

#104 HR Newsletter

June 2017: 6 things to watch for this summer!

The heat is on: 6 Summer Employment Issues

With temperatures hitting the high 20-degrees in the next few days, employers may have to deal with a raft of summer employment issues.

1. Maximum office temperatures

The Workplace (Health, Safety and Welfare) Regulations 1992 state that the temperature in the workplace needs to be “reasonable”. However, there is no maximum temperature.

What is reasonable will depend on the nature of the workplace and the work being carried out by employees. Factors such as whether or not the work is strenuous or physical will need to be taken into account.

Is there a maximum workplace temperature beyond which employees cannot be expected to work?

A: 13 – 30 °C is the recommended range but there is **NO** absolute maximum limit as each workplace is different.

2. Unauthorised time off

If a holiday request is refused but the worker goes ahead and takes the time off anyway, it's important not to jump to conclusions. An employer should carry out an investigation to establish whether or not the absence was for genuine reasons.

If, however, there is no credible explanation from the worker, it may become a disciplinary issue and the employer's disciplinary process will need to be followed.

3. Summer dress codes

It may be reasonable for employers to adopt a more relaxed dress code during the summer months, however, the extent to which an employee may be allowed to dress down when the temperature rises will in part depend on the role he or she performs. In the case of customer-facing roles, certain standards of presentation may need to be maintained. Equally, for health and safety reasons, it may be necessary for employees to continue to wear protective clothing irrespective of summer heat.

One way or the other, organisations should ensure that the dress code is reasonable, appropriate to the needs of the particular business and does not discriminate between groups of employees.

4. Competing summer holiday requests

Under the Working Time Regulations 1998, employers are not obliged to agree to a worker's request to take holiday at a particular time, unless the employment contract provides otherwise.

If competing requests for holiday are received from different workers, managers may prioritise requests, provided that they do this in a way which is fair and consistent, for example on a first-come, first-served basis.

To avoid the short periods of notice for requests and refusals, it makes sense for an employer to have its own holiday policy in which it can set out its own notice provisions and other arrangements relating to holiday.

5. Late return from summer holiday

Issues may also arise in the case of a worker who returns late from his or her summer holiday. In the first instance, an employer should allow the employee the opportunity to provide an explanation. Supporting evidence, for example a medical certificate in the case of ill health, may be sought.

However, if the explanation does not appear genuine, the employer will need to consider following its disciplinary policy.

6. Summer work experience

The school summer holidays are typically a time when employers offer school-age children the opportunity to carry out work experience. An employer does not have to pay a child of compulsory school age while on work experience.

However, all other rules and restrictions on employing young people will apply, and relevant approvals from the local authority or school governing body will need to be obtained and mandatory risk assessments carried out as the children are U18 years of age.