

# Know More About Work Arrangements in Times of Tropical Cyclone, Rainstorm Warnings and “Extreme Conditions” after Super Typhoons

How do employers draw up work / resumption of work arrangements in times of tropical cyclone, rainstorm warnings, “extreme conditions” after Super Typhoons, as well as other adverse weather conditions?

## THREE Major Principles

Most suitable work arrangements agreed by employers and employees



Safety of employees



Statutory provisions and obligations



## Arrangements regarding wages and allowances

- Payment arrangement for employees who are not required to work when tropical cyclone, rainstorm and other adverse weather warnings are in force, or “extreme conditions” after Super Typhoons exist;
- How working hours and wages will be reckoned when employees who are required to work have not reported for duty, or have started work but need to stop due to inclement weather;
- The conditions under which allowances (e.g. allowances for typhoon and rainstorm duties, travelling or extended working hours) are payable and the method of calculation.



Please refer to the Code of Practice in Times of Typhoons and Rainstorms



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**How do employers draw up work / resumption of work arrangements in times of tropical cyclone, rainstorm warnings, “extreme conditions” after Super Typhoons, as well as other adverse weather conditions?**

### Adopt a considerate, sympathetic and flexible approach

- ✓ Give due consideration to the **operational requirements** of the industry, **difficulties** and **needs of individual employees**.

Example:

Permit work from home (if applicable) for employees who **have difficulties in returning to their workplaces** or allow more time for them to report for duty and resume work.

- ✗ **Avoid an across-the-board** work arrangement.

### Consult employees

- ✓ **Engage them when formulating** arrangements in respect of reporting for duty, release from work and resumption of work, as well as contingency measures to avoid unnecessary misunderstanding, dispute and confusion.

### Give prime consideration to the employees’ safety in any circumstances

- ✓ Take into account the **workplace safety** and the **conditions** for employees **to travel to and from their workplace**.

### Review regularly

- ✓ Make appropriate **updates** or **adjustments** with regard to the experience, practical conditions and the needs of both employers and employees.

### Comply with the statutory obligations and relevant requirements

- ✓ The Employment Ordinance, the Occupational Safety and Health Ordinance, the Factories and Industrial Undertakings Ordinance, the Employees’ Compensation Ordinance and the Minimum Wage Ordinance.

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Useful tips for drawing up work / resumption of work arrangements

## Early preparation



### Explain clearly

- ✓ The type of warnings / announcements and time of issuance and cancellation under which employees are not required to report for duty or resume work;
- ✓ The method of calculation for working hours, wages and allowances under different scenarios.

### Conduct assessment

- ✓ Conduct timely and realistic assessment of the need to request employees to report for duty in times of Tropical Cyclone Warning Signal No. 8 (T8) or higher, the Black Rainstorm Warning Signal or when “extreme conditions” exist (essential staff) .
- ✓ What is essential staff?  
Staff who are required to report for duty **in adverse weather**.
- ✓ Should take into account:
  - ▶ **safety** of employees;
  - ▶ **business nature, operational needs** and **urgency** of service;
  - ▶ manpower requirements, staffing establishment and **individual needs** of employees;
  - ▶ require only absolutely essential staff to report for duty and **the number** of essential staff should be **kept to the minimum**.
- ✓ **Take into account the safety of employees**, including the feasibility for employees to travel to and from their workplaces in adverse weather.

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## Early preparation



### Proper arrangement

- ✓ **Discuss** with essential staff **in advance** the work arrangements and contingency measures, including their transportation, safety, meal and rest place, etc.
- ✓ **Grant an extra duty allowance** to essential staff.

[Example]

 In addition to normal wages, staff who are required to be on duty when adverse weather warning is in force are eligible for a duty allowance of HK\$ \_\_\_\_\_ or \_\_\_\_\_% of normal wages for each hour worked.

- ✓ Grant a **travelling allowance** to essential staff or **pay** them **transport expenses**;
- ✓ If public transport services are not available, consider **providing safe shuttle transport services** to essential staff;
- ✓ If non-essential staff are required to report for duty due to operational requirements, their work arrangements (including reporting for duty, release from work, wages and allowances, etc.) should be **in line with** those of **essential staff**.

### Flexible approach

- ✓ Consider working under adverse weather as a special working condition, **give due consideration** to the prevailing situations faced by individual staff.



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### Work arrangements in times of adverse weather conditions



#### Flexible arrangement

- ✓ Except for essential staff, arrange releasing employees from work by batches as soon as possible once the Pre-No. 8 Special Announcement or T8 is issued;
- ✓ Give priority and be flexible to employees who have special needs (such as pregnancy, disability, living in areas with limited public transport services or other needs).

#### 【Example】



Permit work from home (if applicable) for employees who have difficulties in returning to their workplaces or allow more time for them to report for duty and resume work.

#### Ensure employees' safety

- ✓ Give prime consideration to the safety of essential staff required to be on duty;
- ✓ Arrange employees to take shelter in a safe place if their workplaces are endangered by adverse weather conditions;
- ✓ Provide adequate safety facilities and equipment (such as safety helmets with chin straps, raincoats and waterproof safety boots, etc.) to employees;
- ✓ Arrange a suitable and safe place at workplaces for employees to take shelter, if it is unsafe for employees to leave after work due to weather conditions, suspension of public transport services or other special conditions.

