

BIPO TIMES



Understanding Hong Kong's "Code of Practice in Times of Typhoons and Rainstorms"

A leading global financial centre, Hong Kong SAR is often ranked one of the most competitive and freest economic areas in the world.

| Capital | Land area | Population | Per Capita Income |
|-----------|-----------------------|-------------|-------------------|
| Hong Kong | 1,106 km ² | 7.4 million | HKD50,542 |

1HKD ≈ 0.8791RMB

Comprising Hong Kong Island, Kowloon and The New Territories, the country is also one of the most densely populated, prone to typhoons during the months of May to early November (often peaking around July – September).

Background

On 3 June 2019, the (Hong Kong) Labour Department released a comprehensive 75-page revised Code of Practice (CoP) in Times of Typhoons and Rainstorms.

Topics

- Formulating most suitable work arrangements between employers and employees
- Safety of employees
- Statutory provisions and obligations
- "Extreme conditions" after super typhoons:
 - "Extreme conditions"
 - Work arrangements and reference illustration
- Reference Guideline: Work arrangements in times of typhoon and rainstorm warnings
- Reference Guideline: Work arrangements for working outdoors and in exposed areas in times of adverse weather conditions

In instances where the new post-super typhoon “extreme conditions” announcement is issued by the Hong Kong SAR Government; the CoP aims to provide clarity to employers and employees and a reference guide on:

- work arrangements, and the resumption of work

In addition to ensuring the safety of employees, the revised CoP also seeks to ensure that employers and employees have ample opportunities to communicate and establish the necessary work arrangements and contingency plans, especially in the event of adverse weather conditions or the announcement / issuance of “extreme conditions” after a super typhoon.

With these new guidelines in place, the CoP helps to avoid any unnecessary misunderstanding, dispute or confusion and maintains good labour-management relations.

Current Typhoon Signal

| Signals | Symbol Display | Meaning of Signals |
|--------------------------|--|--|
| Standby | 1  | A tropical cyclone is centred within about 800 km of Hong Kong and may affect the territory. |
| Strong Wind | 3  | Strong wind is expected or blowing generally in Hong Kong near sea level, with a sustained speed of 41-62 kilometers per hour (km/h), and gusts which may exceed 110 km/h, and the wind condition is expected to persist. |
| NW'LY Gale or Storm | 8 NW  | Gale or storm force wind is expected or blowing generally in Hong Kong near sea level, with a sustained wind speed of 63-117 km/h from the quarter indicated and gusts which may exceed 180 km/h, and the wind condition is expected to persist. |
| SW'LY Gale or Storm | 8 SW  | |
| NE'LY Gale or Storm | 8 NE  | |
| NW'LY Gale or Storm | 8 SE  | |
| Increasing Gale or Storm | 9  | Gale or storm force wind is increasing or expected to increase significantly in strength. |
| Hurricane | 10  | Hurricane force wind is expected or blowing with sustained speed reaching upwards from 118km/h and gusts that may exceed 220km/h. |

A brief overview of the CoP

1. “Extreme Conditions” after super typhoons

Upon the announcement of “extreme conditions” (i.e. the two-hour period after cancellation of T8) by the Government, apart from 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 T8, instead of heading for work immediately. “Extreme conditions” are applicable territory wide.

Employers and employees should draw up in advance the work / resumption of work arrangements in respect of the situations when “extreme conditions” are in force and cancelled.

When implementing the related work arrangements, employers should consider the actual situations and make flexible arrangements with due regard to the different conditions of individual employees. Prime consideration should be given to employees’ safety at any time, as well as ensuring adequate rest breaks.

2. Work arrangements for essential staff

Employers should grant the relevant allowances to essential staff who are required to be on duty when T8 or above is in force:

(a) Duty allowance

Employers should grant an extra Typhoon Duty Allowance to essential staff who are required to be on duty when T8 or above is in force;

Example:

In addition to normal wages, essential staff who are required to be on duty when T8 or above is in force are eligible for a typhoon duty allowance of HK\$_____ or _____ % of normal wages for each hour worked.

