

LCQ4: Guarding against sudden deaths of employees caused by overexertion at work

Following is a question by the Dr Hon Fernando Cheung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (February 27):

Question:

In recent years, incidents of sudden deaths of employees suspected to be caused by overexertion at work (commonly known as "deaths from overexertion") have been heard from time to time, arousing public concern about overexertion at work. In this connection, will the Government inform this Council:

(1) of the number of cases, as recorded by the Labour Department (LD) in each year since 2013, in which employees suddenly died not as a result of an accident arising out of and in the course of the employment, together with a breakdown by the gender of the deceased, the age group to which the deceased belonged, the industry and job type in which the deceased was engaged before death, as well as the cause of death of the deceased (e.g. brain disease and heart disease);

(2) whether it knows which 10 industries had the highest median weekly working hours in each year since 2013, as well as the relevant distributions of working hours;

(3) given that LD has commissioned the Occupational Safety and Health Council to conduct a study on cases of employees' sudden deaths at work, of the progress of the study; and

(4) whether it will draw up a legal definition for "death from overexertion" and stipulate death from overexertion as one of the incidents in respect of which employers must pay compensation in accordance with the Employees' Compensation Ordinance (Cap. 282)?

Reply:

President,

My reply to the question raised by the Member is as follows:

(1) Occupational injury statistics published by the Labour Department (LD) are released on a quarterly basis and the latest available statistics are up to the first three quarters of 2018. The breakdown of the number of fatalities not caused by accidents (i.e. fatalities due to various non-occupational diseases) by sex, age, industry section and disease from 2013 to

the first three quarters of 2018 are set out in Annex 1. LD does not keep the statistical breakdown by trade.

(2) According to Annual Earnings and Hours Survey undertaken by the Census and Statistics Department, the 10 industries with the highest employees' median weekly working hours and their respective distributions of weekly working hours during the period from May – June 2013 to May – June 2017 are set out in Annex 2.

(3) The causes of death of employees not caused by work accidents in the course of the employment are often complex, and may involve a multitude of factors including personal health condition, heredity, eating and living habits, work nature and environment, etc. In October 2017, LD commissioned the Occupational Safety and Health Council (OSHC) to conduct a study focusing on death of employees at workplace caused by cardiovascular diseases or cerebrovascular diseases. OSHC will look into the possible causes leading to the death of these employees from different perspectives, like working condition, personal health condition, living habits, etc., through interviewing the deceased workers' relatives, employers and colleagues. OSHC started the interviewing work in the first quarter of 2018 and expects to complete the study in about three years.

(4) As stipulated in the Employees' Compensation Ordinance (ECO) (Cap. 282), if an employee sustains an injury or dies (including the case of sudden death) as a result of an accident arising out of and in the course of the employment, the employer is liable to pay compensation in accordance with the Ordinance. To further expand the scope of ECO to cover all fatal cases that happen during the period of work irrespective of whether they are caused by work accidents would involve a significant change in the basic principle of employees' compensation, and employees' benefits as well as affordability of employers should also be taken into account.