

Subcommittee on Rights of Ethnic Minorities
Employment Issues of Ethnic Minorities
13 February 2017

Submission from the Equal Opportunities Commission

Purpose of the Paper

This paper is supplementary to the previous submission from the Equal Opportunities Commission (EOC) on 9 January 2017 regarding employment support for ethnic minorities (EMs) made to the Subcommittee on Rights of Ethnic Minorities.

Submission from the EOC on 9 January 2017

2. In the last submission, the EOC made the following recommendations to the Government:
 - a. Ensure interpretation services are provided proactively, consistently and in a timely manner in the employment support services provided by the Labour Department;
 - b. Hire EM full-time staff in the Labour Department's Job Centres to better cater to EM job seekers' needs;
 - c. Take the lead in recruiting more EMs by requiring Government Bureaux and Departments to critically review the language proficiency requirements of their job vacancies on a regular basis;
 - d. Widen the employer base for EMs by conducting promotional

- campaigns, offering incentives and other measures to spread the message of equal opportunities and diversity in employment;
- e. Intensify language support in vocational training institutions for EMs; and
 - f. Develop workplace Chinese courses that are tied to relevant industries and are brought under the Qualification Framework so as to help EMs reach the functional Chinese level to cope with their work.

Language Barrier in Employment

3. Many South Asians are working in job positions requiring lower education levels. According to the 2011 Population Census, 36% Pakistani and 42% Nepalese are employed in elementary occupations (including construction workers, security guards, etc.)¹. For many of them, English is also a second language that they barely comprehend and the language barrier extends well beyond the job-seeking stage. Although they may be able to communicate in verbal English and even Cantonese for basic interaction, they are at a disadvantage when it comes to processing information and going through procedures that require higher levels of language proficiency, such as occupational safety information, employment contracts, labour disputes, etc.

4. According to a study conducted by the Hong Kong Polytechnic University and funded by the Government's Central Policy Unit, "safety communication barriers of EM (construction workers) impede them from receiving safety training

¹ Census and Statistics Department (2011). *2011 Population Census – Thematic Report: Ethnic Minorities*

and acquiring safety information effectively”². Due to the language barrier, there may be some gaps in EM construction workers’ awareness and understanding of safety regulations. This is a critical area that needs to be monitored or could lead to potentially dangerous outcomes.

5. It is also vitally important that any employee/potential employee understand the contents of the employment contract and employment terms thoroughly. However, EMs in semi-skilled jobs may be at particular risk of signing contracts and terms without fully understanding the implications due to their lack of or low proficiency in both Chinese and English. Similarly, in case of a labour dispute EM employees are less likely to be aware of their rights under the Employment Ordinance.

Recommendations

6. The EOC urges the Government to address this important issue by carrying out education and awareness exercises so that EM employees/potential employees are armed with the necessary knowledge and awareness on occupational safety and legal protection with respect to their employment. Currently, a majority of the public educational information and training courses of the Occupational Safety and Health Council are provided in Chinese only. More training courses should be run in English for EM employees with EM language support where needed, such as on-site interpretation. In addition educational leaflets should be translated into English and EM languages. It is highly recommended that these support measures

²The Hong Kong Polytechnic University (2015). *Improving Safety Communication of Ethnic Minorities in the Construction Industry*

are extended to vocational training such as those organized by the Construction Industry Council.

7. The Government needs to ensure that the safety and rights of EM employees are not jeopardized by the language barrier. Employers should be made responsible for ensuring that their EM employees have been explained the safety requirements of their jobs and the details of their employment contracts in a language and manner that they fully comprehend.

8. While the language barrier makes it essential that such information is provided in various EM languages, it is also important that interpretation and translation services are accessible to both employers and EM employees, for example, to translate safety procedures into English or even EM languages and interpret contract terms.

9. Currently, community interpretation services that cater to EMs in accessing public services are mainly operated by two service providers - Hong Kong TransLingual Services (HKTS), a social enterprise; and Hong Kong Christian Service CHEER Centre, a Support Service Centre for EMs subsidized by the Home Affairs Department. However, due to the lack of resources to offer career progression and reasonably attractive remuneration, both service providers have reported high attrition rates as well as a shortage of interpreters in certain high-demand languages. There is a huge gap between the existing manpower of community interpreters and the potential demand if language support is extended to the employment sector. The Government is urged to provide more resources to bolster the services of community interpretation in order to meet the demand and tackle the problem.

10. At present, community interpretation, particularly for EM languages, is seen very much as a part-time and ad hoc “job” as against a “career” with long term prospects. Quality control, pre-requisite skill testing, training and qualifications are largely non-standardized or informal. When it comes to subjects such as safety procedures, employment contract, etc., that may involve more technical and legal terms, there may be concerns about whether the current crop of community interpreters can provide accurate interpretation and translation. It is highly recommended that the Government set up a regulatory body with powers to promote and oversee the quality of community interpretation services by developing quality control standards, formalising training and qualification accreditation, and introducing a registration system.

11. In conclusion, the language barrier exposes EM employees, particularly those in elementary occupations, to a higher risk of industrial accidents and employment exploitation. These risks can be reduced by the Government showing stronger impetus in public education, improving language support in relevant training and strengthening the provision of community interpretation.

Equal Opportunities Commission

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