



香港工人健康中心
Hong Kong Workers' Health Centre



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Occupational Health

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“Occupational Health” is the publication of Hong Kong Workers’ Health Centre (WHC). The purpose of this newsletter is to share our concerns, issues and initiatives on occupational health with the general public in Hong Kong and Mainland China. The information and comments that appear in this newsletter do not necessarily represent the official position of WHC, and WHC will not assume any legal liability or be responsible for damages caused by use of the contents in this newsletter. For those who want to use the contents of this newsletter for their own writings, please quote references to this newsletter accordingly.

OHS Expert Interview Series

Dr. Chan Kan-kam



We have shared stories and insights of many OHS experts earlier. For this latest issue, we invited Dr. Chan Kan-kam for an interview to illustrate the development of Hong Kong's current and past occupational health and safety (OHS) policies and their future positioning. Dr. Chan has been active in various initiatives, organizations and public education work on OHS policies, and has nurtured the minds of tomorrow in tertiary institutions for many years.

Become Associated with Workers' Health Centre

Dr. Chan became a secondary school teacher after graduating from university in 1984. By coincidence, he became a member of the Hong Kong Workers' Health Centre (WHC) in 1987. He recalled, "The Hong Kong Workers' Health Centre was established in 1984 to promote workers' health. At the beginning, it operated as an occupational health clinic. It was transformed into an occupational health promotion centre in 1986-87. The mode adopted was utterly progressive and challenging, and there were only few similar organizations in society, so I decided to join WHC.

While promoting OHS, Dr. Chan and other founders of WHC discovered that the grassroots workers were often in a weak position and needed others to fight for the rights and basic protection to which they are entitled. Yet, many contradictions, conflicts of interest and ideologies existed between trade unions and labour organizations and the workers could not get effective assistance easily. "Since its inception, WHC has been always involved in the promotion of occupational health, irrespective of the political groupings or positions." He added, "No doubt, there are always organizations in the community which expect WHC to integrate itself into a specific circle and they would regard WHC as an outsider if WHC not to do so. Some would evaluate our position before deciding whether to cooperate with us. But we firmly follow our own path and have never ceased our work because of such tendencies".

Today's generation of computers and various software brings us endless convenience, but the environment was totally different decades ago. Dr Chan said with a laugh, "In those days, when we were preparing for community and labour education work, we could only produce and design leaflets and exhibition boards unsupported. Without computer assistance, we were required to draw every page one by one. It must take time to do and we had to do it bit by bit. It's really different from what it is now. How blessed you are now!" At that time, apart from engaging in occupational health education, WHC launched policy initiatives on OHS issues. Dr. Chan said, "The most impressive one was the promotion of compensation and prevention of pneumoconiosis. I still remember that WHC's medical staff went to an old mine in Ma On Shan with heavy testing equipment and thick sheets of questionnaires to arrange the old miners to carry out pulmonary function testing and fill in a questionnaire survey on the spot. In addition, we held seminars to urge the government to enact ordinances including the Dangerous Chemicals Ordinance and the Pneumoconiosis (Compensation) Ordinance. We have also conducted action research on various topics of OHS. During the seminars and research, we made efforts to liaise with different labour groups, trade unions, workers, professionals or interested organizations to promote occupational health and safety education."

As a staff member of WHC in the past, Dr. Chan is now a member of the Board of Directors and the Preventive Education Service Steering Committee of the organization. He still spends his spare time as a volunteer to help WHC and other organizations to carry out thematic exhibitions and seminars in the community, sparing no effort in promoting community education.



Past and Present of Hong Kong Occupational Health and Safety Development

As the saying goes, "Walnuts and pears you plant for your heirs." How could the new generation imagine that the seemingly ordinary occupational safety and health protection was absent decades ago and that the relevant protection we have today is the result of our predecessors' enormous efforts. Dr. Chan mentioned, "WHC was established during the last period preceding the Hong Kong handover. At that time, there were different operation modes for trade unions. For example, social movement groups, political organizations and labour organizations were more concerned about labourers' rights and interests, especially the pecuniary compensation, in labour laws. They rather pay less attention to non-pecuniary matters. Perhaps this situation is exactly where the value of WHC is." Dr. Chan also noted that there were and still are significant differences between WHC and other trade unions and professional organizations in areas of concern. "We have different priorities. WHC prioritizes "occupational health prevention", and gives "social policies" and "rehabilitation and compensation" as the second and third priority, while other organizations mostly did in the opposite way."

With regard to the "Participatory Approach" advocated by foreign authoritative organizations such as the International Labour Organization, Dr. Chan addressed that based on his many years of experience in local frontline practical work, it has already underscored the importance of "Participatory Approach"; and he constantly seeks opportunities to cooperate with other professional teams in his career to further develop "Participatory Approach". Dr. Chan, however, is of the view that this approach has not been effectively developed in Hong Kong, which is due to a certain degree of resistance. He remarked, "The Hong Kong economy heavily relies on the finance and real estate industries. If the participation of workers' organizations increases with stronger influence, such as the establishment of collective bargaining rights, it may have an enormous impact on the community that gives priority to the economy. As a result, policymakers rarely deal with workers' interests and other related issues, much less taking the lead to propose a change."



