

Guidelines for Work in Times of Typhoons and Sudden Public Incidents

I. Introduction

Though the current *Labour Relations Law* does not have any provisions on employees' provision of work in times of typhoons and work arrangements for occurrence of sudden public incidents, the period when the Macao Meteorological and Geophysical Bureau (SMG) announces the hoisting of Tropical Cyclone Warning Signal No.8 or above and the closure of specific establishments or suspension of activities of specific establishments ordered by the administrative authorities for civil protection purposes might affect the operation of various trades and industries, the work safety of employees and the transport services to and from workplaces.

To better protect the safety of employees and the smooth operation of establishments for maintenance of effective functioning of society, employers and employees should formulate employees' work arrangements and contingency measures under the special circumstances mentioned above as early as possible in the manner of mutual understanding and mutual accommodation.

This leaflet is made to assist both employers and employees in formulating suitable and practical work arrangements and contingency measures.

This leaflet is for reference only and is not legally binding.

II. Scope of application

1. The hoisting of Tropical Cyclone Warning Signal No.8 or above (hereinafter referred to as the hoisting of T8 or above) by the SMG.
2. The closure of specific establishments or suspension of activities of specific establishments ordered by the administrative authorities for civil protection purposes.

III. Mutual understanding and mutual accommodation and agreement in advance

Employers and employees should agree on matters such as whether employees have to report for duty, related work arrangements, resumption of work, remuneration and transportation arrangements as soon as possible in times of the hoisting of T8 or above

in Macao or the closure of establishments or suspension of activities ordered by the administrative authorities for civil protection purposes. The agreement should be concluded in writing and be kept in a way that is convenient for both parties to obtain and access, such as electronic methods.

(I)Notes on employees having to report for duty

1. In times of the hoisting of T8 or above or the closure of establishments or suspension of activities ordered by the administrative authorities for civil protection purposes, for the sake of the safety of employees, suitable means of transportation should be arranged by the employers for the employees who have to report for duty; if it is impossible to arrange means of transportation for employees, an appropriate and reasonable special travelling allowance should be given to employees by employers.
2. Considering that employees still work diligently in times of the hoisting of T8 or above or the closure of establishments or suspension of activities ordered by the administrative authorities for civil protection purposes, employers may exercise discretion to give employees a special allowance.
3. If employees are unable to report for duty or arrive at work on time (commonly known as being late) due to encountering practical difficulties:
 - It shall be handled according to the regime of absences in Law No.7/2008 (*Labour Relations Law*)¹.
 - Employees shall lose the remuneration for the date of absence or the time when they are unable to report for duty on time. In the case of justified absences, employers may consider not deducting the relevant remuneration.
 - In the case of justified absences, the regular allowances (such as food allowance and good attendance bonus) received by employees shall not be affected.
4. If employees provide overtime work, employers shall compensate them according to law²; moreover, employers shall ensure that employees provide work with statutory rest time³.
5. If the operation of enterprises requires shift work performed by employees, employers should make appropriate arrangements in advance before T8 or above is issued in order to prevent employees from providing work

¹ See Articles 50 to 53 “Absences” of Law No.7/2008 (*Labour Relations Law*).

² See Articles 36 to 38 “Overtime Work” of Law No.7/2008 (*Labour Relations Law*).

³ Paragraph 3 of Article 33 of *Labour Relations Law* stipulates that the employer is obliged to give the employee a break period of not less than thirty consecutive minutes, so that the employee will not work more than five consecutive hours.

continuously and affecting the operation of enterprises.

6. If employees are unable to report for duty or arrive at work on time due to extremely bad weather conditions or other uncontrollable factors, employers must know the reasons and take into account the circumstances of each case and be considerate.

(II) Notes on employees not having to report for duty

1. Arrangements in respect of release from work

- If T8 or above or the order by the administrative authorities for civil protection purposes is issued during working hours, employers may arrange for employees to leave early and consider the order of priority if there is any. However, if the weather is extremely bad and makes employees unable to leave the workplaces safely, employers should arrange suitable and safe places for employees to rest at the workplaces until the weather gets better. Under all circumstances, prime consideration should be given to the safety of employees.

2. Arrangements in respect of resumption of work

- When T8 or above or the order issued by the administrative authorities is cancelled, if workplaces are damaged by adverse weather posing potential safety risks, employers should immediately carry out safety inspections, prepare and adopt suitable safety measures before arranging for employees to resume work. Employers should give prime consideration to the safety of employees at all times.
- Employers should be flexible in arranging for employees to resume work according to operational needs of enterprises and the distance of or the time required for employee's journey to workplaces should also be taken into account:
 - a) Employees shall be arranged to report for duty normally when T8 or above or the order issued by the administrative authorities is cancelled one and a half hours or above before the start of employees' normal working hours.
 - b) If T8 or above or the order issued by the administrative authorities is cancelled less than one and a half hours before the start of employees' normal working hours, employees shall be arranged to report for duty within one and a half hours after the cancellation.
 - c) If T8 or above or the order issued by the administrative authorities

is cancelled three hours or above before the end of working hours, employees shall be arranged to report for duty within one and a half hours after the cancellation.

