

## Employment (Amendment) Bill 2022

### Debate and voting arrangements

- Object of the Bill** : To amend the Employment Ordinance (Cap. 57) (“EO”) to:
- (a) regard a day on which an employee (“affected employee”) is subject to any restriction on movement imposed under the Prevention and Control of Disease Ordinance (Cap. 599) as a sickness day, and to provide for sickness allowance to be paid to the affected employee under certain circumstances;
  - (b) provide that it is not a valid reason to dismiss an employee or vary the terms of the employee’s contract of employment on the ground of the employee being an affected employee;
  - (c) provide that it is a valid reason to dismiss an employee (other than an employee that falls within a specified category) or vary the terms of the employee’s contract of employment if the employee refuses to produce proof of vaccination after a request is made by the employer; and
  - (d) provide for related matters.

<b>Joint debate</b>	<b>: Clauses with no amendment and clauses with amendments by the Secretary for Labour and Welfare (“SLW”)</b>	<b>— Clauses 1 to 14</b>
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Joint debate on the original clauses and the amendments.

#### **SLW’s amendments**

Ways of making a “legitimate vaccination request” to employees<sup>1</sup>

#### **Clause 5**

- The amendment seeks to add new subsection (3) to the proposed new section 32KB of EO to provide that without limiting the ways in which a written request is made for the purposes of the proposed new section 32KB(2) of EO,<sup>2</sup> a written request would be so made to an employee if there is posted in a conspicuous place at the place of employment a notice that contains the request and is addressed to all the employees, or a group of employees to which the employee belongs, of the employer.

Other drafting, technical and consequential amendments

#### **Clauses 3, 5, 7, 10, 11, 13 and 14**

- To make drafting, technical and consequential amendments to the above provisions.

<sup>1</sup> Under the proposed new section 32KB(1) of EO, an employee who fails to comply with a legitimate vaccination request made to the employee by his or her employer would be regarded as being incapable of performing work of the kind that the employee was employed by the employer to do.

<sup>2</sup> Pursuant to the proposed new section 32KB(2) of EO, a legitimate vaccination request would be taken as made by the employer if a written request meeting all the conditions set out in Part 1 of the proposed new Schedule 12 to EO is made to the employee and that a written request meeting all those conditions is made to every other employee performing the same or similar work.

<b>Voting order</b>	: 1. Clauses with no amendment (i.e. clauses 1, 2, 4, 6, 8, 9 and 12) standing part of the Bill 2. SLW's amendments (to amend clauses 3, 5, 7, 10, 11, 13 and 14) 3. Clause 3, 5, 7, 10, 11, 13 and 14 with amendments or without amendment standing part of the Bill
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### **SLW's amendments**

(set out in LC Paper No. CB(3) 471/2022(01) issued on 7 June 2022)

Council Business Division 3  
Legislative Council Secretariat  
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