(b) Rainstorm duty allowance

In case staff on the next shift are unable to report for duty due to practical difficulties, employers may request employees of the preceding shift

to continue to work due to operational requirements. Employers should seek the consent of the employees, ensure their physical fitness and arrange adequate rest breaks. Employers should grant the employees who agree to continue to assist an allowance more favourable than their normal wages for the extended service;

Example:

For 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.

(c) Travelling allowance

If no transport services are provided by the employer, the employer should grant an extra travelling allowance to employees who are required to report for duty when T8 or above is in force

Example:

HK\$_____ per trip or the actual cost of transport, whichever is higher

Likewise, employers should grant an extra travelling allowance to employees who are required to travel to and from their workplaces during rainstorms.

Note: When T8 or above is in force, leading to the suspension of shuttle transport services provided by employers and public transport services, employers should consider the safety of employees and should not request essential staff to return to work immediately).

3. Wage calculation and arrangements

(d) Employers should set out clearly the conditions under which employees' wages will be payable (e.g. specify the details on how wages and allowances will be calculated when T8 or above is in force);

(e) 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;

(f) In cases where employees fail to report for duty under adverse weather conditions or cannot resume work on time in accordance with the work arrangements after T8, the Black Rainstorm Warning Signal or other adverse weather warning is cancelled, supervisors should enquire into the reasons. If employees can provide reasonable explanations, employers should not withhold their wages;

(g) 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;

(h) 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. less than sixty (60) days.

4. Statutory provisions and obligations

Employment Ordinance | Annual leave, statutory holidays and rest days

- In the event of the issuance of T8 or above, the Black Rainstorm Warning Signal, other adverse weather warnings or the announcement on "extreme conditions", employers cannot reduce employees' entitlements to annual leave, statutory holidays or rest days under the Employment Ordinance to compensate for the loss of working hours resulting from such circumstances

- Employers must abide by the relevant provisions on granting the above leave and holidays given that there are not clear provisions in the Employment Ordinance in this instance

- It is unlawful for an employer to fail, without reasonable excuse, to comply with the relevant provisions.

- In the event an employee cannot report for duty or arrive at work on time due to adverse weather conditions or after "extreme conditions" are over, the employer should not penalise or dismiss the concerned employee rashly. Note: summary dismissal may be valid in such instances as this would apply only if the employee has committed very serious misconduct or has failed to improve himself after the employer's repeated warnings.

5. The Employees' Compensation Ordinance

An accident to an employee resulting in injury or death is deemed to arise out of and in the course of employment if it happens to the employee when he is travelling from his place of residence to his place of work by a direct route within a period of four hours before the time of commencement of his working hours for that day, or from his place of work to his place of residence within a period of four hours after the time of cessation of his working hours for that day, when T8 or above or a Red or Black Rainstorm Warning is in force. Under these circumstances, the employer is liable to pay compensation under the Employees' Compensation Ordinance.

What a fantastic July it's been across BIPO's offices globally!

Starting with South East Asia :

4 July | Singapore

Sharing our perspectives on "Harnessing Technology to Empower Businesses" in a specially curated, knowledge-sharing session, was the team from BIPO Singapore.

With an awesome line-up of speakers and an engaging panel discussion, our compliments to Albert Liew (General Manager, Singapore) and the team as they continue to make significant inroads to help businesses digitise and transform their hr processes.



10 July | Jakarta, Indonesia

BIPO Indonesia was one of the specially selected companies invited by PT HM Sampoerna Tbk (one of Indonesia's largest global companies with over 25,000 employees) to present our innovative HRMS platform.

In line with Sampoerna's corporate innovation process, the event was designed to showcase HR digital transformation and innovative solutions to its internal teams. We also had the opportunity to interact with industry peers and exchange ideas on the evolving digital hr landscape.

Such a well-deserved recognition for Mario Widjaja (Country Manager, Indonesia) and our team as we continue our role as an "enabler" to businesses in their digital transformation journey.



