



Submission to Mr. Matthew Cheung, the Secretary for Labour and Welfare

By Hong Kong Unison and its RDO Translators Group, 4 March 2010

I) Foreword

Ethnic minority (EM) residents in Hong Kong have long been suffered from unequal employment opportunities. Although the Government does not compile any statistics on their employment situation, it is widely recognized that they have been facing serious unemployment and underemployment problem. A recent study by a NGO (HKCS, 2009) found the unemployment rate of ethnic minority men is 25 %, which is five times higher than the Hong Kong average.

Besides unemployment, EM residents have also been facing discriminatory and other unfair treatment by their employers, so as other colleagues. In addition, many employers have taken advantage of their ignorance in labour rights, so as to avoid those statutory obligations required by labour law.

One of the major reasons for employment difficulties of EM people is their weak Chinese language proficiency. Yet we found that even those who have a good command of Cantonese having difficulty in getting jobs. *We believe lack of understanding by the mainstream society on EM communities also attribute to their vulnerable situation.*

The above observations were supported by the findings of a recent survey commissioned by the Equal Opportunities Commission. The 2009 survey conducted by the Census and Statistics Department found that nearly a quarter of respondents not willing to offer a job to Indians, Pakistanis and Nepalese (HKSAR, 2009). Another survey conducted by a NGO in 2004 indicated that those employers who had experience in recruiting EM employees having a more positive perception on their working skills, ability and attitude (HKEDS, 2004).

In light of the above circumstances, we believe the Government has an important role to play, to promote equal employment opportunities and better career prospect of EM people. In the past few months, *the RDO Translators, our labour rights concern group mainly consists of EM youth and workers*, has been discussing about the issue.



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In the next section, we would like to draw your attention on a number of areas, putting forward our suggestions and recommendations. With your commitment and support, we wish we could work as partners. Together, we could build a better future for EM communities in Hong Kong.



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II) Areas of concern

Issue	Current inadequacy/ areas to be improved	Our suggestions/recommendations
Employment services provided by the Labour Department	<ul style="list-style-type: none">● Lack of English information on job description and requirement;● Lack of choices, most of job vacancies available for EM job seekers are that of unskilled nature;● Staff in job centres not friendly to EM job seekers, and many of them are reluctant to speak in English;● The job seeking website is not useful, again most of the job information is in Chinese.	<ul style="list-style-type: none">● Making all job information in job centres and website bilingual;● Recruiting EM helpers or assistants in those job centres where there are more EM people living in the district;● Strengthening job services provided by website, for instance, regular e-mails could be sent to those job seekers to update them with latest vacancies;● A specific hotline for EM job service users in which English and EM native speakers



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		<p>available in handling enquires;</p> <ul style="list-style-type: none">● Strengthening promotion of Labour Department's services to EM communities, reaching out to their communities;● Consider setting up a career resource and counseling centre for EM people in one of the job centres (for instance, Cheung Sha Wan job centre), that is easier to access.
Creation of job opportunities for EM people	<ul style="list-style-type: none">● In the past, the Government has created many job opportunities for vulnerable groups, especially in the period of economic downturn. Yet none of them are catered for EM people;	<ul style="list-style-type: none">● Recruiting EM helpers in those departments and public bodies having frequent encounter with EM people, for instances, Social Welfare Department, Home Affairs Department, public hospitals and clinics etc;



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	<ul style="list-style-type: none">● Given that majority of employers are still reluctant or hesitant in recruiting EM people, the Government could act as a role model, taking the lead to recruit them.	<ul style="list-style-type: none">● Encourage employers to recruit EM people by means of job fairs, media campaign or public appreciation to employers recruiting EM people.
Vocational training and employment retraining	<ul style="list-style-type: none">● EM people in general do not have the concept of life-long learning, and a majority of them are not aware of the vocational and retraining opportunities provided by the Government. As a result, many of training bodies find it difficult to recruit EM participants;● Those who have participated in the retraining courses found it not helpful in getting jobs. For instance, those graduates in community interpreters were only employed on part-time basis and their income not enough to make a living;	<ul style="list-style-type: none">● Strengthening promotion of vocational and employment retraining services provided to EM people, again outreaching means would be more effective;● Additional resources should be given to training bodies to hire EM interpreters and assistants. They could act as interpreters in the class and assist course providers reaching out to the communities;



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	<ul style="list-style-type: none"> ● Some of the participants with relatively low English and Chinese language proficiency found it difficult to understand what the tutor had said; ● Training options offered to EM people (by ERB and VTC) are still not wide enough, when compared to those offered to their Chinese counterparts. 	<ul style="list-style-type: none"> ● Promotion should be given to the EM youth to urge them joining the construction industry. Moreover, flexibility should be increased to enable those EM youth who could speak Cantonese having classes together with Chinese students (with provision of English teaching materials).
<p>Unfair and improper practice by employers</p>	<ul style="list-style-type: none"> ● Many employers took advantage of their ignorance in labour rights and treated them unfairly. <p>Some common examples</p> <ul style="list-style-type: none"> ● Unequal pay between Chinese and EM workers, especially in construction industry; ● Misrepresentations by employers that if EM workers did not accept changes in work conditions, they would need to resign by 	<ul style="list-style-type: none"> ● Public education should be strengthened among the EM communities, so that they could have a better understanding on their labour rights, so as importance of industrial safety; ● We believe education could not be effective unless the Labour Department reached out to EM communities. An outreaching education team, consisting of both



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	<p>themselves and serve the notice period as stipulated in the employment contract;</p> <ul style="list-style-type: none">● Employees were required to sign a Chinese document in which they do not understand. Later they found it is an acknowledgment that they agreed to work on self-employed basis. As a result, the employer could avoid MPF payments;● Employees suffered from serious industrial injuries were advised not to report to the Labour Department. The employer offered to pay a small amount of compensation, in exchange of employee keeping silent on the accident.	<p>local and EM staff, should be set up, conducting education programs for EM workers.</p>
<p>Clear picture on their employment situation</p>	<ul style="list-style-type: none">● Without detailed statistics on their employment situation, no one could have a clear picture on the extent of plight they are suffering. It is difficult for the Government and service providers in planning of services.	<ul style="list-style-type: none">● The Labour Department should compile statistics on characteristics and needs of their EM job seeker;



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		<ul style="list-style-type: none">● The Government should record unemployment and underemployment rate of EM communities.
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III) References

- 1) Hong Kong Christian Service (2009), *Survey on exploring the influences of financial tsunami on South Asian Males*, Sept- Nov 2009.
- 2) 香港政府統計處，主題性住戶統計調查第 39 號報告書：《種族接納》，2009 年 6 月。
- 3) Hong Kong Employment Development Service (2004), *Employment Relations of Ethnic Minorities in Hong Kong*, Sept 2009