

Social challenges and climate action #3:

## **Legislation is the only way to relieve outdoor workers' suffering from extreme weather**

By Kevin Li

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*Since the CarbonCare InnoLab's Paris Watch Programme was launched, four community dialogues have been held so far. The first three were focused on the residents of subdivided housing, the welfare sector and the community health care sector. This time we are focusing on the rights of outdoor workers who are facing the impacts of extreme weather. The participants in this community dialogue believe that the current work safety guidelines by the SAR government that cover severe and hot weather, which are voluntary in nature, fail to motivate the outdoor work sectors to formulate policies and improve the work*

*environment and processes in response to extreme weather. In order to enable workers to be able to cope with extreme weather, only legislation to regulate outdoor work is the way out to promote the implementation of relevant measures and alleviate the impact of extreme weather.*

An important part of the CarbonCare InnoLab's Paris Watch programme is to, through community dialogues, promote a deeper understanding of all walks of life and enhance their ability to deal with the climate crisis. These dialogues put the concept of "just transition" at the core, and advocate that the interests of citizens who may be affected by unemployment, economic restructuring and rising prices must be taken into account during the transition. The principle of "just transition" also emphasizes the participatory and inclusive climate adaptation process. The participation and voices of various stakeholders, who are facing the impacts of climate change, must be guaranteed and respected.

Adhering to the principle of "just transition" throughout the first three community dialogues, CarbonCare InnoLab has held the fourth community dialogue with 22 participants from outdoor workers-related sectors, such as cleaning, waste collection and security, trade unions, concern groups and environmental NGOs<sup>1</sup> on 8 December 2021. Participants were aware of the extreme weather impacts being faced by the outdoor workers to a certain extent. It didn't take long to get into the core conversation, and discussed all-round support actions and measures that the community can take. These dialogues will seek to incorporate climate change issues at the community level so that all sectors can participate in climate initiatives.

### **Voluntary work safety guidelines are not sufficient to guide outdoor workers to tackle extreme weather**

As the recently-published "Paris Watch Hong Kong Climate Action Report 2021" (hyperlink: [https://www.ccinnolab.org/uploads/media/pairswatch/CCIL\\_ParisWatch\\_HK\\_Climate\\_Action\\_Report\\_2021\\_Eng.pdf](https://www.ccinnolab.org/uploads/media/pairswatch/CCIL_ParisWatch_HK_Climate_Action_Report_2021_Eng.pdf)) indicated, the Hong Kong Observatory recorded as many as 53 days of extremely hot weather during May and October 2021, which is 35.53 days more than the same months in 1991-2020 period.<sup>2</sup> October rarely sees the approach of tropical cyclones, yet there were two tropical

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<sup>1</sup> For the full list of participants, please refer to the Annex at the end of the article.

<sup>2</sup> Hong Kong Observatory. "Number of Very Hot days observed at the Hong Kong Observatory since 1884, exclude 1940-1946," [https://www.hko.gov.hk/en/cis/statistic/vhotday\\_statistic.htm](https://www.hko.gov.hk/en/cis/statistic/vhotday_statistic.htm)

cyclone signal No. 8 warnings issued in October 2021, much higher than an average of 0.17 during the 1961-2020 period.<sup>3</sup> The most vulnerable groups of people, including the outdoor workers, are more affected by extreme weather. However, the current practice does not guarantee their safety and health. If protection for outdoor workers is not strengthened, it will be difficult for them to cope with increasingly severe extreme weather.

In Hong Kong, outdoor work under extreme weather is an issue of occupational safety and health. The SAR government does not have legally binding regulations, but just rely on the basic protection of work-related injuries in accordance with the Employees' Compensation Ordinance. However, the Employees' Compensation Ordinance neither prevents employees from being injured at work under extreme weather, nor does it clearly define the scope of protection for work-related injuries under extreme weather, such as heat stroke. We rely very much on the alert system of the Hong Kong Observatory, on extreme weather events such as typhoons, heavy rains, thunderstorms and extreme hot weather, and the guidelines for work safety under severe and hot weather,<sup>4</sup> to educate employers and employees to identify suitable work arrangements together.

But in fact, from the feedback of the participants, many outdoor workers, including those from cleaning and waste collection, construction, security and other industries, have relatively weak bargaining power in maintaining their own work safety. Work safety under extreme weather has always been a grey area of occupational safety and health. Most participants were not aware of the work safety guidelines issued by the SAR government, which may reflect the lack of publicity by the government, and, for the deeper reasons, the lack of risk awareness among employers and foremen on outdoor work under extreme weather. The work safety guidelines have not effectively enabled the dialogue between employers and employees on their safety issue, making the guidelines seemingly non-existent.

The lack of regulations on outdoor work exposes relevant practitioners to the risks brought by extreme weather. It also brings out issues in work equipment, environment and processes, and also deepens the long-standing tense labour

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<sup>3</sup> Hong Kong Observatory. "Number of Tropical Cyclones necessitating the issuing of Warning Signal between 1961-2020," <https://www.hko.gov.hk/en/informtc/tcStatTable6b.htm>

<sup>4</sup> Hong Kong SAR Civil Service Bureau, "Inclement and Hot Weather," 23 September 2021. [https://www.csb.gov.hk/tc\\_chi/oshcs/topics/inclement-and-hot-weather.html](https://www.csb.gov.hk/tc_chi/oshcs/topics/inclement-and-hot-weather.html).

relationship, such as on the issues of excessive working hours, and the exploitation of outsourced workers etc.