- d) If T8 or above or the order issued by the administrative authorities is cancelled less than three hours before the end of working hours, employees are not required to report for duty.

3. Remuneration

- When employers and employees agree that employees are not required to report for duty, they should also agree on whether it is remunerable, including the calculation for remuneration for the case that the number of working hours after resumption of work does not reach the number of daily normal working hours.
- Both parties may also agree on changing the day when reporting for duty is not required into a holiday (including weekly rest or annual leave); if such a change is made, the day when reporting for duty is not required shall be deemed the employees' holiday and employers should pay the employee the remuneration for that day according to relevant provisions on holidays.
- The regular allowances (such as food allowance and good attendance bonus) received by employees shall not be affected.

IV. Responsibilities of employers

1. Contingency measures :

- Employers and employees should work out the work arrangements in respect of employees' reporting for duty, release from work and resumption of work in different situations as early as possible. Enterprises may consider their actual situations and make reference to this leaflet to formulate specific contingency measures and notifications must be given to all employees to let them fully understand the measures.
- As the contingency measures will not be activated until T8 or above is hoisted or the administrative authorities order the closure of establishments or suspension of activities, employers should duly remind their employees of the content of the specific contingency measures (e.g., before the typhoon season) and even consider conducting regular drills on the contingency measures.
- Employers should regularly communicate with employees, undertake regular review on the relevant measures to make amendments and

improvements in accordance with the enterprises' actual situations, practice and experience on the measures.

- Employers or relevant supervisors should establish an effective contact mechanism with employees so that contact can be made in times of emergency.
- When formulating the contingency measures, employers should be considerate to employees who have special needs (such as pregnancy, disability, living in areas with limited public transport services or other needs) and handle with appropriate flexibility.

2. Work arrangements :

- Employers should always stay alert to the latest information issued by the governmental departments (such as the SMG and the civil protection authorities) or various media (TV or radio) in order to be ready to initiate contingency measures and related work arrangements at any time.
- If employees have to report for duty when T8 or above is in force, employers must purchase work accident insurance under relevant circumstances for employees⁴.
- When reporting for duty in times of the hoisting of T8 or above or the closure of establishments or suspension of activities ordered by the administrative authorities, employees may not be able to go out for meal during rest; employers should offer them adequate supporting measures at the workplaces, including suitable place to rest, food and drinking water.
- To ensure employees' safety at work in times of the hoisting of T8 or above or the closure of establishments or suspension of activities ordered by the administrative authorities, employers should provide employees with adequate safety facilities and personal protective equipment (such as safety helmets with chin straps, raincoats and waterproof safety boots); especially for employees working outdoors and in exposed areas or at the workplaces where there is a risk of persons falling from height, employers should assess that the risks at workplaces are properly controlled and provide employees with suitable safety measures before arranging for employees to conduct relevant work.
- If the workplaces are damaged and posing potential safety risks (such as broken windows and exterior walls), employers should carry out safety

⁴ See item (7) of subparagraph a) of Article 3 and Article 62 of Decree-law No.40/95/M (*Legal Regime on Compensation for Damage Arising from Work Accidents and Occupational Diseases*).

inspections and adopt appropriate safety measures before arranging for employees to return to the workplaces, so as to ensure the safety of employees.

V. Employees' obligations

- Under safe conditions, employees should implement work in accordance with the agreed work arrangements and contingency measures and obey work orders and instructions given by employers, supervisors or superiors and, in particular, follow instructions on relevant safety rules and work procedures.
- If employees encounter difficulties in returning to the workplaces in times of the hoisting of T8 or above or the closure of establishments or suspension of activities ordered by the administrative authorities, they should immediately notify the employers, supervisors or superiors so that employers can make necessary advance arrangements based on the operational requirements of the enterprises.
- Employees should communicate with employers in the manner of mutual understanding and mutual accommodation and jointly cope with the difficult situations encountered. If employees spot any dangers in the workplaces or have doubts in the course of implementation of contingency measures, they should immediately notify the employer, supervisors or superiors and make suggestions, jointly review and improve the relevant measures.

Finally, in order to assure the safety of employees and maintain good labour relations, employers should, as soon as possible, work out the work arrangements and contingency measures in times of typhoons and sudden public incidents with employees to avoid unnecessary disputes. When working out the work arrangements and contingency measures, employer should take into account the “principle of good faith” stipulated in Law No.7/2008 (*Labour Relations Law*), and make reference to the content mentioned in this leaflet.