

# Balanced approach to labour required

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**E**VEN on a generous accounting for membership, the trade unions of the SAR can probably only claim to represent less than a fifth of the local workforce as their members.

But in the final few days of the outgoing British administration they were punching above their weight, seeking to impose through legislation new rules on a broad cross-section of the working community without proper consultation.

After being rushed through the Legislative Council, the new ordinances were signed into law by the outgoing Governor Christopher Patten in his final days in office.

While some of the changes to labour law in the ordinances are relatively benign, others threaten to change the face of business-labour relations and could have a dramatic impact.

Following objections from the business sector, they are now in the process of being re-assessed by the legislature.

The business community has expressed dissatisfaction with the whole process under which the original bills were introduced into the old Legco and the limited consultation and debate which occurred before they became law.

It is for this reason the business sector is backing moves in the Provisional Legislature to have the operation of the new ordinances suspended and then re-examined. But this is not an easy task for the new administration, nor the Executive Council and the Provisional Legislature, both of which contain trade union members.

There are seven ordinances amendments potentially affected by the proposed Legislative Provisions (Suspension of Operation) Bill 1997 now before the Provisional Legislature, of which five are related to employment.

While employers are opposed to these ordinances and the manner in which they were enacted, they are especially concerned about the potential impact on the whole working community of the Employees Rights to Representation, Consultation and Collective Bargaining Ordinance and the Trade Unions (Amendment) (No 2) Ordinance.

A first consideration must be whether the local trade union movement is



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representative of the community or even the local working population.

There are 375,000 employees in a total of 277 unions, or less than 12 per cent of the total working population in Hong Kong. These groups successfully introduced into the old Legco private members' bills which bypassed the usual consultation processes, have now been passed into law and have the potential to affect the whole community. Despite the majority vote, there must remain questions of the representative nature of their introduction and the mandate of their passage as the behest of the unions.

In contrast, the representative bodies of employers generally have far bigger numbers of companies as members and cover a far broader cross-section of employees than do any of the union organisations.

Of special concern are those areas where the potential costs to business and the community are opened.

As the Government's tripartite (government, employers and employees) body, the Labour Advisory Board (LAB) said before the Ordinance's Legco passage, it "has far-reaching implications for the labour relations system in Hong Kong."

The LAB said it was committed to improving the rights and protection for employees, but could not support the latest legislation. "We have to balance the interests of employers and employees and take into account the economic development of Hong Kong," it said.

This sort of balanced approach is vital to the whole community. It is one which has worked well in the past and one that should only be tampered with after long and serious consideration of all the parties involved.

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