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Committee blames ignorance of leave pay benefits

\$100m LOSS FOR WORKERS

WORKERS may be losing \$100 million a year in holiday pay to which they are legally entitled due to their ignorance of the labour laws.

And some employers purposely take advantage of their ignorance, the Christian Industrial Committee (CIC) claims.

The CIC said yesterday inquiries made during counselling sessions with workers during labour disputes and in more than 70 labour education courses have led to the discovery that 80 per cent of the industrial workers do not receive their rightful paid holidays.

Of the 700,000 workers engaged in industry in Hongkong 100,000 are believed to receive no holiday pay at all, while a further 400,000 only get paid for some public holidays, according to the CIC.

"The reason for this abnormal situation lies in the method of calculating wages in Hongkong. Local workers are given a daily wage or paid according to piece rate," said the CIC.

by
Chris Yip

Because workers are sometimes classified as casual workers or as casual workers employed on a quasi-permanent basis, the employer has no obligation to employ the worker for the next day. The worker can also leave without giving notice.

"This system leads the workers to believe that they are not entitled to any benefits bestowed on them under a long-term contract," the CIC says.

While some employers exploit this situation, others are themselves ignorant of the law.

Another cause for the prevailing confusion is the unintelligibility of the existing laws.

"The present Chinese wording renders it difficult for workers to understand that if they are employed under a continuous contract, they are automatically entitled to holiday pay," commented the CIC.

According to the Employment Ordinance, any worker who has worked for the same employer during a period of three months, working six days a week and four weeks a month, is automatically regarded as being employed under a continuous contract.

The committee is now preparing a special calendar for workers which outlines important aspects of labour laws in simple terms.

Every paid holiday is marked in red to inform workers that they have a right to rest and receive wages on these days. The calendar also includes additional information for every month and a comprehensive summary of existing workers' rights on the back.

Director of CIC Raymond Fung said that one remedy for the situation is the staging of more seminars to educate the workers on their rights.

The committee held a total of 350 courses on labour legislation and other related aspects between November last year and last month, Mr Fung added.

Principal Information Officer of the Labour Department B.K. Robinson said he could not comment on the CIC's findings until he had seen the release.

However, Mr Robinson added: "My job is basically to try to educate workers on their rights and to explain to employers the laws."

He welcomed the committee's move aimed at educating the workers.