

## Work arrangements under “extreme conditions”

As the Government has made the “extreme conditions” announcement , the Labour Department (LD) today (September 8) reminded employers that all employees other than essential staff should not be required to report for duty at workplaces.

"Under the 'extreme conditions', 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 '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). With due consideration to road and traffic conditions and other factors, employers should adopt a sympathetic and flexible approach. Prime consideration should be given to employees' safety.

"For employees who are not able to report for duty or resume work on time due to 'extreme conditions', employers should not withhold their wages, good attendance bonuses or allowances without reasons, 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.