

# 30,000 to benefit if work law is passed

By Kris Chan

THIRTY thousand workers, who are not covered by legislation because they do not meet the criteria of continuous employment, will be protected if a Labour Department proposal is accepted.

The proposal changes the definition of continuous employment under the Employment Ordinance which lays out benefits all manual workers, and non-manual workers earning less than \$11,500 a month, can claim.

But to get the benefits, a worker should have been continuously employed, which is defined by the ordinance as working for the same employer for four consecutive weeks, with no less than three days each week and no less than six hours a day.

An employee must meet the above to qualify for long service payments, severance pay, sickness allowance, compensation for injury at work etc under the Employment Ordinance.

The Labour Department estimates about 50,000 workers are unprotected because they do not meet the criteria for continuous employment.

But among them, about 30,000 work more than 16 hours a day for their employers. They do not meet the requirement of continuous employment because they either work less than three days a week or less than six hours a day.

They include night-school teachers, factory workers on special shifts, nurses working in clinics, printing workers and others.

Labour unions have long argued that this is unfair to these people who work continuously for the same employers but are still barred from being protected because of the nature of their jobs.

Should the changes be approved, any worker who has been employed for 20 hours

each week for four consecutive weeks will be eligible for protection.

How many days these hours are spread in a week or how many hours a day he or she works will no longer be taken into account.

The proposal has been discussed by a committee under the Labour Advisory Board but no agreement has been reached because of opposition from both employers and employees.

Workers' representatives on the committee said the proposed change would leave out some workers, who are now protected by the ordinance — those who work more than 18 but less than 20 hours a week.

They proposed that both the new and the old definitions should be in place so that workers who satisfy either criteria could benefit.

But this was opposed by employers, who said it would cause too much confusion.

The committee will discuss the proposal again in July.

In a related proposal, the Labour Department wants to change the definition under which a worker is deemed to have been laid off by the employer.

At present, an employee is deemed to have been laid off if his employer does not provide the worker with a job on at least 12 normal working days in any period of four consecutive weeks.

Under the new proposal, any worker whose salary within a consecutive four-week period, is less than half of his normal salary in the same period of time, or when his salary within 26 consecutive weeks, is less than two-thirds of the normal salary within the same period of time, is deemed to have been laid off.

They will then be eligible for severance pay.