

stated in section (A)(1) above applies.

(3) Other than those circumstances stated in section (A)(2) above, for an employee who has been asked by his employer to stay away from work because the employee has family members or relatives with the disease, or in the case of the employer closing the workplace for fear of the spread of the disease

- ❖ The EO does not provide for suspension of employment in such circumstances. The employer may agree with the employee to take annual leave which the employee has earned or to advance annual leave to the employee.

(4) For a pregnant employee who is concerned about possible infection at the workplace

- ❖ While the EO does not provide for absence from work in these circumstances, it requires an employer not to assign to a pregnant employee duties injurious to her pregnancy if she can produce a medical certificate with an opinion indicating her unfitness to do such work.
- ❖ In view of the special situation, the employer should, as far as possible, work out with the employee mutually acceptable arrangements. We urge employers to be sympathetic and flexible.
- ❖ We urge the employer to be compassionate and to consider granting the employee paid leave until the influenza comes under control. The employer may agree with the employee to take annual leave which the employee has earned or to advance annual leave to the employee.
- ❖ If both parties agree, the employer may redeploy the employee to a position with no or less contact with the public, or allow her to work from home by using telephone, e-mail, fax etc.

(5) For foreign domestic helpers (FDHs)

- ❖ As for FDHs who live at their workplace, we urge employers to be considerate and render assistance to their helpers in case the latter contract the disease.
- ❖ Employers are reminded that FDHs are entitled to the same rights and benefits as other employees under the EO (e.g. sick leave and pay).

(B) Other Important Points to Note

- ❖ Under the Occupational Safety and Health Ordinance, the employer must, so far as reasonably practicable, ensure the safety and health at work of all employees.
- ❖ Where it is confirmed that any employee of the workplace has contracted the disease, the employer must thoroughly cleanse and disinfect the work premises, and clean its ventilation system. The employer should inform other relevant staff immediately.

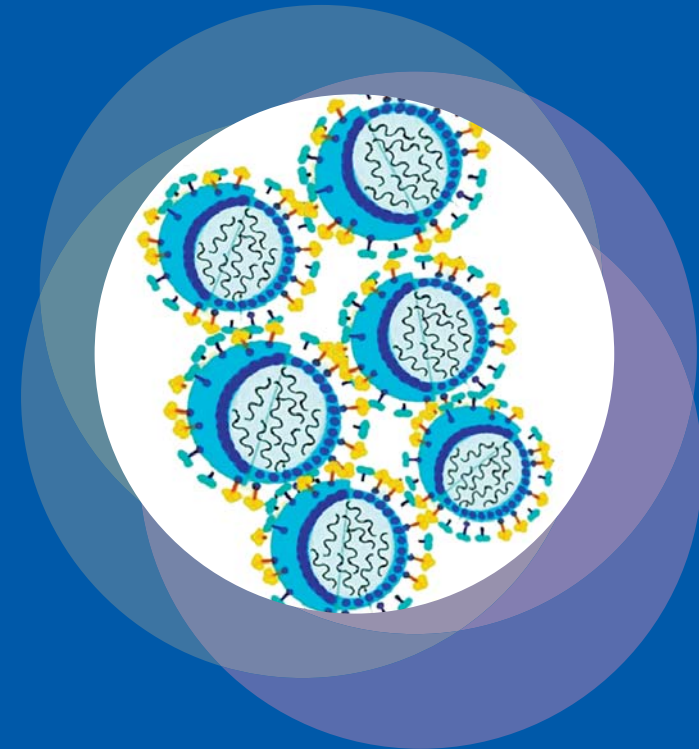
Further information

The Labour Department stands ready to assist individual employers and employees on labour issues. For enquiries, please call our hotline on 2717 1771 (operated by "1823 Call Centre"), or browse the Department's website at www.labour.gov.hk.

For further information on Human Swine Influenza (Influenza A H1N1), please call the 24-Hour Health Education Hotline of the Department of Health on 2833 0111 or visit the Centre for Health Protection's website at www.chp.gov.hk.

