

Make prior work arrangements for typhoons and rainstorms

The Labour Department (LD) today (July 19) reminded employers to make prior work arrangements for staff during and after tropical cyclone and rainstorm warnings, including arrangements on reporting for duty, release from work, resumption of work and work from home (if applicable). These arrangements not only can ensure the safety of employees and smooth operation of establishments, but also are conducive to maintaining good labour-management relations.

"In drawing up and implementing the work arrangements and contingency measures for periods during and after tropical cyclone and rainstorm warnings, employers should give prime consideration to employees' safety and the feasibility for employees to travel to and from their workplaces. Employers should also give consideration as much as possible to the different situations faced by individual employees, such as their place of residence and the road and traffic conditions in the vicinity, and adopt a sympathetic and flexible approach with due regard to their actual difficulties and needs," an LD spokesman said.

"To avoid misunderstanding, disputes and confusion, employers should draw up the work arrangements in consultation with employees and make appropriate updates or amendments based on the experience of each occasion and the needs of both employers and employees, as well as the actual situations."

The work arrangements should cover the following matters:

- * Arrangements in respect of reporting for duty;
- * Arrangements in respect of early release from work;
- * Arrangements in respect of resumption of work (e.g. the number of hours within which employees should resume duty after the warning concerned is cancelled, and when safety and traffic conditions allow);
- * Arrangements in respect of work from home (e.g. duty and work arrangements during and after tropical cyclone and rainstorm warnings);
- * Arrangements regarding working hours, wages and allowances (e.g. calculation of wages and allowances in respect of reporting for duty and absence); and
- * Special arrangements in respect of essential staff in times of adverse weather.

"Employers should conduct a timely and realistic assessment of whether there is any need for requiring essential staff to report for duty at workplaces when a tropical cyclone or rainstorm warning is in force. In assessing the need for essential staff, employers should take into account the safety of employees, including the feasibility for employees to travel to and from their workplaces or work from home in adverse weather. Employers

should also consider the business nature, operational needs and urgency of service, with due regard to the manpower requirements, staffing establishment and individual situations of employees. Employers should require only absolutely essential staff to report for duty at workplaces in adverse weather or when the post-super typhoon 'extreme conditions' exist and the number of essential staff at workplaces should be kept to the minimum as far as possible. When weather conditions continue to worsen and public transport services are to be suspended shortly, employers should release their staff early or arrange for them to work from home as soon as practicable," the spokesman added.

"When a Pre-No. 8 Special Announcement is issued during working hours, indicating a further worsening of weather conditions, employers should release employees from work in stages or arrange for them to work from home as soon as practicable. To ensure the safety of employees and to enable them to arrive home before suspension of public transport services, employees who have mobility problems (for example, pregnant employees or those with a disability), employees who rely on transport services which are prone to being affected by adverse weather conditions (for example, ferry services) for commuting to and from work, and those who work in or are living in remote areas (for example, outlying islands) should be given priority to leave. Other employees should be released later in stages according to their travelling distance or the time required for returning home.

"Under special situations, if it is necessary for employees to report for duty at workplaces under adverse weather conditions, employers should discuss with them in advance the duty arrangements and contingency measures. If public transport services are suspended or limited when Tropical Cyclone Warning Signal No. 8 (T8) or higher is in force, employers should provide safe transport services for employees travelling to and from workplaces, or grant them an extra travelling allowance.

"As typhoons and rainstorms are natural occurrences that cannot be avoided, for employees who are not able to report for duty or resume work on time due to adverse weather conditions, employers should not withhold their wages, good attendance bonuses or allowances without reasons. Employers should enquire into the reasons and give due consideration to the exceptional circumstances in each case and should not penalise or dismiss the employee concerned rashly," he said.

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

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

"If employees are required to work in times of typhoons and rainstorms,

employers should ensure that the risks at work are reduced as far as reasonably practicable," the spokesman said.

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 T8 or higher or a Red or Black Rainstorm Warning Signal is in force, or within the period (including any extended period) during which "extreme conditions" that arise from a super typhoon or other natural disaster of a substantial scale exist as specified in an "extreme conditions" announcement.

The LD has published the "Code of Practice in Times of Typhoons and Rainstorms", which outlines the major principles, the framework, the 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).