Work Arrangements in Times of Typhoons and Rainstorms

Inclement weather conditions may lead to floods and landslips, cause traffic disruption and result in difficulties for employees to report for duty or arrive at work on time. Employers and employees should devise prior work arrangements in times of typhoons and rainstorms. These arrangements would help prevent unnecessary disputes and confusion and help maintain good labour-management relations.

Code of Practice in Times of Typhoons and Rainstorms

Given the diverse nature and requirements of different jobs in various trades and industries, and the need for some essential services (like public transport, public utilities, medical services, etc.) to maintain normal operation under inclement weather conditions, it would not be practicable to introduce legislation governing work arrangements for employees when a typhoon warning signal or rainstorm warning is in force.

The Labour Department has issued a booklet “Code of Practice in Times of Typhoons and Rainstorms” (the Code). Although the Code is not legislation, it provides practical guidelines and samples for reference of employers and employees. In preparing the work arrangements, employers should make reference to the Code and adopt a flexible approach.

The following sets out brief information on the matters that should be covered in the work arrangements, points-to-note in preparing and enforcing the arrangements and the related legislation. The Code can be obtained from the branch offices of the Labour Relations Division of the Labour Department or downloaded from the Department’s webpage: http://www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf.

Matters that Should be Covered in the Work Arrangements

The work arrangements should cover the following matters:

- whether employees are required to report for duty when different typhoon warning signals or rainstorm warnings are issued;
when a typhoon warning signal or rainstorm warning is issued during working hours, whether employees will be released from work and, if so, the arrangements;

after a typhoon warning 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 (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during typhoons and rainstorms; and

for employees who are required to report for duty during typhoons and rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

Points-to-note in Preparing and Enforcing the Arrangements

In preparing 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, employers should consult and involve employees in working out the prior work arrangements and contingency measures.

Employers should also make realistic assessments of the requirements for essential staff and require only those absolutely essential staff to report for duty in adverse weather conditions.

When weather conditions continue to worsen and public transport service will be suspended shortly, employers should seriously consider releasing their staff as soon as practicable.

When Pre-No. 8 Special Announcement is issued during working hours, staff who may face greater hardships in travelling (including pregnant and physically handicapped employees and those who rely on ferry services to and from their workplace or live in remote areas) should be allowed to leave first as soon as practicable. Other employees should be released later in stages according to their travelling distance or the time required to return home.

If at all possible, employers should provide transport service for employees who are required to report for duty when Typhoon Warning Signal No. 8 or above or Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.
• Employers should provide employees with adequate facilities and equipment (such as safety helmets and raincoats) to ensure their safety at work in inclement weather.

• For staff who have practical difficulties in resuming work promptly upon cancellation of a typhoon warning signal or rainstorm warning, employers should be empathetic to them and handle each case flexibly.

• As typhoons and rainstorms are natural calamities 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.

**Related Legislation**

Employers should observe the statutory liabilities and requirements under the Employment Ordinance, the Occupational Safety and Health Ordinance and the Employees’ Compensation Ordinance.

• Under the **Employment Ordinance**, it is unlawful for an employer to reduce an employee’s entitlements to annual leave, statutory holidays or rest days under the Ordinance to compensate for the loss of working hours resulting from the issue of Typhoon Warning Signal No. 8 or the announcement of a Black Rainstorm Warning.

• Under the **Occupational Safety and Health Ordinance**, employers have an obligation to maintain a safe workplace for their employees. 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 as low as reasonably practicable.

• Under the **Employees’ Compensation Ordinance**, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Warning Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

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Enquiry

For further information, employers may call 2717 1771 (handled by the “1823 Call Centre”) or approach offices of the Labour Relations Division of the Labour Department.

Labour Department
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