

Know More About Work Arrangements in Times of “Extreme Conditions”

- **What are “extreme conditions”?**

Under **certain “extreme conditions” caused by super typhoons**, such as serious disruption of public transport services, extensive flooding, major landslides or large-scale power outage, the Government will review the situation and decide whether it is necessary to **issue an announcement on “extreme conditions”**. “Extreme conditions” are **applicable territory-wide**.

- **What are the points to note for employers and employees when “extreme conditions” being in force?**

Upon the **announcement of “extreme conditions” by the Government**, except for essential staff who have an agreement with their employers to be on duty when the “extreme conditions” are in force, **employees are advised to stay in the place they are currently in or in safe places for two hours after cancellation of Typhoon Warning Signal No. 8 (T8), instead of heading for work immediately**.

When “extreme conditions” are in force (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 “extreme conditions” will be extended or cancelled**. Employers and employees should **stay alert to further Government announcements**.

- **Work arrangements after “extreme conditions” are over**

Employees should follow the work arrangements they have previously agreed with the employers and resume work as appropriate.

Employers should be considerate, sympathetic and flexible in handling the arrangements with regard to the operational requirements of individual industries and the needs of individual employees. **Prime consideration should be given to employees’ safety in any circumstances**.

The Government announced “extreme conditions”

Employers and employees should draw up in advance the work arrangements in times of “extreme conditions”. When implementing the related work arrangements, employers should consider individual situations of employees, be sympathetic and make flexible arrangements. These can ensure the safety of employees, the smooth operation of establishments and help maintain good labour-management relations.

General Employees

- ✓ Stay in safe places for 2 hours.
- ✓ Not to head for work immediately.
- ✓ Employers and employees should stay alert to further Government announcements on whether “extreme conditions” will be extended or cancelled.
- ✓ Wages, allowances and good attendance bonus of employees should not be affected if employees are released from work or not required to report for duty in accordance with the work arrangements.
- ✓ In cases where employees fail to report for duty or cannot resume work on time in accordance with the work arrangements after “extreme conditions” are over, supervisors should enquire into the reasons. If employees can provide reasonable explanations, employers should not withhold their wages.

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.
- ✓ Report for duty or continue their work under safe conditions in accordance with the work arrangements.
- ✓ Employers should be sympathetic and make flexible arrangements after considering the conditions of essential staff, such as arranging adequate rest breaks. Prime consideration should be given to employees’ safety.
- ✓ Employers should grant an extra duty allowance and travelling allowance to essential staff. They should also grant the employees who agree to continue to assist an allowance more favourable than their normal wages for their extended service.

Know More About “Extreme Conditions”

Reference illustration on resumption of work 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 the cancellation of “extreme conditions”**. If **3 hours or less are left before the end of working hours** after cancellation of “extreme conditions”, employees are **not required to return to work.**

“Extreme conditions” are in force
from **8 am to 10 am.**

Employees should return to work
by 12 noon.

“Extreme conditions”
are in force from **8 am**
to **10 am.**

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“Extreme conditions” extend
from **10 am to 12 noon.**

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

“Extreme conditions” are in
force from **2 pm to 4 pm.**

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

How do employers draw up work/ resumption of work arrangements in times of typhoon, 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 under relevant Ordinances

Arrangements regarding wages and allowances

- Payment arrangement for employees who are not required to work when typhoon, rainstorm and other adverse weather warnings, or “extreme conditions” are in force;
- 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

<https://www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf>

How do employers draw up work/ resumption of work arrangements in times of typhoon, rainstorm warnings, “extreme conditions” after super typhoons, as well as other adverse weather conditions?

- A **flexible approach** should be adopted in handling the arrangements in respect of reporting for duty, release from work and resumption of work with regard to the **operational requirements** of the industry.
- **Avoid** an **across-the-board** work arrangement and be **sympathetic** to the circumstances faced by individual employees.
- **Consult** the **staff** and engage them when formulating such work arrangements and contingency measures to avoid unnecessary misunderstanding, dispute and confusion.
- Be **considerate, sympathetic** and **flexible** and give due consideration to the **difficulties** and **needs of employees**.
- Take into account the **workplace safety** and the conditions for employees to travel to and from their workplace. Prime consideration should be given to the employees’ safety in any circumstances.
- **Make appropriate updates or adjustments** and **review** the work arrangements **regularly** with regard to the experience, practical conditions and the needs of both employers and employees.
- Comply with the statutory obligations and relevant 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.

