

Requiring Employees to Come to Work in Snow Often OK

News

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Jay Hux was quoted in *SHRM* on January 27, 2016. The article “Requiring Employees to Come to Work in Snow Often OK” discussed how employers should think twice before requiring employees to come to work during a snow or ice storm. By law, companies can require workers to report to work unless a governmental order bans travel, such as the one that was instituted in New York City during the blizzard of 2016. However, employers may face a negligence or wrongful death lawsuit if an employee is involved in an accident while in transit.

Jay was quoted on how employers may be liable under torts.

No federal or state laws make employers liable for requiring employees to come to work during severe weather, said Jay. So, any lawsuit that is brought would most likely be under common law, such as a negligence or wrongful death suit—so-called torts.

Yet: “The facts would have to be pretty extreme” for a plaintiff to prevail under a negligence or other tort theory, Jay said.

However, Jay cautioned, “Facts matter,” and noted there may be tort liability depending on what the employee was asked to do and the degree of known danger.

Jay said most employers seek to be “good corporate citizens and are reasonable.” So, when inclement weather strikes, many employers “think of the well-being of their employees” first, and not their potential liability or lack thereof. For example, if streets are not plowed or sidewalks are iced over, coming in may not be a reasonable option.

To read the full article, please visit [SHRM](#).

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James M. Hux, Jr.

Of Counsel

312.346.8061

[Email](#)