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### Work arrangements in times of adverse weather conditions



What are the points to note for employers and employees when “extreme conditions” after Super Typhoons exist?

Upon the “extreme conditions” announcement by the Government

- ✓ **Essential staff** should report for duty or continue their work under safe conditions in accordance with the work arrangements;
- ✓ **General employees** are advised to **stay in the place they are currently in or in safe places** for two hours after cancellation of T8, **instead of heading for work immediately.**

When “extreme conditions” exist (i.e. the two-hour period after cancellation of T8), the Government will review the situation and **further advise the public by the end of the two-hour period whether the period of “extreme conditions” should be extended.** Employers and employees should **stay alert to further Government announcements.**



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Useful tips for drawing up work / resumption of work arrangements

### Arrangements in respect of resumption of work

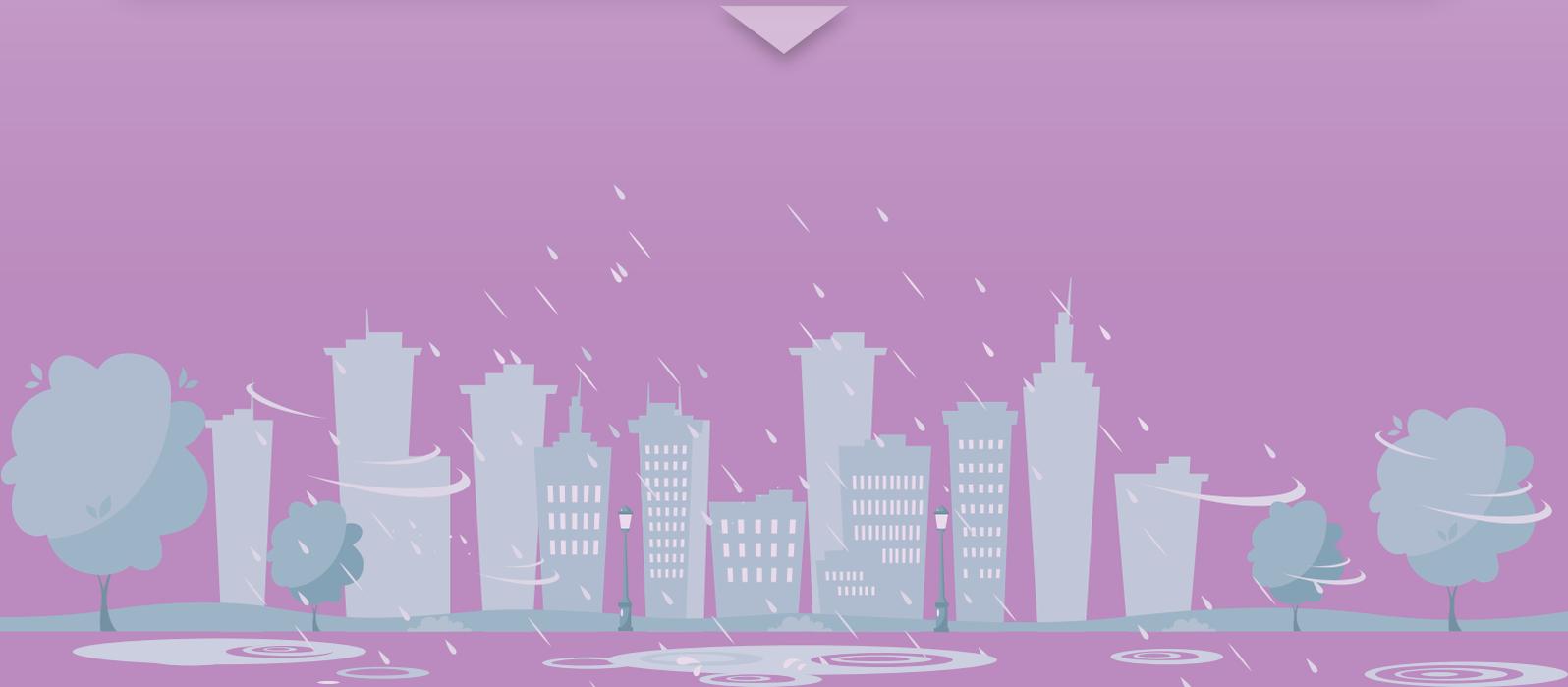


#### Give prime consideration to the employees' safety at any time

- ✓ Carry out safety inspections immediately, if the workplaces are damaged by typhoons or rainstorms posing potential safety risks;
- ✓ Prepare and adopt suitable safety measures for employees before arranging them to resume work;
- ✓ Permit work from home (if applicable), allow more time to report for duty and resume work or not require employees to report for duty immediately if they face practical difficulties.

#### 【Example】

Although employees are normally expected to resume work after T8, the Black Rainstorm Warning Signal or “extreme conditions”, their journeys to the workplaces may be hindered by the aftermath of adverse weather (e.g. road blockage, public transport services being affected, flooding or landslip, etc.).