Under such circumstances, the middle and low-level employees had to adopt some self-protection measures. For example, in dealing with the problem of hot weather, the participants reported that some conscientious employers or foremen provided equipment to improve the ventilation and flexibility of the workplace. During working hours, some workers also bring their own ventilated clothing, refreshing drinks, and rest in the shade or set up temporary tents by themselves to temporarily relieve the impacts of the hot weather.

Outdoor workers also have a series of demands, such as provision of drinking water equipment, space for taking rest, changing clothes and eating, work allowances under hot weather, and setting rest periods under high temperature. The bargaining power of labour unions and concern groups needs to be enhanced, and bids and tenders for outsourcing outdoor projects must also be improved. The contractor should be required to list the work safety protection for outdoor workers in extreme weather.



In fact, the participants also noticed that the measures to tackle extreme weather may create negative impacts on our ecosystem, so they proposed that the relevant ventilation equipment should be equipped with solar panels, waste sorting and recycling equipment, and energy-saving light-emitting diode (LED) bulbs or lamps should be installed instead.

### **Only legislation governing outdoor work can alleviate the suffering of extreme weather**

However, the above-mentioned practices are not guaranteed if a suitable system is not put in place. These are only the good practices of individual workplaces if we do not put effort to replicate. It is the long-term approach to institutionalise support for workers to cope with extreme weather. In addition to the above-mentioned demands that the law and system must be changed, the participants agreed that we should refer to the hot weather outdoor work arrangements in neighbouring countries or regions. For example, Guangdong Province, which is just next to Hong Kong, has long implemented labour protection measures in hot weather: When the maximum temperature reaches 39 degrees Celsius or above, employers in Guangdong Province should stop outdoor work. In response to the suggestions of the participants, the author referred to other Asian countries, such as Japan<sup>5</sup> and South Korea,<sup>6</sup> which have also adopted non-mandatory measures. They all adopt a more systematic wet-bulb globe temperature (or WGBT<sup>7</sup>), to assess the risks of heat stroke under high temperature, propose corresponding measures for work environment, processes and the workers' health, and guide employers and workers to deal with extreme weather.

This system has been widely used in many prefectures/provinces and cities in Japan and South Korea, including construction sites and schools, and is widely welcomed by local residents. This year, under the COVID-19 pandemic, wearing masks in very hot weather makes people uncomfortable. The Japanese government has issued guidelines to strike a balance between pandemic prevention and relief from the hot weather, allowing citizens to remove their masks within sufficient social distance.<sup>8</sup> In contrast, the SAR government's

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<sup>5</sup> <https://neccyusho.mhlw.go.jp/>

<sup>6</sup> <https://pohang.go.kr/pohang/7314/subview.do>

<sup>7</sup> National Oceanic and Atmospheric Administration, "Wet Bulb Globe Temperature," <https://www.weather.gov/car/WBGT>

<sup>8</sup> [https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000121431\\_coronanettyuu.html](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000121431_coronanettyuu.html)

guidelines are relatively simple, and the evaluation questionnaire lacks systemic and scientific support. It is difficult to avoid the risks of extreme weather based solely on the judgment of the employer or the foreman, especially under the COVID-19 pandemic.

Another thing worth comparison is the alert system for outdoor air pollution. The Air Quality Health Index published by the Environmental Protection Department of Hong Kong SAR is a key indicator to assess the health risks of air pollution on outdoor workers. However, the extremely hot weather warning issued by the Hong Kong Observatory failed to bring out the same impact.

In a nutshell, how to ensure that outdoor workers are capable of responding to extreme weather is the core of the problem. Legislation is the most direct and effective approach, which can also trigger support measures, such as providing and improving equipment for workers, improving the work processes of the related sectors, clarifying the scope of work-related injury protection, increasing relevant training and benefits, enacting laws and improving related work guidelines, are all helpful to deal with extreme weather. When the participants summarized this dialogue, they all thought that the dialogue meeting was very useful and enriching, which enhanced mutual understanding and connection between each other, and hoped that such a platform would be sustained, and would help create more possibilities for mutual cooperation.

### **Project Team** (in no specific order)

Dialogue Designer and Chief Facilitator: Thierry Leung (Senior Social Worker, Programme Manager)

Deputy Facilitator: Blaire Ho (Programme Officer), Alissa Tung (Programme Director), Kylie Lai (Programme Officer), Melissa Fok (Intern)

Facilitation Advisor: Lilian Wang

Project Advisor: Chong Chan Yau (Co-founder & CEO)

### **Author's Profile**

Mr. Kevin Li is the Researcher for CarbonCare InnoLab.

### **Annex**

CarbonCare InnoLab invited different groups and experts in Hong Kong to participate in the fourth community dialogue (in no specific order):

### **Labour Unions:**

- Hong Kong Women Worker's Association – Cleaning Worker's Union
- Hong Kong Buildings Management and Security Workers General Union
- Hong Kong Food and Environmental Hygiene Department Staff Rights Union

### **Cleaning, Recycling and Security Sectors:**

- LBS Environmental Services
- Mil Mill
- Missing Link
- Top Line Road Safety Engineering

### **NGOs Concerning Outdoor Workers:**

- Catholic Diocese of Hong Kong - Diocesan Pastoral Centre for Workers
- Centre for Community Care
- Health in Action
- Jockey Club Design Institute for Social Innovation
- Picker's Link
- Waste Picker Platform

### **Green NGOs:**

- Environmental Education and Ecological Conservation Workers' Union
- Food Grace
- The Hong Kong Jockey Club Disaster Preparedness and Response Institute

### **Links**

1. [Social challenges and climate action #1: Empowering residents of subdivided houses in Hong Kong](#)
2. [Social challenges and climate action #2: Extreme weather hit hard welfare and health care workers and the vulnerable people](#)