

Too hot in the office or WFH – what does the law say?

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With temperatures soaring what are the rules for employers and their duty of care to their employees? William Walsh, a partner in the employment team at law firm [DMH Stallard](#), explains...

“All employers have an obligation to ensure the health and safety of their employees in the workplace so far as reasonably practicable.

“Failure to do so can not only result in sanctions against the organisation, but also criminal liabilities for directors and managers.

“When it comes to working in hot conditions, there is no maximum working temperature specified in the Health and Safety at Work etc Act 1974. This would be impractical, as some work environments will always involve exposure to high heat, for example those working in glass works. From a risk perspective, there will also be a difference between those undertaking very physical tasks in the heat, compared to those with more sedentary roles.

“While there is no specified maximum temperature, this does not mean that heat can be ignored.

“The legal responsibilities in respect of health and safety in the workplace still apply and this means carrying out a risk assessment and ensuring that employees work in temperatures that are reasonable and do not place their health and safety at risk.

“The nature of the work will be relevant, as will factors such as whether employees need to wear protective clothing as part of their job that may make it harder still for employees to keep cool.

“For office workers, employers should also consider dress codes, particularly if the normal requirement is that employees wear long trousers, shirts and ties. Employers need to be aware of the health risks and the warning signs of an employee suffering from heat exhaustion or other physical effects caused by the heat.

“Employers need to remember that, if employees are working from home, the health and safety obligations still apply to that working environment.

“The risks should be much lower, as home workers are unlikely to be undertaking physical tasks and, even if they were told to stop working, those individuals would still be in their same home environment. But the issue should not be discounted altogether.

“If, for example, it was known that an employee was working from their home office set up in a small box room up in a loft conversion, where it could get uncomfortably hot, they should be encouraged to move and, if necessary, given flexibility around their tasks to allow them to do so.”