

Bills Committee on Employment (Amendment) Bill 2017

The Government's response to issues as requested by the Bills Committee at its meeting on 16 June 2017

This paper responds to two issues as requested by the Bills Committee on Employment (Amendment) Bill 2017 (“the Bill”) at its first meeting held on 16 June 2017.

Details of unreasonable and unlawful dismissal (“UUD”) claims in which the employee requested reinstatement or re-engagement

2. During the past five years from 2012 to 2016, the Labour Department handled 25 UUD claims in which the employee requested reinstatement or re-engagement. Members requested breakdowns of these 25 claims by nature and outcome, and the number of claims in which the employee received monthly wages over \$24,000.

3. Breakdowns by nature of the 25 claims are set out below:

	Nature of claims	No. of cases
1.	Dismissal during paid sick leave	7
2.	Dismissal by reason of the employee exercising trade union rights	8
3.	Dismissal after work-related injury and before determination/settlement and/or payment of compensation under the Employees' Compensation Ordinance	6
4.	Dismissal during pregnancy or maternity leave	2
5.	Dismissal by reason of the employee giving evidence for the enforcement of relevant labour legislation	2
	Total	25

4. Of the above 25 claims, 13 were settled at the Labour Department either by conciliation or because the claimant deciding not to pursue the claims; and 12 were filed with the Labour Tribunal (“LT”). The outcome of the 12 claims filed with LT is set out below:

	Outcome of claims filed with LT	No. of cases
1.	Claims withdrawn by claimants	3
2.	Settled by payment in consent	4
3.	Dismissed	1
4.	Claims adjourned sine die	3
5.	Result pending	1
	Total	12

5. Of the above 25 claims, the employees of 12 of them received monthly wages over \$24,000.

LT awards/orders registered in the District Court

6. A Member requested information on whether any award or order made by LT was registered in the District Court before.

7. An award or order made by LT may be registered in the District Court in accordance with rule 12 of the Labour Tribunal (General) Rules (Cap. 25A). Under section 38 of the Labour Tribunal Ordinance (Cap. 25), the award or order, on registration, becomes a judgment of the District Court and may be enforced accordingly.

8. According to information obtained from the Judiciary, during the past five years from 2012 to 2016, a total of 147 awards or orders made by LT in respect of all claims disposed of by LT were registered in accordance with rule 12 of the Labour Tribunal (General) Rules (Cap. 25A). The Judiciary does not keep a breakdown by nature of those claims.