

PROPOSED RESEARCH OUTLINE

The Operation of Labour Tribunals and Other Mechanisms for Resolving Labour Disputes in Hong Kong and Selected Places

1. Background

1.1 The Panel on Administration of Justice and Legal Services and the Panel on Manpower, at their joint meeting on 19 June 2003, requested the Research and Library Services Division (RLSD) to conduct a research on the operation of the Labour Tribunal in Hong Kong and similar bodies in selected places. The Panels agreed that the research should examine the operation of the mechanisms for resolving disputes between employees and employers, the efficiency and effectiveness of such mechanisms, and the enforcement of the payment of award after an order is made by relevant authorities.

2. Proposed jurisdictions to be studied

2.1 The Panels suggested RLSD to examine the operation of the Labour Tribunal of Hong Kong and that of similar bodies in the United Kingdom, Taiwan, Singapore and the Republic of Korea (Korea).

2.2 Since a preliminary research indicates that information on Korea is mostly written in Korean, RLSD proposes to study New Zealand instead of Korea. New Zealand's Employment Relations Act 2000 provides a new dispute-resolving mechanism, which settles most of the disputes in mediation. The preliminary research also indicates that the information and statistics available on the operation of the dispute resolution mechanisms in Singapore and Taiwan are relatively limited.

2.3 All in all, RSLD proposes to study the operation of labour tribunals and other mechanisms for resolving labour disputes in the following places:

- (a) Hong Kong;
- (b) The United Kingdom;
- (c) New Zealand;
- (d) Singapore; and
- (e) Taiwan.

3. Proposed Outline

Part 1 — Introduction

- Background
- Scope of research

Part 2 — Features of labour tribunals and other forms of dispute resolution

Part 3 — Operation of labour tribunals and other mechanisms for resolving labour disputes in Hong Kong and selected places

- Background
- Constitution and jurisdiction of labour tribunals and other forms of adjudication bodies
- Procedure of handling labour disputes - including the mechanisms of resolving a dispute before filing a claim, the procedures after filing a claim and the hearing
- Review and appeal
- Enforcement of awards and orders
- Efficiency and effectiveness of the dispute-resolving mechanisms

Part 4 — Comparison of the various attributes of the mechanisms for resolving labour disputes in Hong Kong and selected places

Part 5 — Issues to be considered

5. Completion Date

5.1 RLSD proposes to complete the research project in October 2003.