaces, establishing a culture of shared values and respect which can benefit individual workers and businesses alike.

To achieve and maintain mutual respect between employers and workers in situations of severe weather, we strongly recommend that all employers have in place a Severe Weather Policy which reflects the following principles, and that the policy is adopted across all organisations.

While this Charter has been developed to support employers to manage the impacts of severe weather on workers and their business, by adopting fair working practices these guiding principles can be applied to other emergency situations in a proportionate and appropriate manner.



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Caring and Responsible: The health, safety and wellbeing of workers must be the priority. Workers should not be put at risk by attending or attempting to attend their place of work. Employers should:

- Take care not to compromise the health, safety and wellbeing of workers by requiring them to fulfil contractual obligations during severe weather;
- Carry out a risk assessment and/or equality impact assessment on their Severe Weather Policy, giving particular attention to the different circumstances workers may face that may increase risk, e.g. disability, medical condition or pregnancy;
- Make appropriate allowances for those workers with specific accessible travel needs or caring responsibilities;
- Resist incentivising workers to work during periods where Met Office warnings have been issued;
- Consider their duty of care for essential workers, mitigating risks as much as possible.

Collaboration: All employers should have a clear and visible Severe Weather Policy, which has been discussed and agreed with workers and/or unions. The policy should:

- Set out clearly what workers should do when Met Office weather warnings are issued;
- Reflect the information and advice given in Met Office weather alerts;
- Prompt employers to advise workers when a relevant Met Office weather alert has been issued;
- Consider workers' ability to get to and from their workplace, as well as their ability to carry out their job safely;
- Identify who the decision makers are in the organisation and ensure there is clear delegated authority and an agreed process for making timely decisions and communicating these;
- Identify, where possible, alternative places to work in the event that weather conditions prevent an employee from getting to their usual work base; this should be an appropriate, safe and viable alternative;
- Encourage flexible working practices to enable those who can, to work from home.

Communication: All workers should be aware of the Severe Weather Policy as it affects them, and understand clearly what they are expected to do in specific circumstances. Employers should:

- Make the policy visible in the workplace and encourage workers at all levels to consider its implications for them;
- Make managers aware of which workers are 'essential workers' and when their role becomes non-essential;
- Make all workers who are deemed to be essential workers aware of their status, when their role becomes non-essential, and that they understand the relevant procedures to follow.

Fairness: Contracts should have flexibility to cover periods of severe weather and where possible reflect the Severe Weather Policy. Employers and organisations should:

- Consider how employment contracts for workers who are ready and able to work but are prevented from doing so, can avoid penalising those workers with unexpected reduced pay;
- Take all reasonable steps to ensure that contractual relationships, e.g. employment and commercial, protect the health and safety of workers when fulfilling associated obligations.

Met Office Weather warnings: www.metoffice.gov.uk/guide/weather/warnings

Rights and Responsibilities at work: www.acas.org.uk

Details of Unions representing different industries: www.tuc.org.uk/find-union-you

The Scottish Government: www.beta.gov.scot/policies/employment-support

The STUC: www.stuc.org.uk