

Code of Practice in Times of Adverse Weather and “Extreme Conditions”

at a Glance



勞工處

Labour Department

Introduction



In Hong Kong, under adverse weather¹ and “extreme conditions”² or the resultant traffic and road problems may affect the operation of various trades and industries, work safety of employees as well as public transport services to and from workplaces. The Labour Department publishes the “Code of Practice in Times of Adverse Weather and ‘Extreme Conditions’” (CoP) which provides guidelines for employers and employees to formulate work arrangements in times of adverse weather and “extreme conditions”. This booklet summarises the major content of the CoP. Please scan the QR Code for details of the CoP.



Before the commencement of employment contracts, employers should notify employees of the work arrangements in times of adverse weather and “extreme conditions”, including report for duty, release from work, resumption of work and remote work (if applicable). If it is not practicable to notify employees of the work arrangements before commencement of employment contracts, employers should give prior and clear notice to employees on the arrangements. In drawing up relevant arrangements, employers should make reference to the major principles, framework, reference guidelines and relevant Ordinances stated in the CoP, and make

¹ The adverse weather mentioned in this booklet generally refers to weather conditions related to weather warnings listed in Appendix 1 of the CoP such as Tropical Cyclone Warning, Rainstorm Warning, Thunderstorm Warning, Landslip Warning, Special Announcement on Flooding in the Northern New Territories, Localised Heavy Rain Advisory and Strong Monsoon Signal.

² In the case where a Super Typhoon or other natural disasters of a substantial scale seriously affects the working public to resume work or bring safety concern for a prolonged period, such as large-scale power outage, extensive fallen windows from high-rises leading to dangerous streetscape, major landslides, extensive flooding, widespread serious obstruction of public transport services, etc., if situation warrants, the Government will decide whether it is necessary to make a territory-wide “extreme conditions” announcement.

appropriate and flexible work arrangements and contingency measures in advance with due regard to the needs of establishments and their employees. Besides, employers should also ensure compliance 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 when formulating and executing the work arrangements.

Employers should also conduct timely and realistic assessment of whether there is any need for employees to report for duty at the workplaces in a safe manner when Tropical Cyclone Warning Signal No. 8 (T8) or higher, the Black Rainstorm Warning Signal or “extreme conditions” is in force (“designated staff”); and if needed, specifying in advance employees who are designated staff. Employers should keep the number of staff required to report for duty at workplaces under adverse weather or “extreme conditions” to the minimum as far as possible, taking into account their business nature, operational needs and urgency of service, and with due regard to the manpower requirements, staffing establishment and individual needs of employees. Employers should also take effective measures to ensure that all employees are aware of and have agreed to such arrangements, so as to avoid unnecessary disputes and confusion.

The impact of “extreme conditions” on work arrangements may be akin to or even more serious than that of T8 or higher tropical cyclone warning signals and Black Rainstorm Warning Signal. If the Government makes an “extreme conditions” announcement, apart from designated staff specified by employers, employees are advised to stay in the place they are currently in or in safe places when “extreme conditions” is in force, instead of heading for work immediately. During the period when “extreme conditions” is in force, the Government will review the situation and will announce whether to extend the “extreme conditions” prior to the expiry of the specified period. Employers and employees should stay alert to further Government announcements.

In drawing up work arrangements for adverse weather and “extreme conditions” with their employees, employers should not make across-the-board work arrangements. Employers should be sympathetic to the circumstances faced by individual employees (such as the road and traffic conditions of their places of residence and the vicinity), taking account of their genuine difficulties and needs, and adopt a flexible approach in the light of the operational needs of their individual industries or establishments. Employers should regularly consult staff and review the work arrangements for adverse weather and “extreme conditions”, and make appropriate updates or adjustments with due regard to the experience and practical situations as well as the needs of both employers and employees.

Apart from “extreme conditions” arising from adverse weather, the Government may make an “extreme conditions” announcement under other natural disasters of a substantial scale. In case of “extreme conditions” caused by natural disasters of a substantial scale, special conditions or unexpected incidents affecting employees’ work safety as well as public transport services to and from their workplaces, employers should suitably apply the aforementioned work arrangements and contingency measures to such special conditions.

What should employers do?

Arrangements in respect of reporting for duty, release from work and resumption of work of employees

Early preparation

- ✓ Conduct timely and realistic assessment of whether there is any need for employees to report for duty at workplaces in a safe manner when T8 or higher, the Black Rainstorm Warning Signal or “extreme conditions” is in force (“designated staff”); and if needed, specifying in advance and working out the list of employees who are designated staff and making early arrangement on transportation and calculation of wages and allowances. Employers should also take effective measures to ensure that all employees are aware of and have agreed to such arrangements, so as to avoid unnecessary disputes and confusion.

