“Notes to Employers and Employees in times of Typhoon, Rainstorm, Thunderstorm and Storm Surge Warnings” Note 1

Foreword:
Though the current Labour Law of the Macao Special Administrative Region does not have any provision on matters related to employees’ performance of work in times of typhoons, rainstorms, thunderstorms and storm surges, considering that in Macao, a tourism city, most services and industries cannot be suspended under adverse weather, this leaflet is made to enable employers and employees to have a clearer understanding of the matters mentioned above and to help employers to make necessary preparations and arrangements regarding employees’ performance of work in times of typhoons, rainstorms, thunderstorms and storm surges.

Scope of Application:
1. Tropical Cyclone Warning Signal (Typhoon)
2. Rainstorm Warning Signal
3. Thunderstorm Warning Signal
4. Storm Surge Warning

Important notes on performance of work:
1. When Typhoon Signal is in force:
   1.1 Employees are required to work when Tropical Cyclone Warning Signal No. 3 or below is in force, provided that public transport services are available.
   1.2 When Tropical Cyclone Warning Signal No. 8 or above is issued:
      1.2.1 Employers should take prime consideration of employees’ safety and should not require employees to report for duty when the warning signal is in force, except in cases where employees’ performance of work is indispensable to the normal operation of the society, or prior agreement to the contrary has been made by both parties.

Note 1 This leaflet is for reference only and is not legally binding.
1.2.2 Employees should report for duty according to normal working hours when the warning signal is cancelled one and a half hours or above before the start of working hours.

1.2.3 If the warning signal is cancelled less than one and a half hours before the start of working hours, employees should report for duty within one and a half hours after the cancellation.

1.2.4 If the warning signal is cancelled three hours or above before the end of working hours, employees should report for duty within one and a half hours after the cancellation.

1.2.5 Employees are not required to report for duty when the warning signal is cancelled less than three hours before the end of working hours.

1.2.6 When the warning signal is issued during working hours, employers may arrange employees to leave early. However, if the weather is extremely bad and makes employees unable to leave the workplace safely, then employers should provide employees with an area in the workplace as temporary shelter for them to stay until the weather gets better.

2. When Rainstorm or Thunderstorm Warning Signal is in force:

   2.1 Employees are required to work according to normal working hours, provided that public transport services are available. However, for employees who are required to work outdoors, they should temporarily take shelter from rain or thunderstorm and resume work only when weather conditions permit.

   2.2 When the Thunderstorm Warning Signal is in force and, if the workplace may cause a risk of lightning strike, employers should arrange employees to stop working immediately by all possible and feasible means and let them stay in safe places temporarily.\(^\text{Note 2}\).

3. When Storm Surge Warning is in force:

   3.1 Employees are required to work when Grade 1 Storm Surge Warning/Blue Level is
in force, provided that public transport services are available.

3.2 When Grade 2 Storm Surge Warning/Yellow Level to Grade 5 Storm Surge Warning/Black Level is in force, employees may fail to report for duty if their residences or workplaces are located in low-lying areas because road flooding may occur. In that case, employees should notify their supervisors or superiors as soon as possible.

Furthermore, for reasons of employees’ safety, employers may consider not requiring them to work. However, when the road flooding preventing employees from work has subsided, employees should go to work as soon as possible.

4. Employees’ obligation of notice:

4.1 Unless employees are required to work during the period of Tropical Cyclone Warning Signal No. 8 or above, otherwise they should report for duty according to the stipulations stated in this leaflet after the warning signal is cancelled. However, if employees have encountered difficulties, making them unable to return to work on time, they should notify their employers, supervisors or superiors immediately; whereas employers should be considerate and flexible when handling such cases, thus should not consider the cases as unjustified absences.

4.2 For employees who are required to work during the period of Tropical Cyclone Warning Signal No. 8 or above, if they are unable to report for duty because they have encountered difficulties, they should notify their employers, supervisors or superiors immediately; whereas employers should be considerate and flexible when handling such cases, thus should not consider the cases as unjustified absences.

4.3 In addition, employers should give the telephone number of the supervisor to employees for urgent contacts.

5. Transport arrangements:

It is possible that public transport will be suspended some time after Tropical Cyclone Warning Signal No. 8 or above is issued. If possible, employers should provide shuttle transport services or may give a special travelling allowance to employees.

In addition, pursuant to item (7) of subparagraph (a) of Article 3 of the Decree-Law
No.40/95/M (Employees’ Compensation Insurance Ordinance), the accident occurred while an employee is travelling directly between the place of residence and the workplace within a period of three hours before the time of commencement of his/her working hours or after the time of cessation of his/her working hours when Tropical Cyclone Warning Signal No.8 or above is in force shall be deemed a work-related accident. Therefore, under Article 62 of the same decree-law, the employers shall also purchase the relevant work-related accident insurance for the employees who work under the circumstances mentioned above.

**Notes on remuneration payment when Typhoon, Rainstorm, Thunderstorm or Storm Surge Warning Signal is in force:**

1. When Typhoon, Rainstorm, Thunderstorm or Storm Surge Warning Signal is issued, if it is agreed that employees do not have to work; or employers exempt employees from performing work due to safety reasons or on grounds that public transport services will be suspended soon, employers should not deduct the remuneration of employees as such cases should not be considered as absences.

2. When Typhoon, Rainstorm, Thunderstorm or Storm Surge Warning Signal is issued, if employees who are required to perform work are absent or fail to report for duty due to genuine difficulties or temporary suspension of public transport services, such absences should be considered as justified Note 3. Employers should give due consideration to the difficulties employees encountered and think about not deducting the employees’ remuneration.

**Responsibilities of employers:** Note 4

According to Articles 7 and 12 of the Labour Relations Law (Law No. 7/2008), employers are obliged to provide employees with a safe workplace. Besides, for the well being of employees, employers should also provide food and water at the workplace so that employees

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Note 3 Please see subparagraph 9) of paragraph 2 of Article 50 of the Labour Relations Law (Law No. 7/2008).

Note 4 Please refer to Regulation on Occupational Safety and Hygiene in Industry (Decree-Law No. 57/82/M), Regulation on Occupational Safety and Hygiene in Commercial, Office, and Labour Service Establishments (Decree-Law No. 37/89/M) and Regulation on Architectural Safety and Hygiene (Decree-Law No. 44/91/M).
can obtain assistance during severely adverse weather conditions.

If employers require their employees to work during the period of Typhoon, Rainstorm, Thunderstorm or Storm Surge Warning Signal, they should ensure that the risks at work are properly controlled and reduced to as low as reasonably practicable, which includes the provision and maintenance of safe plant and system of work. For example, employees should be instructed to keep themselves away from dangerous places as much as possible and be provided with suitable personal protective equipment, such as safety helmets, raincoats and waterproof safety boots.

At the workplace where there is a risk of persons falling from height, employees should be provided with suitable safety measures, such as proper working platforms or, if this is not practicable, suitable fall arresting systems, such as safety nets, safety harness, and independent lifeline or other secure points for anchoring the safety harness.

Finally, in order to assure employees’ safety and maintain good labour relations, employers should, as soon as possible, work out the handling procedures for work arrangements during typhoons, rainstorms, thunderstorms or storm surges to avoid unnecessary disputes. When working out the handling procedures, employers should take into account the “principle of good faith” stipulated in the Labour Relations Law (Law No. 7/2008), and make reference to the content mentioned in this leaflet.