

Labour Department urges employers to show understanding and flexibility in handling work arrangements after typhoon

The Labour Department (LD) today (September 17) reminded employers to give due consideration and handle flexibly if employees cannot resume work in time due to road and traffic condition.

"As typhoons and rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages or allowances of employees who are absent from or late for work because of inclement weather and traffic condition. Neither should employers dismiss an employee summarily based on these grounds," an LD spokesman said.

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

Employers should not deduct annual leave, statutory holidays or rest days employees are entitled to under the Employment Ordinance to compensate for the loss of working hours resulting from employees' failure to report for duty upon the issue of Typhoon Signal No. 8 or the announcement of a Black Rainstorm Warning. An employer who without reasonable excuse fails to comply with the relevant provisions under the Employment Ordinance is liable to prosecution.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for death or injury 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 Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". 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).