

Work arrangements for and after rainstorm warnings (2)

The Labour Department (LD) today (April 20) reminded employers to make practical and reasonable work arrangements for staff in times of rainstorms. Employers should also make flexible arrangements for staff to resume work after a rainstorm warning is cancelled, with due consideration to road, traffic and other conditions. This will help maintain good labour-management relations, and ensure the safety of employees and the smooth operation of the organisations.

"When a Black Rainstorm Warning is issued during working hours, employees working indoors should continue their work unless it is dangerous to do so. Supervisors may exercise their discretion to adjust the time for reporting for duty and releasing staff based on their personal circumstances. Supervisors of employees working outdoors in exposed areas should arrange for the employees to stop work and take shelter immediately," an LD spokesman said.

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

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).