

Letterhead of HONG KONG CONFEDERATION OF TRADE UNIONS

LC Paper No. CB(2) 1163/00-01(02)

Submission of the Hong Kong Confederation of Trade Unions to Legislative Council Panel on Manpower on Implementation of Articles 6 to 8 of the International Covenant on Economic, Social and Cultural Rights in Hong Kong Special Administrative Region

Introduction

The Hong Kong Confederation of Trade Unions (the HKCTU) believes that the essence of Articles 6 to 8 of the International Covenant on Economic, Social and Cultural Rights (the Covenant) is to provide for individuals, irrespective of their gender, age, race or educational attainment, the rights to decent work.

Principal Subjects of Concern

The HKCTU expresses its utmost concern about the gloomy employment prospects and economic insecurities experienced by the less educated as a result of rapid economic restructuring and transformation into a knowledge-based economy, and urges the Hong Kong Special Administrative Government (the HKSAR Government) to formulate a comprehensive employment policy, including a job creation and vocational training programme, that addresses the needs of the vulnerable.

The HKCTU notes with concern that a significant number of employees work extremely long hours and earn a shameful low wage. The HKCTU deeply regrets that the HKSAR Government refused to legislate for regulating working time and setting up a statutory minimum wage to eliminate such kind of inhumane working conditions. This situation constitutes a major hindrance to the enjoyment of just and favourable conditions of work as stipulated in Article 7 of the Covenant.

The HKCTU finds that paragraph 53 of the Report submitted by the HKSAR Government is inaccurate and misleading. Part VIA of the Employment Ordinance

does not provide for employees the right not to be unfairly dismissed, but to prohibit employers from extinguishing or reducing the benefit of employees in respect of severance pay, long service payment or other terminal payments to the employees.

The HKCTU deeply regrets that the HKSAR Government repealed 3 labour laws concerning trade union rights in October 1997 and failed to comply with the recommendations made by the Committee on Freedom of Association, International Labour Organization. The HKCTU urges the HKSAR Government to enact legislative provisions:

- strengthening protection of employees against all forms of anti-union discrimination by providing victims the rights to file claims for civil remedies at the Labour Tribunal, and
- laying down objective procedures for determining the representative status of trade unions for collective bargaining purposes which respect freedom of association principles.

Conclusion

The HKCTU deeply regrets that provisions in Article 6 to 8 of the Covenant and recommendations made by the Committee on Economic, Social and Cultural Rights in 1996 have largely been ignored by the HKSAR Government.

Hong Kong Confederation of Trade Unions
March 2001