

Contractor/Employer fined for failing to ensure work safety and take out insurance cover for worker

A contractor and Li Chuen Scaffolding Limited were fined \$50,000 and \$56,000 respectively at Tuen Mun Magistrates' Courts today (April 14) for violation of the Factories and Industrial Undertakings Ordinance, the Construction Sites (Safety) Regulations and the Employees' Compensation Ordinance. The prosecutions were launched by the Labour Department (LD).

The LD hopes that the case would send a message to other contractors/employers/proprietors that they must protect their workers and employees' occupational safety and health (OSH) and take out employees' compensation insurance policies for their employees in accordance with the law.

The case involved a fatal accident that occurred on September 17, 2021, at a building in Tuen Mun. A scaffolder, while erecting a truss-out scaffold at the 12th floor of the external wall of the building, plunged to the first floor canopy of the building and died. It was found that the contractor and the employer had failed to adopt necessary safety measures, and the employer had failed to secure an insurance policy for the employees. The LD therefore launched the prosecutions.

Contractors/employers/proprietors are required to take adequate OSH precautions pursuant to relevant provisions under the OSH law. Employers are also required to take out insurance policies for all their employees to cover their liabilities both under the Employees' Compensation Ordinance and under common law for injuries at work.

"Contractors/employers/proprietors that fail to ensure their employees' OSH are liable to a maximum fine of \$500,000 and imprisonment for one year. In addition, employers that fail to secure insurance cover for their employees commit an offence and are liable to a maximum fine of \$100,000 and imprisonment for two years. The LD does not tolerate such offences and spares no efforts in prosecuting contractors, employers and proprietors who defy the law," a spokesperson for the LD said.

The LD stresses that contractors/employers/proprietors should adopt adequate OSH precautions to ensure their employees' safety at work and take out employees' compensation insurance policies for their employees to ensure that employees injured at work can receive employees' compensation. The LD will continue to safeguard OSH as well as the statutory employment rights and benefits of all employees. All employees who suspect that their employers have not taken adequate OSH precautions or taken out insurance cover for them should promptly report the matter to the LD, assist in investigation and give evidence to protect their OSH, as well as statutory rights and benefits. To enhance employees' awareness and knowledge of their OSH, and employment

rights and benefits, the LD will continue to hold various promotional and educational activities.