

Work arrangements under “extreme conditions”

The Labour Department (LD) today (September 8) again reminded employers that although the black rainstorm warning has been cancelled, "extreme conditions" still exist. All employees other than essential staff should not be required to report for duty at workplaces. Employers should also make flexible arrangements for staff to resume work or work from home (if applicable) even if the post-rainstorm "extreme conditions" cease to exist, with due consideration to road and traffic conditions and other factors.

"When 'extreme conditions' exist, apart from essential staff who have an agreement with their employers to be on duty at workplaces when the 'extreme conditions' exist, employees are advised to stay at the place they are currently in or in safe places, instead of heading for work. The Government will review the situation, and employers and employees should stay alert to further government announcements," an LD spokesman said.

"Once the post-rainstorm 'extreme conditions' cease to exist, employees should follow the work arrangements they have previously agreed on with the employers and resume work or work from home (if applicable). Employers should adopt a sympathetic and flexible approach. Prime consideration should be given to employees' safety at all times.

"For employees who are not able to report for duty or resume work on time due to post-rainstorm 'extreme conditions', employers should not withhold their wages, good attendance bonus 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," the spokesman stressed.

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 the "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.