

Conciliation Service of the Labour Relations Division

The Labour Relations Division of the Labour Department operates from 10 branch offices located in Hong Kong, Kowloon and the New Territories to assist employers and employees in establishments outside the government sector in resolving their labour disputes through the provision of conciliation service.

Conciliation service is provided free of charge. They are informal, time saving and relatively simple procedures which help resolve labour disputes. Records reveal that most of the labour disputes have been satisfactorily resolved through the Labour Relations Division.

PROCEDURES

Conciliation service is accessible to both employers and employees. In case of a labour dispute, either party involved may contact a branch office near his work place to make enquiries in person. The staff of the branch office will interview the enquirer to understand the issue involved and explain the relevant requirements of the Employment Ordinance and/or the Minimum Wage Ordinance. If the party concerned requires conciliation, a meeting for the purpose would be arranged, and the other party would be requested in writing to turn up at the conciliation meeting at the scheduled time.

At the conciliation meeting, the conciliation officer would assist both parties in exploring the crux of the issue concerned, and in analyzing the situation. He would also draw their attention to the relevant statutory requirements and terms of the employment contract, thus facilitating them to reach a mutually acceptable settlement. If necessary, a settlement agreement would also be signed by the parties. If the settlement involves compensation by cash payment, the conciliation officer would assist in making arrangements for effecting payment.

If either party fails to attend the conciliation meeting, or no settlement is reached between both parties at the meeting, the conciliation officer will arrange another conciliation meeting, or at the request of the party concerned, refer him, depending on the claim amount, to lodge a claim with the Minor Employment Claims Adjudication Board or the Labour Tribunal where the

dispute will be adjudicated by the Adjudication Officer of the Minor Employment Claims Adjudication Board or the Presiding Officer of the Labour Tribunal.

If an employer or a company cannot pay the wages in arrears or other payments on account of bankruptcy or liquidation, the employee will be referred to the Legal Aid Department for assistance, and to the Protection of Wages on Insolvency Fund for applying for ex gratia payment.

THE ROLE OF CONCILIATION OFFICER

The conciliation officer is a neutral intermediary who assists both parties to understand the problem and to have a frank dialogue so as to remove each other's differences and prevent the issue from deteriorating. He also endeavours to seek a settlement which is acceptable to both parties.

Attendance at conciliation meetings is voluntary for both the employee and the employer. The conciliation officer does not have the power to adjudicate the claims. However, in the event that any suspected breach of the Employment Ordinance is detected, the conciliation officer will refer the case to appropriate division for investigation. Prosecution may be instituted by the Labour Department where there is sufficient evidence.

OTHER SERVICES PROVIDED BY THE LABOUR RELATIONS DIVISION

Apart from handling labour disputes, staff of the Labour Relations Division also answer enquiries about the Employment Ordinance, the Minimum Wage Ordinance and employment contracts, help employers and employees understand their rights and obligations, as well as offer advice on personnel management practices so as to prevent the occurrence of disputes.