In assessing the need for designated staff, employers should give prime consideration to the safety of employees, including the feasibility for employees to travel to and from their workplaces or remote work in adverse weather and “extreme conditions”. Employers should keep the number of staff required to report for duty at workplaces under adverse weather or “extreme conditions” to the minimum as far as possible, taking into account their business nature, operational needs and urgency of service, and with due regard to the manpower requirements, staffing establishment and individual needs of employees. Employees concerned should be notified in advance of the working arrangements such as covering relevant details in employee handbooks, notices posted in the workplace or by regular circulation among the staff.

Early preparation

- ✓ Employers may consider the following factors in assessing the feasibility for employees to work remotely and drawing up relevant human resources policy and code of practice:
 - ◆ Subject to business nature and operational needs of individual establishment as well as the positions and duties of employees, employers should draw up in advance the scope and mode of work for employees who are suitable to work remotely and specify the situations to kick start the arrangements;
 - ◆ Employers should consult staff with due consideration to their needs (such as pregnancy, disability or other needs), and keep communication with them in implementation;
 - ◆ The channels for employers to communicate with employees and supervise their work during periods of remote work (e.g. by email, telephone and communication applications, etc.);
 - ◆ Whether employees have the necessary equipment and facilities for handling their duties while working remotely (e.g. computer equipment with required software and anti-virus software, etc.);
 - ◆ Whether employees are required to process sensitive or confidential information and documents. Whether the relevant handling procedures and security measures are in place;
 - ◆ Examine and review the facilities and measures for implementing remote work arrangements;
 - ◆ Observe the statutory obligations and relevant requirements under labour legislation.

Early preparation

- ✓ State clearly the type of warnings and the time of issuance of such warnings under which employees are not required to report for duty or resume work. Employers should take into account the employees' workplace locations and areas of residence to work out in advance and prioritise the arrangements for releasing from workplaces or from work when Pre-No. 8 Special Announcement or T8 is issued. Employers should also work out with their employees the arrangement for resumption of work after the cancellation of T8 or Black Rainstorm Warning Signal or after "extreme conditions" ended, a reasonable time for resuming work. Employers should inform the employees concerned and regularly review the arrangements.
- ✓ Explain clearly and set out in detail the method of calculation for working hours, wages and allowances under different scenarios. For example, specifying the details on how wages and allowances will be calculated when T8 or higher or "extreme conditions" is in force at working hours. If employees are released from work or not required to report for duty in accordance with the work arrangements, employers should neither deduct their wages, good attendance bonus or allowances nor request the employees to compensate subsequently for the loss of working hours thus arisen. For employees who fail to report for duty or resume work on time in accordance with the work arrangements after the cancellation of tropical cyclone, rainstorm and other severe weather warnings or when "extreme conditions" ended, employers should enquire into the reasons. If employees can provide reasonable explanations, employers should not deduct their wages, good attendance bonus or allowances.
- ✓ Grant an extra duty allowance to employees who need to report for duty at workplaces or agree to continue to assist at the workplaces under adverse weather or "extreme conditions".

Early preparation

- ✓ When drawing up work arrangements with designated staff, employers should consider working at workplaces under adverse weather and “extreme conditions” as a special working condition, give due consideration to the prevailing situations faced by individual staff and adopt a flexible approach.
- ✓ Discuss with designated staff in advance the work arrangements and contingency measures, and work out arrangements for their transportation, safety, meal and rest place, etc.
- ✓ Public transport services may be suspended or limited under adverse weather or “extreme conditions”. Employers should grant a travelling allowance to designated staff who are required to travel to and from their workplaces or pay for the actual cost of transport.

Employers should also consider providing safe shuttle transport services to designated staff if safe public transport services are not available under adverse weather or “extreme conditions”.
- ✓ If non-designated staff are temporarily required to report for duty at workplaces under adverse weather and “extreme conditions” due to operational requirements, their work arrangements (including reporting for duty, release from work, wages and allowances, etc.) should be in line with those for designated staff.
- ✓ Employers should consult staff and engage them when formulating work arrangements and contingency measures in times of adverse weather or “extreme conditions”, regularly communicate with employees and review the work arrangements and make appropriate updates or adjustments with due regard to the experience and practical situations as well as the needs of both employers and employees.
- ✓ Observe the statutory obligations and relevant requirements under labour legislation.

Work arrangements in times of adverse weather or “extreme conditions”

- ✓ Except for designated staff, employers should arrange releasing employees from workplaces or from work in stages as soon as possible once the Pre-No. 8 Special Announcement or T8 is issued.
- ✓ If the Black Rainstorm Warning Signal or “extreme conditions” is in force, apart from designated staff specified by the employers, employees are advised to stay in the place they are currently in or in safe places, instead of heading for work immediately. Employees already reported for duty at workplaces could continue to work as usual in a safe manner. If the workplaces are in danger, employers should arrange staff, including designated staff, to be released from workplaces or from work early under feasible conditions and in a safe manner or make available a safe place as temporary shelter for employees. If working time ends while the Black Rainstorm Warning Signal or “extreme conditions” is still in force, employers can release employees from workplaces in a safe manner or provide a suitable area as temporary shelter for those still at workplaces.
- ✓ 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).
- ✓ If it is necessary to arrange designate staff to report for duty at workplaces, employers should give prime consideration to their safety and actual situations (such as weather conditions, road and traffic conditions and special needs of individual employees, etc.), be sympathetic to the difficulties faced by individual employees and flexible in implementing the work arrangements. If their workplaces are endangered by adverse weather or “extreme conditions”, employers should arrange them to take shelter in a safe place.

