

Bar bender's employer and principal contractor fined for violation of Employees' Compensation Ordinance

The Labour Department launched a prosecution against Kong Kee Engineering Limited, the employer, and Man Kit Construction Company Limited, the principal contractor, for failing to make periodical payments in accordance with requirements of the Employees' Compensation Ordinance (ECO). Both the employer and the principal contractor pleaded guilty at Kowloon City Magistrates' Courts today (June 20) and were each fined \$39,000, making a total of \$78,000.

A bar bender sustained an injury during a work accident on June 19, 2017. The employer and the principal contractor failed to make periodical payments to the employee on the normal paydays or within seven days thereafter as required by the ECO.

Section 10(10) of the ECO stipulates that during a period of temporary incapacity, the employer shall pay the injured employee periodical payments at a rate of four-fifths of the difference between the employee's monthly earnings at the time of the accident and his or her monthly earnings during the period of temporary incapacity. Section 24 of the ECO provides that when an employee of a sub-contractor is injured at work, the principal contractor shall be liable for any claim of compensation made by the injured employee under the ECO.

The periodical payments are payable on the injured employee's normal paydays. Employers or principal contractors who, without reasonable excuse, fail to pay within seven days after the due day, have committed an offence and are liable to a fine of \$100,000 on conviction.