

Make reasonable work arrangements for employees after typhoons or rainstorms

The Labour Department (LD) today (August 4) reminded employers to make practical and reasonable work arrangements for staff after tropical cyclone and rainstorm warnings. Employers should also make flexible arrangements for staff to resume work or work from home (if applicable) after a tropical cyclone or rainstorm warning is cancelled, with due consideration to road and traffic conditions and other factors. This will help maintain good labour-management relations and ensure the safety of employees and the smooth operation of establishments.

"For staff who have practical difficulties in resuming work on time upon the cancellation of a tropical cyclone or rainstorm warning, employers should give due consideration to the situations of individual employees and handle each case flexibly. For example, employers may permit employees who have difficulties in returning to workplaces to work from home or allow more time for them to report for duty and resume work," an LD spokesman said.

"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 not deduct annual leave, statutory holidays or rest days to which employees are entitled under the Employment Ordinance to compensate for the loss of working hours resulting from employees' failure to report for duty when Tropical Cyclone Warning Signal No. 8 or the Black Rainstorm Warning Signal is in force or when the post-super typhoon "extreme conditions" exist. 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 provide and maintain a safe working environment for their employees under the Occupational Safety and Health Ordinance.

The LD has published the "Code of Practice in Times of Typhoons and Rainstorms", which provides a reference for employers and employees on the

work and resumption of work arrangements in the event of the Government making the post-super typhoon "extreme conditions" announcement, as well as the major principles, the framework, the reference guidelines and information on relevant legislation for reference in drawing up the work arrangements under adverse weather conditions. 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).