Work arrangements in times of adverse weather or “extreme 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 and “extreme conditions”.
- ✓ If employees at workplaces are unable to leave after their work due to weather conditions, suspension of public transport services or other special situations, employers should arrange a suitable and safe area at workplaces for employees to take shelter.
- ✓ Observe the statutory obligations and relevant requirements under labour legislation.

Arrangements in respect of resumption of work

- ✓ If the workplaces are damaged by adverse weather posing potential safety risks, employers should immediately carry out safety inspections, prepare and adopt appropriate safety measures to accord top priority to employees’ safety at all times before arranging them to resume work.
- ✓ Although employees are normally expected to resume work after the cancellation of T8, the Black Rainstorm Warning Signal or when “extreme conditions” ended, 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 due regard to the situations of individual employees. For example, employers may allow employees to resume work in stages, permit remote work (if applicable) for employees who have difficulties in returning to workplaces or allow more time for them to report for duty and resume work.

Arrangements in respect of resumption of work

- ✓ If employees face genuine difficulties in resuming work when T8 or the Black Rainstorm Warning Signal is cancelled or “extreme conditions” ended (e.g. roads are not cleared in a particular district, or public transport services are not resumed immediately), employers should not require employees to report for duty immediately or arrange remote work (if applicable). Prime consideration should be given to employees’ safety at all times.
- ✓ 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).
- ✓ In case staff on the next shift (whether they work on shift or not) are unable to report for duty at workplaces due to genuine difficulties, employers may request employees of the preceding shift to continue work. Employers should seek the consent of the employees, ensure their physical fitness, arrange adequate rest breaks and grant them allowances more favourable than their normal wages for the extended service.
- ✓ Employees may be unable to report for duty at workplaces and resume work on time according to prior agreement due to weather, road and traffic conditions. Employers should enquire into the reasons and consider the exceptional circumstances of each case, and should not deduct wages, good attendance bonus or allowances of employees if they can provide reasonable explanations.
- ✓ Observe the statutory obligations and relevant requirements under labour legislation.

Review of work arrangements

- ✓ Employers should regularly communicate with employees and suitably adopt their views in reviewing the work arrangements for adverse weather conditions or “extreme conditions” and make appropriate updates or adjustments based on the experience of each occasion, the needs of both employers and employees as well as the practical situations. Employers should also ensure compliance with the statutory obligations and relevant requirements under labour legislation.

What should employees do?

- ✓ Employees should consult and discuss with employers on the work arrangements in times of or after adverse weather or “extreme conditions”, including report for duty, release from work, resumption of work and remote work (if applicable).
- ✓ If employees foresee possible difficulties and unsafe situations in commuting to and from workplaces in times of adverse weather and “extreme conditions”, they should communicate with employers the earliest possible so that employers can make necessary advance arrangements based on the operational requirements and the needs of individual employees.
- ✓ Employees are usually required to report for work when Standby Signal No. 1 or Strong Wind Signal No. 3, or the Amber or Red Rainstorm Warning Signal is in force, provided that public transport services are available.
- ✓ If the Black Rainstorm Warning Signal or “extreme conditions” is in force during working hours, employees should remain in safe places.
- ✓ Resume duty on time in accordance with the prior work arrangements with employers for adverse weather or “extreme conditions”. Employees who are unable to report for duty due to genuine difficulties should notify their supervisors as soon as possible and communicate with them when in doubt.

What should employees do?

- ✓ Unless there are prior work arrangements to the contrary, employees are normally required to resume work when T8 or Black Rainstorm Warning Signal is cancelled or “extreme conditions” ended.
- ✓ Cooperate with employers and follow safety rules and work procedures.
- ✓ Provide suggestions, evaluate and make appropriate updates or adjustments to the work arrangements for adverse weather or “extreme conditions” in collaboration with employers.
- ✓ Designated staff who are required to report for duty at workplaces in times of adverse weather or “extreme conditions” should plan in advance the routing and transportation commuting to and from their workplaces, and consult their supervisors in case of difficulties. In any case, personal safety and safety of other employees should be the prime consideration.

Enquiries



Code of Practice in Times of Adverse Weather and “Extreme Condition” has been uploaded to the Labour Department’s website:

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



Enquiry Hotline:

2717 1771 (the hotline is handled by “1823”)

Homepage Address:

www.labour.gov.hk





April 2024