

Objection To Compulsory Retirement Age At 45

17, July 2006

To All the Members in the Panel on Manpower of the Legislative Council

The Hong Kong Flight Attendance Alliance (HKFAA) was recently formed by four unions representing Hong Kong based Flight Attendants. We are very much concerned with the lack of anti-age discrimination legislation in Hong Kong and thus indirectly encouraging Hong Kong Airline Companies to practice age discrimination both in recruitment and also in compulsory retirement age.

According to International Covenant on Economic, Social and Cultural Rights (ICESCR), the government bears the responsibility to eliminate age discrimination by legislation. However, the government only enacts Sex Discrimination Ordinance, Disability Discrimination Ordinance and Family Status Discrimination Ordinance. Legislation of Age Discrimination Ordinance is not likely to be enacted in a short period of time. The Labour Department has issued Practical Guidelines for Employers on Eliminating Age Discrimination in Employment recently; however, it is not backed by legislation. This is no safeguard for employees as it is hard for employers to adhere to it on voluntary basis.

Furthermore, in the recent published document named “Invitation and Response Document for the Second Engagement Process” by the Council for the Sustainable Development headed by the Chief Secretary HKSAR government, it was stated explicitly that it is important to support the working women to achieve a better balance between career development, family commitments, parenthood aspiration, and personal goals. The present practice of age discrimination by airline is in clear contradiction to the above policy and causes imbalance for airline staff of work and family.

At present, flight attendants of British Airways and Hong Kong Dragon Airlines, and most of their counterparts in Cathay Pacific Airways must retire at 45. In terms of anti-age discrimination and aging problem of Hong Kong, it is too early to retire at the age of 45. In addition, such early retirement age would also increase burden for the government, e.g. increase social welfare and medical coverage, decrease of tax income etc. Moreover, in terms of working nature, experience is crucial for aviation safety. Experienced flight attendants are very important as they are very knowledgeable to deal with contingency and emergency. Furthermore, age discrimination in

recruiting is seriously prevalent in Hong Kong, which makes it difficult for the flight attendants concerned to look for another job after retirement.

We have recently commissioned a study to assess the appropriateness of retirement policies for flight attendants of local airlines. Enclosed please find details of the study which showed clearly that the most important criteria of most respondents in selecting an airline was its safety record and not age. Therefore, there are no impact on airline industry to adopt an anti age discrimination policy. Cathay Pacific Airline in its letter to the Union invited the union to come up with a cost neutral proposal if the retirement age at 45 is lifted. There are a lot of factors contributing to business cost, it is simply unfair to put this up as a pre-condition towards respect of basic workers rights and Government guidelines. The Airline industry by adopting age discrimination policy is in direct contradiction to government guideline and therefore the Government should not just stand by and do nothing to discourage discriminatory company policy. We strongly urged the Hong Kong Government:

1. Enact the Age Discrimination Ordinance to ensure equal opportunities for all.
2. Set up a Tripartite Committee with representatives of the Airline Industry and our Alliance to work out an anti age discrimination policy for the whole industry and extending the retirement age for all flight attendants working in Hong Kong.

Yours truly,

Hong Kong Flight Attendants Alliance:

BA Hong Kong International Cabin Crew Association

Cathay Pacific Airways Flight Attendants Union

HK Dragon Airlines Flight Attendants Association

Association of Flight Attendants-CWA, AFL-CIO, United Airlines

Note: The Same Text also submitted to the Commissioner for the Labour on 4,July 2006