Labour Department May 2009

Guidelines for Employers and Employees – Prevention of Human Swine Influenza (Influenza A H1N1)



Human Swine Influenza (Influenza A H1N1)

Human Swine Influenza (Influenza A H1N1) is mainly transmitted through coughing or sneezing, but people may also become infected by touching objects soiled with the virus and then touching their nose or mouth. The symptoms of Human Swine Influenza (Influenza A H1N1) include fever, lethargy, loss of appetite and coughing. Some infected people may also have runny nose, sore throat, nausea, vomiting and diarrhoea.

As a healthy and safe workplace is in the interests of both employers and employees, it is of utmost importance that they should be vigilant in guarding against the spread of Human Swine Influenza (Influenza A H1N1) in workplaces.

The Labour Department has therefore produced these guidelines to advise employers and employees on the precautionary measures and related employment issues.

Precautionary measures that should be undertaken by employers and employees

Keeping a clean and hygienic work environment

- ❖ Maintain good ventilation at the workplace, e.g. well-maintained and clean air-conditioning system, or open as many windows as possible for better ventilation.
- ❖ Disinfect commonly-used equipment with diluted solution of household bleach (1 part bleach: 99 parts water) when necessary.
- ❖ Keep the workplace, particularly the floor, carpets, doors, windows and ventilation systems, clean.

- ❖ Ensure toilet facilities are properly maintained.
- ❖ Provide liquid soap, disposable towels and a hand-dryer in toilets.

Enhancing employees' personal hygiene

- ❖ Keep hands clean and wash hands properly. Alcohol-based handrub is also effective when hands are not visibly soiled.
- ❖ Avoid touching eyes, nose or mouth.
- ❖ Wash hands with liquid soap promptly if they are dirtied by respiratory secretions, e.g. after sneezing or coughing.
- ❖ Cover nose and mouth when sneezing or coughing.
- ❖ No spitting. Always wrap nasal and mouth discharges with tissue paper, and dispose of the tissue paper properly in a lidded rubbish bin.
- ❖ Wear mask when symptoms of respiratory tract infection or fever develop. Seek medical advice promptly.
- ❖ Refrain from work if develop symptoms of influenza.

Employers should take the following measures

- ❖ Ensure that the workplace is kept clean and hygienic.
- ❖ Provide adequate and proper face masks, gloves and other personal protective equipment when necessary. Ensure that the workers are using such personal protective equipment properly.
- ❖ Communicate the relevant health advice and guidelines to employees.
- ❖ Remind staff of the importance of good personal hygiene.
- ❖ Remind employees to consult a doctor in case of fever or cough, and not to go to work in case of fever or as advised by the doctor.
- ❖ Develop contingency plans for keeping the workforce safe and secure as far as practicable.

Rights and Obligations

Employers and employees should show understanding to each other. We appeal to employers to adopt a considerate, compassionate and flexible attitude to dealing with sick leave and absence from work.

(A) Rights and obligations of employers and employees under the Employment Ordinance (EO)

(1) For an employee who has contracted Human Swine Influenza (Influenza A H1N1)

- ❖ Where an employee has contracted the disease, his employer should grant him/her sick leave. Under the EO, the employee is entitled to sickness allowance (equivalent to four-fifths of the employee's average daily wages) if:
 - the sick leave is supported by an appropriate medical certificate;
 - the sick leave is not less than 4 consecutive days; and
 - the employee has accumulated sufficient number of paid sickness days.
- ❖ An employer should not terminate an employee's contract of employment during paid sick leave. Such action is an offence under the EO.
- ❖ Where a sick employee has not accumulated sufficient paid sickness days to cover the period of sick leave, we urge the employer to be compassionate and to consider granting the employee paid sick leave.

(2) For an employee subject to isolation or quarantine ordered by a Health Officer

- ❖ As the Health Officer will issue a written order to the employee concerned, the same advice as