

Employer fined for dismissing injured employee

The Labour Department launched prosecution against Fukuyama Global Solutions (HK) Limited for contravening the Employees' Compensation Ordinance (ECO) by dismissing an injured employee before the Commissioner for Labour or the Employees' Compensation (Ordinary Assessment) Board (Assessment Board) had issued a certificate. The employer was convicted at West Kowloon Magistrates' Courts today (July 9) and was fined \$60,000.

On September 19, 2016, a delivery worker sustained right shoulder injury while working. On September 13, 2017, the employer, in contravention of the ECO, dismissed the employee with immediate effect without the consent of the Commissioner. At that time, the Commissioner or the Assessment Board had not yet issued the certificate under the ECO.

Section 48(1) of the ECO stipulates that an employer shall not, without the consent of the Commissioner, terminate the contract of service of an employee who has suffered incapacity in circumstances which entitle him or her to compensation under the ECO, or give notice to the employee of such termination, before the Commissioner or the Assessment Board has issued a certificate. An employer who contravenes the above provision is liable on conviction to a fine of \$100,000.