

Labour Department urges employers to comply with Supplementary Labour Scheme requirements

The Labour Department (LD) today (July 16) urged employers hiring imported workers under the Supplementary Labour Scheme (SLS) to comply with the law of Hong Kong (in particular the Employment Ordinance and the Immigration Ordinance), as well as the requirements of the SLS and the Standard Employment Contract (SEC) made under the SLS.

A spokesman for the LD said, "Employers must calculate and pay wages to imported workers according to the monthly wages specified in the SEC. Apart from deductions permitted by law and the SEC, employers must not solicit any rebate from imported workers after paying them wages. According to the Immigration Ordinance, an employer who violates the relevant provision is liable to prosecution and, upon conviction, to a fine of \$100,000 and to imprisonment for two years. According to the Employment Ordinance, an employer who underpays an imported worker's wages is liable to prosecution and, upon conviction, to a fine of \$350,000 and to imprisonment for three years.

"Employers must not deduct imported workers' wages for the purpose of paying any dues or fees charged on the workers by authorities or agents in the workers' countries of origin. If employers provide meals to imported workers, the meals must be provided free of charge and no deduction from wages should be made for the provision of meals. According to the Employment Ordinance, an employer who makes illegal deduction from wages of an imported worker is liable to prosecution and, upon conviction, to a fine of \$100,000 and to imprisonment for one year," the LD spokesman added.

Furthermore, employers must grant rest days and other holidays to imported workers in accordance with the Employment Ordinance. If imported workers work overtime, they must be remunerated according to the SEC. The work arrangements of imported workers must also be in compliance with the requirements of the SEC.

The spokesman emphasised that if employers have breached the provisions of the law or requirements of the SEC or the SLS, the approvals granted to them for importing workers may be withdrawn.

Apart from the statutory provisions on employment and immigration matters, employers may also refer to the SEC signed with their imported workers and the pamphlet "How to Apply under Supplementary Labour Scheme" (www.labour.gov.hk/eng/form/eform/sld/note/EF0601/Pamph.pdf) to understand the relevant requirements for compliance.

Employers may call the SLS hotline at 2150 6363 for enquiries.