

Make prior work arrangements for rainstorms

The Labour Department (LD) today (May 26) reminded employers to make prior work arrangements for staff during and after rainstorms.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures during and after rainstorms," an LD spokesman said.

"In working out 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, they should consult their staff."

The work arrangements should cover the following matters:

- * Whether employees are required to report for duty when different rainstorm warnings are issued;
- * How wages and allowances will be calculated for staff who are required to report for duty, as well as those who are late for work or absent from work during rainstorms;
- * For employees who are required to travel to and from workplaces during rainstorms, whether transport facilities will be provided for them and, if so, the arrangements; and
- * The time for staff who have not reported for duty to resume work after a rainstorm warning is cancelled, and other relevant arrangements as well as contingency measures.

"Employers should make realistic assessments of the requirements for staff and require only absolutely essential staff to report for duty in adverse weather conditions. If an Amber, Red or Black Rainstorm Warning is issued during working hours, employees working indoors should remain on duty as usual and stay where they are unless it is dangerous to do so. Supervisors of employees working outdoors in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty when weather conditions permit. When the Black Rainstorm Warning is issued, those employees should not resume duty until the warning is lowered and weather conditions permit. If the Black Rainstorm Warning remains in force at the end of working hours, for safety reasons, employers should provide employees with an area in the workplace as temporary shelter for them to stay if they want to.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"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 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.

"If employees are required to work in times of rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths 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).