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### Arrangements in respect of resumption of work



#### Adopt a considerate, sympathetic and flexible approach

- ✓ Be considerate to employees who have special needs (such as pregnancy, disability, living in areas with limited public transport services or other needs);
- ✓ Even though prior work resumption arrangement is in place, **be flexible** with regard to the **situations of individual employees**.

#### Work resumption arrangements

- ✓ Draw up and **handle flexibly** work resumption arrangements after typhoons and rainstorms;
- ✓ Further consider the actual situations of individual employees in implementing the relevant arrangements.

【Example】 Black Rainstorm Warning Signal or T8 or higher has been issued.

Employees should return to work within 2 hours as far as possible if the above signals are cancelled 3 hours or more before the end of working hours.



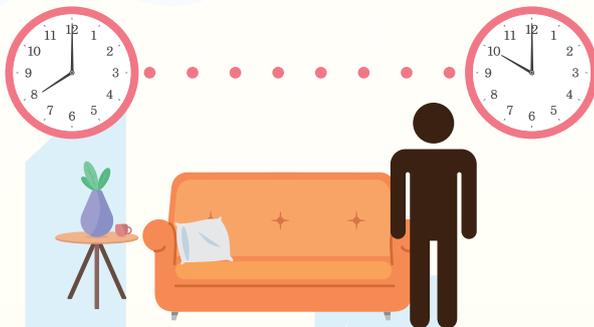
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Illustration: In times of “extreme conditions”

## Assumptions

1. Working hours: 9 am to 6 pm
2. Prior agreement with employers on work arrangements: Employees need to return to work within 2 hours after “extreme conditions” cease to exist. If 3 hours or less are left before the end of working hours after “extreme conditions” cease to exist, employees are not required to return to work.

“Extreme conditions” exist from **8 am** and end at **10 am**.



Employees should return to work **by 12 noon**.



“Extreme conditions” exist from **8 am** to **10 am**  
+ “Extreme conditions” extend from **10 am** and end at **12 noon**.



Employees should return to work **by 2 pm**.



“Extreme conditions” exist from **2 pm** and end at **4 pm**.



Employees are **not required to return to work** as **less than 3 hours** are left before the end of working hours after the “extreme conditions” cease to exist.



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### Provide allowance for extended service

- ✓ Employers may request employees, subject to their consent and fitness of physical conditions, to work beyond their normal shift in case staff on the next shift (whether they work on shift or not) are unable to report for duty due to practical difficulties. Employers should arrange adequate rest breaks and grant them allowances more favourable than normal wages for the extended service.

Example:

For those staff who extend their working hours, in addition to normal wages, they are eligible for a special allowance of HK\$ \_\_\_\_\_ or \_\_\_\_\_ % of normal wages for each hour of their extended service.

### Arrangements regarding wages and allowances

- ✓ Employees may be unable to report for duty due to adverse weather conditions or other factors beyond their control. Employers have to **take into account the situations of each case** and **be considerate**, and should not withhold their wages, good attendance bonus or allowances without reasons;
- ✓ If employees cannot provide reasonable explanations for failing to report for duty, their wages may be affected and the amount should be in proportion to the period they have not reported for work;
- ✓ In cases where employees fail to report for work in accordance with the work arrangements, the period they have not reported for duty should be counted from the time when the employees are reasonably expected to arrive at the workplaces.

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## Work from home

Depending on operation of individual establishment and job nature of different positions, employers should **conduct timely assessment on feasibility** for employees to **work from home** when necessary (including in times of and after cancellation of T8, Black Rainstorm Warning Signal or when “extreme conditions” exist or cease to exist, if employees have difficulties in returning to workplaces during adverse weather, or under other special conditions).



Consider the following factors in drawing up relevant human resources policy and code of practice:

- ✓ Draw up the **scope** and **mode of work** for work from home arrangements and specify **the situations to kick start the arrangements**;
- ✓ **Consult** employees with **due consideration** to their needs and **communicate** with them in implementation;
- ✓ How to **communicate** with employees and **supervise** their work;
- ✓ Whether employees have the necessary **equipment** for handling their duties at home;
- ✓ Whether employees are required to process **sensitive** or **confidential information**. Establish the relevant **handling procedures** and **security measures**;
- ✓ Examine and review the implementation of work from home **arrangements** and the relevant **facilities**;
- ✓ Employers have to observe the **statutory obligations** under the labour legislation.



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### Review of work arrangements

Employers should **communicate with employees** and suitably **adopt** their **views** in reviewing the work arrangements under adverse weather conditions and make appropriate **updates** or **adjustments** in the light of the experience of each occasion, the needs of both employers and employees, and the practical conditions.



### Other special conditions

Apart from aforementioned adverse weather and “extreme conditions” after Super Typhoons, the Government may make an “extreme conditions” announcement under other natural disasters of a substantial scale. In case of “extreme conditions” caused by other natural disasters, special conditions or unexpected incidents affecting employees’ work safety as well as public transport services to and from their workplaces, employers can suitably apply the aforementioned principles and adopt a flexible approach in handling the arrangements.