

Make prior work arrangements for typhoons and rainstorms

The Labour Department (LD) today (September 16) reminded employers to make prior work arrangements for staff in times of typhoons and rainstorms.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of typhoons and rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- * Whether employees are required to report for duty when different typhoon signals or rainstorm warnings are issued;
- * When a typhoon signal or rainstorm warning is issued during working hours, whether employees will be released from work and, if so, the arrangements;
- * After a typhoon signal or rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- * How wages and allowances will be calculated for staff who are required to report for duty, as well as those who are late for work or absent from work during typhoons and rainstorms; and
- * For employees who are required to travel to and from workplaces during typhoons and rainstorms, whether transport facilities will be provided for them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for staff and require only absolutely essential staff to report for duty in adverse weather conditions. When weather conditions continue to worsen and public transport services are to be suspended shortly, employers should release their staff as soon as practicable.

"When a Pre-No. 8 Special Announcement is issued during working hours, employers should release employees from work in stages 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 physical 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.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when Typhoon Warning Signal No. 8 or above or the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"For staff who have practical difficulties in resuming work promptly upon cancellation of a typhoon or rainstorm warning, employers should give due consideration to the circumstances of individual employees and handle each case flexibly.

"As typhoons and rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," 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 Employees' Compensation Ordinance and the Minimum Wage Ordinance.

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

"If employees are required to work in times of typhoons and rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low 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 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).