

**Decisions taken by the Labour Advisory Board  
at its meeting on 12 May 2003**

**The way forward on an earlier proposal to extend the Employment Ordinance to cover river trade seafarers**

The Labour Advisory Board (LAB) was consulted on 28 July 1999 on a proposal to extend the Employment Ordinance (EO) to cover river trade seafarers. Members of the then LAB advised the Administration to further consult the concerned parties on the transitional arrangements, in particular the reckonable years of past service for calculating severance payment (SP), long service payment (LSP) and other benefits prescribed under the EO.

Further to the LAB's advice, the Administration has conducted a series of consultations with the concerned trade unions and the river trade vessel operators on how to resolve the transitional arrangements with respect to the recognition of past service for calculating SP and LSP of river trade seafarers, and the interface between the EO and the Merchant Shipping (Seafarers) Ordinance (MSSO).

Despite the efforts made, these subsequent consultations could not bring about an agreement between the unions and the vessel operators. The trade unions and vessel operators have too wide a gap over the recognition of the past service of river trade seafarers for calculating SP and LSP. Their divergence over rest day and holiday arrangement is also unbridgeable.

Having noted the above developments and having considered the disparities between trade unions and vessel operators, the LAB recommended to suspend action in arranging further discussions between vessel operators and seafarers' unions for the time being and, if viable proposals are made by either party, revisit the issue at an appropriate time.

## **Guide on Rest Breaks**

The Labour Advisory Board (LAB) recommended at its meeting on 27 February 2002 that the Committee on Occupational Safety and Health (COSH) under LAB should prepare a Guide on Rest Breaks (“the Guide”).

A draft Guide prepared by a working group comprising representatives of the Labour Department and Occupational Safety and Health Council was subsequently discussed and endorsed by the COSH. The Guide spells out unequivocally the importance of rest breaks to the health and safety of a worker, and its impact on the efficient and effective operation of a business. The Guide also draws employers’ attention to their general duties towards safety and health of their employees under the Occupational Safety and Health Ordinance and recommends that rest break arrangements should be worked out voluntarily between employers and employees through consultation.

Public consultation on the draft Guide was conducted in January 2003 through the LD’s 9 tripartite Committees and 11 industry-based Safety and Health Committee of the Occupational Safety and Health Council. A total of 292 organisations were also consulted. 80% of the responses were supportive of the issue of the Guide.

Having noted the above developments and examined the final draft Guide, the LAB approved the publication of the Guide.