

Employers and employees should make reasonable work arrangements after tropical cyclones or rainstorms

The Labour Department (LD) today (May 4) reminded employers to make practical and reasonable work arrangements for employees after the cancellation of tropical cyclone warnings or rainstorm warnings, with due consideration to the road and traffic conditions and other factors, and make flexible arrangements for staff to resume work or work remotely (if applicable). This will help maintain good labour-management relations, and ensure the safety of employees as well as the smooth operation of organisations.

"For staff who have genuine difficulties in resuming work on time upon cancellation of a tropical cyclone or rainstorm warning, employers should be sympathetic and handle each case flexibly. For example, employers may allow employees to resume work in stages, permit employees who have difficulties in returning to workplaces to work remotely (if applicable) or allow more time for them to report for duty and resume work," an LD spokesman said.

The spokesman reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, Occupational Safety and Health Ordinance, Factories and Industrial Undertakings Ordinance, Employees' Compensation Ordinance and Minimum Wage Ordinance.

"As natural calamities cannot be avoided, for employees who are not able to report for duty or resume duty on time due to adverse weather or 'extreme conditions', employers should neither deduct their wages, good attendance bonus or allowances, nor reduce employees' entitlement to annual leave, statutory holidays or rest days under the Employment Ordinance, or ask for additional hours of work from employees to compensate for the loss of working hours when they are unable to report for duty," the spokesman said.

Employers should note that they have an obligation to provide and maintain a safe working environment for their employees under the Occupational Safety and Health Ordinance. Moreover, under the Employees' Compensation Ordinance, employers are liable to pay compensation for injuries or deaths incurred when employees are travelling by a direct route from their residence to their workplace, or from their workplace back to their residence after work, four hours before or after working hours on a day when Tropical Cyclone Warning Signal No. 8 or higher, a Red or Black Rainstorm Warning Signal or "extreme conditions" is in force.

The LD has published the "Code of Practice in Times of Adverse Weather and 'Extreme Conditions'", which provides the major principles, reference guidelines and information on relevant legislation on making work arrangements for the reference of employers and employees. The booklet can be

obtained from branch offices of the Labour Relations Division or downloaded from the department's webpage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).