

Six Trade Associations in Hong Kong Opposed to Collective Bargaining Legislation in Guangdong Province
IHLO, May 2014

On 24 March 2014, six trade associations in Hong Kong sent a joint submission to the provincial government of Guangdong objecting to the revised legislation on collective bargaining. The trade associations criticize the legislation for being anti-market and un-operational in practice. The submission asks the government to play the role of protecting the companies' management and investment autonomy, and upgrading the skills of labour and the economic structure of the province rather than promoting the anti-market collective bargaining system.

1. Scope of collective bargaining

The trade associations ask for a narrower scope of bargaining and object to bargaining with their employees over working hours, unit labour price and labour quota, salary levels and structure, subsidies and incentives.

2. Objection to industrial and regional bargaining

The trade associations object to industrial and regional bargaining arguing that the structures provided in the new draft are weak and loose. The bargaining parties involved are not clear at all as it is vaguely referred in the revised draft bill to "representatives of the enterprises in the industry or region". And yet the industrial or regional bargaining agreement shall have binding power over the enterprises.

3. Objection to disclosure of business information in collective bargaining

The trade associations oppose to the obligation to share company information in the bargaining, and in the investigation of a collective bargaining dispute arguing that there is no credible punishment mechanism to protect their business interests.

4. A higher bar to initiate the collective bargaining process

The trade associations demand to raise the bar for workers to initiate a collective bargaining with the employer from one-third of all the employees in the company, or one-third of the members of the workers' (representatives) congress to 50%.

5. Punishments of the strikers

On top of the penal and criminal sanctions applicable to labour strikers in Article 52 of the new draft for their collective activities banned under Article 22 (3), (4) and Article 24, the trade associations ask for the full application of Article 22 to step up the restriction over workers during the bargaining process. That will, in addition, allow the employers to fire a worker if the worker, (22.(1) blocks or procrastinates the bargaining process; (22.(2) threatens or bribes the other bargaining party.

The six trade associations are The Chinese Manufacturers' Associations of Hong Kong, the Chinese General Chamber of Commerce, The Hong Kong Chinese Importers' & Exporters' Association, Hong Kong Federation of Industries, Hong Kong General Chamber of Commerce, The Real Estate Developers Association of Hong Kong.