

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

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Hong Kong: home to worker exploitation, repression and discrimination

Brussels and Hong Kong, 13 December 2006: Hong Kong is criticised for depriving workers of their fundamental rights in a report published by the ITUC this week. Coinciding with the trade policy review of Hong Kong at the WTO, the report finds that trade unions are denied legal recognition, that the right to collective bargaining is nonexistent in practice, and that trade union members are insufficiently protected against discrimination.

"The working conditions for most workers in Hong Kong – one of the richest places in the world and with a GDP per capita at the level of the UK, France, Germany and Italy – are a disgrace", said Lee Cheuk Yan, General Secretary of the Hong Kong Confederation of Trade Unions (HKCTU).

"Workers are exploited and denied the right to effective representation. Hong Kong is the only developed economy without legislation on maximum working hours. Working weeks of up to 60 hours and more are not unusual and yet the share of national income that goes to workers is among the lowest among the industrialised countries. It is obvious that the workers of Hong Kong suffer badly as a result of the lack of rights to effective representation."

Although independent and democratic trade unions are allowed to exist in Hong Kong, unlike mainland China, and the right to strike is enshrined in legislation, various loopholes in both law and practice deny the free exercise of these rights. Furthermore, the right to collective bargaining is not recognised.

As there is no real recognition of trade unions and respect of collective bargaining, workers are left to the mercy of their employers; firstly with regards to whether they can negotiate jointly with them, secondly to whether reached agreements are actually implemented and upheld. As a consequence only one percent of the workforce is covered by collective agreements – yet even these are not legally binding. This is clearly contrary to international conventions Hong Kong claim to uphold.

The continuing harassment and discrimination against trade union members by employers is another obstacle to workers when seeking effective representation and a breach of the internationally agreed fundamental principles applying to the world of work. A worker who has been sacked by their employer because of their trade union membership has no means to enforce their reinstatement under Hong Kong law.

Since 1998, the UN's International Labour Organisation has consistently criticised Hong Kong for this practice, but so far the Government has shown no will to address the issue. Similarly, the right to strike is rendered ineffective by clauses in employment contracts which stipulate that absence from work can be considered breach of contract that may lead to dismissal.

The report moreover finds that work-related discrimination, both with regards to gender and ethnicity or origin is widespread. With women earning up to 30 percent less than men for the same work, the principle of 'equal pay for equal work' is far from being realised in Hong Kong. And migrants from neighbouring countries and mainland China continue to represent a stigmatised underclass.

"The massive pay gap calls for determined measures to end gender discrimination, and while a Race Discrimination Bill has recently been enacted to address discrimination against ethnic minorities, it regrettably fails to protect migrant workers who come from the mainland", said Guy Ryder, General Secretary of the International Trade Union Confederation. "This and the other violations identified in the report need to be remedied as a matter of urgency."

The report can be downloaded here: XXX

A spotlight interview with the President of the Hong Kong Indonesian Migrant Workers' Union can be read at: XXX

Founded on November 1 2006, the ITUC represents 168 million workers in 153 countries and territories and has 304 national affiliates. <http://www.ituc-csi.org>

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