

**Decisions taken by the Labour Advisory Board
at its meeting on 22 July 2003**

I. Proposed amendments to the Code of Practice in times of Typhoons and Rainstorms

To enhance the work safety of employees engaged in outdoor work in exposed areas during thunderstorms, the Labour Advisory Board (LAB) considered a proposal to amend the existing Code of Practice in times of Typhoons and Rainstorms so that when a thunderstorm warning is issued during working hours, and where employees are liable to lightning strikes, employers will be required to arrange, as far as practicable, for them to stop work and take shelter in a safe place immediately.

The LAB endorsed the proposed amendments.

II. Proposed clarifications to the Employees Compensation Assistance Ordinance

The LAB considered a proposal to clarify the Employees Compensation Assistance Ordinance (ECAO). The proposed amendments are :

- (a) To make it clear that the Employees Compensation Assistance Fund Board (the Board) may assist an employer in the costs in legal proceedings brought by his injured employee for compensation or damages, provided that:
 - (i) he is entitled to indemnification of such legal costs under a valid employees compensation (EC) insurance policy;
 - (ii) he has paid levy to the Board;
 - (iii) the insurer concerned is declared insolvent in accordance with the ECAO before 1 April 2004;

- (iv) the Board has decided to assist in paying compensation/damages in the specific case; and
- (b) To amend section 46A(8) to clarify that the ECAO will continue to cover accident cases in which the insurer became insolvent before the Employees Compensation Insurer Insolvency Scheme (ECIIS)^{note} comes into operation, even though the employer's liability to pay compensation or damages is determined on or after that date.

The LAB endorsed the proposed clarifications.

^{note} Established in February 2003, the ECIIS is an administrative scheme operated by the insurance industry and financed by a charge imposed on insurers underwriting employees' compensation (EC) insurance policies. The Employees Compensation Insurer Insolvency Bureau has been collecting the charge since April 2003 and would cover cases where the insurer become insolvent on or after 1 April 2004 when the Scheme comes into operation.