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

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Useful tips for drawing up work / resumption of work arrangements

Early preparation

- Conduct timely and realistic assessment of the need to request employees to report for duty in times of Typhoon Warning Signal No. 8 or above, the Black Rainstorm Warning or “extreme conditions” (essential staff):
 - In assessing the need for essential staff, employers should **take into account the safety of employees**, including the feasibility for employees to travel to and from their workplaces in adverse weather.
- State clearly the type of warnings/ announcements and time of issuance under which employees are not required to report for duty or resume work.
- Explain clearly and set out in detail the method of calculation for working hours, wages and allowances under different scenarios.
- Grant an extra duty allowance to employees who report for duty under adverse weather conditions.
 - Example:

In addition to normal wages, essential 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.
- Discuss with essential staff in advance the work arrangements and contingency measures under adverse weather conditions, and work out arrangements for their transportation, safety, meal and rest place, etc.
- When drawing up work arrangements with essential staff, consider working under adverse weather as a special working condition, give due consideration to the prevailing situations faced by individual staff and adopt a flexible approach.
- Public transport services may be suspended or limited under certain adverse weather conditions (e.g. Typhoon Warning Signal No. 8 (T8) or above, or “extreme conditions” being in force), employers should grant a travelling allowance to essential staff required to commute to and from their workplaces or pay them transport expenses.
 - If public transport services are not available for essential staff to travel safely to and from their workplaces under adverse weather conditions, employers should consider **providing safe shuttle transport services** to them.
- If non-essential staff are required to report for duty due to operational requirements when T8 or above, the Black Rainstorm Warning or “extreme conditions” are in force, their work arrangements (including reporting for duty, release from work, wages and allowances, etc.) should be in line with those of essential staff.

Work arrangements in times of adverse weather conditions

- Except for essential staff, employers should arrange releasing employees from work by batches as soon as possible once the Pre-No. 8 Special Announcement or Typhoon Warning Signal No. 8 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).
- Give prime consideration to the safety of essential staff required to be on duty and arrange them to take shelter in a safe place if their workplaces are endangered by adverse weather conditions.
- Ensure employees' safety at work and provide adequate safety facilities and equipment (such as safety helmets with chin straps, raincoats and waterproof safety boots, etc.) to employees who are required to work under adverse weather conditions.
- If it is unsafe for employees to leave after work due to weather conditions, suspension of public transport services or other special conditions, employers should arrange a suitable and safe place at workplaces for employees to take shelter.

Arrangements in respect of resumption of work

- If the workplaces are damaged by typhoons or rainstorms posing potential safety risks, employers should immediately carry out safety inspections, prepare and adopt suitable safety measures for employees before arranging them to resume work. Prime consideration should be given to the employees' safety at any time.
 - Although employees are normally expected to resume work after Typhoon Warning Signal No. 8 (T8), the Black Rainstorm Warning Signal or "extreme conditions" are cancelled, 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.). Employers' flexibility in handling the work resumption arrangements is of utmost importance. Even though prior agreement is in place, employers should be considerate, sympathetic and flexible in work resumption arrangements with regard to the situations of individual employees.
- Make reference to the following **illustration** in drawing up and handling flexibly work resumption arrangements after typhoons and rainstorms. Employers should further **consider the actual situations of individual employees** and be **flexible** in implementing the relevant arrangements:

Illustration: Black Rainstorm Warning or T8 or above 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.

- If employees face practical difficulties in resuming work after Typhoon Warning Signal No. 8, the Black Rainstorm Warning Signal or "extreme conditions" are cancelled, such as road and traffic conditions or suspension of public transport services in certain areas, employers should not require employees to report for duty immediately. Prime consideration should be given to employees' safety in any circumstances.
- Be considerate and flexible to employees who have special needs (such as pregnancy, disability, living in areas with limited public transport services or other needs).
- Employers may request employees (whether they work on shift or not), subject to their consent and fitness of physical conditions, to work beyond their normal shift in case staff on the next shift 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.
- 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.

Review of work arrangements

- Employers should regularly 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, in case of 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 work arrangements to such special conditions. A flexible approach should be adopted in handling the arrangements in respect of reporting for duty, release from work and resumption of work with regard to the operational requirements of the industry.