

香港僱主聯合會的信頭

Letterhead of EMPLOYERS' FEDERATION OF HONG KONG

24 March 2000

Subcommittee on
Regulation relating to Occupational Safety and Health
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(Attn.: Mrs Constance Li)

Dear Mrs Li,

Factories and Industrial Undertakings (Medical Examination) Regulation

The Employers' Federation of Hong Kong wholeheartedly supports the progressive improvement of employee benefits. We also advocate for the concept of "responsible employer" among employers encouraging them to adopt good employment practices in their people management policies. The periodical medical examination as required in the above Regulation does provide a greater extent of protection of employees on occupational safety and health.

We fully understand the good intent of the proposition of including a provision requiring the employer to arrange a change of post, as far as reasonably practicable, for the worker concerned during the period of suspension. At the same time, however, we do think that provisions in the Regulation should be enforceable. Otherwise, it would only create ambiguity and unnecessary disputes. It would be difficult to determine, for example, whether a suitable job does exist. The employment of an employee is on the basis of his knowledge and skill in the particular occupation, which might not be applicable to other areas. Unless there is a genuine job vacancy available, alternate job arrangements would only add to the employer's cost and hamper the employee relations. Problems could also arise as to whether the employee finds the job acceptable. In this case, more problems for both sides might be created than offering additional protection to the worker concerned.

Employers, in the event of an employee's temporary or permanent suspension of work, are obliged to shoulder all statutory compensation such as sickness allowance, long service pay. Any impractical provision would only add unnecessary administrative burden to the employer and jeopardise the attractiveness of Hong Kong as an international business centre.

The Federation strongly believes that alternative arrangement is only practicable unless it is voluntary, by mutual consent of the employer and employee. We thus earnestly urge the Sub-committee to take into account of the above view when finalising the above Regulation. To promote best practice, the sub-committee may consider to incorporate the said idea alternatively in the guidance note on best management practices to be published by the Labour Department.

If you would like to further discuss with the Federation, please do not hesitate to contact Mrs Jackie Ma, the Executive Director of the Federation at 2528 0712.

Yours sincerely,

Ross Sayers
Chairman

*c.c. Mr Norman Yuen JP, Chairman of Employee Relations & Legislation Issues
Committee Dr Kim Mak, Labour Advisory Board Representative*