

Obligations of the employer in case of a heatwave

As Luxembourg has experienced heatwaves with increasing frequency in recent years, it is important for employers to take due note of their obligations in such a situation.

Even though no maximum temperature is fixed by law to limit the working time, the Labour Code clearly states that employers are required to **ensure the health and safety of their employees** in all aspects relating to work. Thus, taking into account the specific characteristics of their company, it is up to each employer to take such measures as necessary to deal with this weather phenomenon.

In this respect, at the end of June the Labour Inspectorate published its recommendations, drawing a distinction as to whether work is performed indoors or outdoors. In exceptional circumstances, the employer could also resort to temporary layoff due to bad weather.

For work to be performed outdoors:

- Provide or arrange shaded and if possible well-ventilated areas.
- Provide sufficient cool drinking water.
- Reduce work assignments that entail sustained and extended physical effort or coming into contact with sheet metal, concrete or pitch surface in the bright sun.
- Provide a mechanical aid for arduous work such as lifting and handling.
- Make sure that personal protective equipment is suitable for heatwaves.
- Make sure that workers wear appropriate clothing:
 - For worksites which do not require particular personal protective clothing: headgear that protects the nape of the neck, loose, light, cool, light-coloured clothing, if necessary sunglasses, as well as sun cream...
 - Give preference to air conditioned cars or motor vehicles.
 - If possible, adapt the personal protective equipment to the heat: safety shoes rather than safety boots.

In the work premises:

- Monitor the ambient temperature, especially in closed facilities.
- Insulate existing premises and buildings thermally (blinds, shutters, wall insulation, sun protection screens on glazed surfaces, etc.).
- Work equipment: install heat emitting equipment in a reserved, well ventilated room, lag hot pipes or walls, capture heat emissions of hot steam, etc.
- Provide staff with useful means and resources to fight against the heat (booster fans)
- Create air conditioned areas in the work premises.
- Provide a sufficient quantity of cool drinking water (10 or 15°C).

Temporary layoff due to bad weather:

Luxembourgish labour law provides that companies can resort to temporary layoff due to bad weather under certain conditions:

- All companies in the construction and civil engineering sector as well as related crafts;
- Normal work activity must continue on the worksites.
- The workplace must be impracticable or the work impossible or dangerous because of bad weather, i.e. rain, cold, snow, frost, thaw or a heatwave.

The employer must submit a statement of involuntary layoff due to bad weather to the Employment Maintenance Service of the ADEM [Employment Development Agency].

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