

**Legislative Council Panel on Manpower  
Meeting on 20 November 2003**

**Agenda item IV:  
Proposed amendments to reinstatement and re-engagement provisions  
under the Employment Ordinance**

**Background**

At the LegCo Panel on Manpower meeting on 20 November 2003, the Administration was requested to provide statistics relating to claims handled by the Labour Department and awards of compensation made by the Labour Tribunal under Part VIA of the Employment Ordinance (EO).

**Claims handled by the Labour Department for July 1997 to June 2003**

2. Part VIA of the EO on employment protection came into force on 27 June 1997. In the six-year period from July 1997 to June 2003, the Labour Department handled 23 624 claims of this category. These accounted for 12.8% of the total of 184 002 claims handled in the period and comprised 19 653 claims (83.2%) on unreasonable dismissal, 2 996 claims (12.7%) on unreasonable and unlawful dismissal and 975 claims (4.1%) on unreasonable variation of contract terms.

3. Of the 2 996 claims on unreasonable and unlawful dismissal, 797 (26.6%) were against dismissal during pregnancy/maternity leave, 496 (16.6%) against dismissal during paid sick leave, 23 (0.8%) against dismissal due to the employee giving evidence for the enforcement of labour legislation, 24 (0.8%) against dismissal due to the employee exercising trade union rights, and 1 656 (55.3%) against dismissal after work-related injury.

4. Of the total of 23 624 claims, only 80 (0.3%) requested reinstatement/re-engagement. Among these, only 16 (0.1%) were on unreasonable and unlawful dismissal. For these 16 claims, 10 were settled by reinstatement/re-engagement and 2 by monetary compensation after conciliation by the Labour Department. The remaining 4 unsettled claims were referred to the Labour Tribunal for adjudication. Of these, 2 claims

were resolved by monetary compensation by mutual consent of the employers and employees. The Tribunal dismissed the other 2 claims.

### **Awards of compensation made by the Labour Tribunal**

5. From July 1997 to June 2003, the Labour Tribunal made 39 awards of compensation under section 32P in Part VIA of the EO in respect of employment protection claims on unreasonable and unlawful dismissal. The total amount of compensation involved in these awards was \$965,559.

Economic Development and Labour Bureau  
Labour Department  
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