30 July | Manila, Philippines

Ending off the month with a fantastic presentation hosted by our colleagues in the Philippines. Held at the Common Ground IBP Tower, the session was attended by managers and professionals in the Fintech industry to highlight the rights of foreigners working in the country.

The first of many more knowledge-sharing sessions! A big thumbs up to Jefri-Ann Santiago (Deputy General Manager, Philippines) and the team for helping to empower our industry colleagues and broaden their knowledge at the same time.



Through our series of seminars and participation at key industry tradeshows, our teams in China continue to take the lead in the HR tech space :

July 4 | Shanghai BIPO Open Class | EU General Data Protection Regulation (GDPR) Compliance Forum

With globalization and the rise of cross-border trade, data protection and data compliance play an increasingly important role in today's business landscape.

With many more upcoming sessions planned, BIPO's very first "Open Class", held at WeWork was a resounding success.

As an innovator and trailblazer, BIPO's integrated web/cloud-based platform is considered one of the first automatic data processing platforms that meets the requirements of GDPR compliance in China. This helps businesses improve work efficiency, avoid manual misuse and prevent enterprise risk.

Interactive, engaging and full of insights, the session ended with a robust discussion and Q&A session.



July 5 | Shanghai BIPO x SHCX Retail Industry Research and Roundtable session 2019

A great collaboration between BIPO and SHCX at the recent roundtable session held on 5 July.

Attended by HR professionals from the luxury and retail industries, the highlight of the event was the unveiling of an extensive research report and salary survey by Tom Ho, Chief Consultant of SHCX.

BIPO's Founder and CEO, Michael Chen was also present to share his insights on developing trends in HR digitization, BIPO's vision and how BIPO's cutting edge technology has helped businesses transform their HR processes.



19 July | Shenzhen China Human Resources Expo 2019

From sharing business insights to future HR trends developing in the region, BIPO showcased its innovative Workio APP at the annual China Human Resources Expo 2019, organised by HRTech China.

Targeted at business enterprises, BIPO's integrated HRMS platform and Workio APP work in tandem to simplify HR processes, ensuring seamless connectivity that drive business efficiency.

Yet another rewarding event for BIPO as it continues to empower businesses with the knowledge and business tools to digitize.



25 July | Shanghai

“International Jing’an, Serving the Globe”, Summit



BIPO was recently listed as one of the pioneer enterprises participating / implementing the “Global Service Providers” program, initiated by Shanghai’s prestigious Jing’an commercial district.

Carefully selected based on a comprehensive and robust evaluation process (including industry influence, brand establishment, service products, service scale and integrity), the recognition marks yet another key milestone for BIPO.

As part of its ongoing efforts to accelerate the international development and growth of the HR industry, this special program aims to cultivate HR enterprises in China, supporting them in their globalisation efforts while strengthening cooperation.

About Us

BIPO is a leading one-stop human resources provider in Asia Pacific, focused on providing organisations with innovative ways to manage complex end-to-end HR processes. Through our cloud and mobile-based Human Resources Management system as well as industry-leading solutions such as Payroll Outsourcing, Attendance Automation, Business Intelligence, HR Consulting, Recruitment & Business Process Outsourcing and Flexible Employee Management, we help companies transform their HR operations to and beyond their expectations, while achieving business goals related to cost and profitability.

Founded in 2004, our Asia Pacific headquarters is in Singapore and R&D Centres in Singapore, Shanghai, Indonesia and Malaysia. We have offices in Australia, China Hong Kong, China Taiwan, India, Japan, Mainland China, Malaysia, Philippines, Thailand and Vietnam with business links in over 10 countries and regions.

✉ hello@biposervice.com

🌐 www.biposervice.com

in [bipo-svc](https://www.linkedin.com/company/bipo-svc)

f [biposvc](https://www.facebook.com/biposvc)

©2019 BIPO Service · All rights reserved



Brought to you by **BIPO**