When it came to talking about the development of Hong Kong OHS policies in the past, Dr. Chan said with regret, “Political and social environment has a great impact on OHS development of the grassroots workers. Before the Hong Kong handover, the Legislative Council of Hong Kong had a motion debate on OHS issues almost every year. After the handover in 1997, the Legislative Council of the HKSAR focused more on political reforms. Up to now, the government has not attached any importance to OHS, nor has it laid down any long-term development framework. It is like rowing a boat upstream, not moving forward is to fall behind. As a result, the gap between Hong Kong and advanced countries in the world is widening in this aspect. When we further asked Dr. Chan how Hong Kong’s labour organizations had actively promoted the development of OHS policies in the past, he answered that Hong Kong's labour affairs had never been included in the subvention scope under social policies. Moreover, traditional social welfare organizations had not been primarily engaged in occupational health and safety work. Labour organizations have therefore emerged to develop more diversified and forward-looking service strategies, such as preventive education, advocacy and action research. Trade unions or Legislative Council Members carry out policy initiatives to urge workers to express their demands. If they do not do so, OHS development in Hong Kong would be simply dependent on the high-level government officials who only carry out their idea irrespective of external circumstances, and it is easy to fall short of reality.

He added, “After all, the government plays a significant role in the development of labour issues and OHS policies. The room for the labour sector’s influence has been also restricted under the executive-led system. But we must not be deterred by difficulties. In the late 1980s and early 1990s, although trade unions and labour organizations were faced with many restrictions, they still worked hard to speak out and take action for labour issues, just as many labour organizations worked together to facilitate the legislation of the Chemical Labeling Bill in the Legislative Council. There is still much we can do to protect our frontline workers.”

The Role of Tertiary Institutions in the Development of OHS Policies in Hong Kong

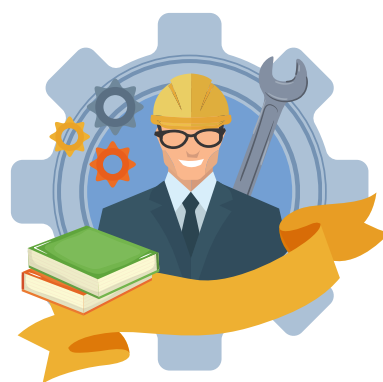
"It takes ten years to grow trees, but a hundred years to rear people." Cultivating talents has always been the only way to achieve sustained and steady development in various fields. Dr. Chan, a former Vice Principal (Academic Affairs) of the Hong Kong School of Vocational and Continuing Education, has a deep understanding of this principle. "In recent years, the government's education policies have tended to take a more universal approach, which is different from the career-oriented approach that students need for their future career. As a result, the vision and self-development of the trainees are different from those of the past. For the universal approach of tertiary education, the students often lack understanding or multiple perspectives. It is not a healthy phenomenon."



On the other hand, one of the considerations of the educational institutions under the existing education system is to understand the future development prospects of the discipline and the development opportunities of the future graduates. This can be the typical "market-oriented approach". "Apart from safety officers, how many of the job positions in Hong Kong are mainly related to OHS? Safety officer courses are offered by different institutions. As a result, there is a shortage of jobs in the market and some graduates are unable to find a job." Dr. Chan believes that such a phenomenon is absolutely related to the government's manpower development policy. "The general situation in Hong Kong is very paradoxical. Even though many professional courses are offered by tertiary institutions, graduates may not be able to find jobs as the courses are not registered with recognized professions. Take counseling and social work as examples. While there is a professional registration mechanism for social work courses recognized by the government, it is not only easy for the graduates to find a job, but there is also a salary pay scale set by the Social Welfare Department every year for reference. However, graduates with counseling majors often have to work as "project officers" if they get a job because there is no relevant position for them. If they want to continue developing their career, eventually they have to study further to become social workers. The fundamental problem is that the government should draw up a comprehensive plan on what kind of professionals Hong Kong needs to nurture.

“Why are there so many students enrolling in a safety officer course? It is simply because of the presence of the legislation (i.e. the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations). Since graduates have ‘professional recognition’ and it is easy for them to find jobs, many people will join the industry for sure. Yet, apart from the construction industry, which industry in Hong Kong employs safety officers? Don't Hong Kong have safety hazards in other industries that need people with adequate knowledge to help manage them? Just like nurses, how many ‘occupational health nurses’ are there in Hong Kong? How many people know this job position? Even many nurses in the profession have never heard of it, simply because the government has never created a market demand for relevant professional qualifications, resulting in a very low demand. Hence, the vast majority of the relevant people would choose to work in elderly care homes, hospitals, and clinics. Those who pursue further study choose to study geriatrics, pediatrics or other specialties to guarantee career prospects, job openings and even promotion opportunities.”

Furthermore, Dr. Chan was of the view that as the existing health care system provides inadequate support for workers suffering from occupational injuries and illnesses, it also has a negative impact on the retention of various talents in society. In his opinion, doctors can only respond to the immediate medical needs of patients within the limited consultation time, but patients suffering from occupational injuries and diseases did not receive adequate support for their subsequent rehabilitation. Most ridiculously, when the educational institutions train medical students, they always tell and encourage them to pay more attention to the follow-up of patients after treatment. Yet, the actual practice lacks attention to the rehabilitation and the return to work of patients with occupational injuries. “Many high-level government officials think that the workers are the pillar of their families, and it is already good enough to give adequate compensation to those who are injured at work. But can money buy health? The OHS of workers is often neglected. Consequently, we should help them live in dignity and not feel oppressed and exploited. Prevention education is thus not just about reminding the workers ‘to wear a safety helmet or you will get hurt’. There are still many that we need to pay attention to and constantly improve.”



Steady Development of OHS Needs Policy Coordination

Lastly, as for the involvement of the professional bodies in OHS, Dr. Chan stressed the importance of their active participation and willingness for cross-profession collaboration. He pointed out, "In fact, the existing professionals, including doctors, occupational therapists, physiotherapists, have a good grasp of professional practice. They can cope with treatment, physical strengthening, psychological training and even rehabilitation." At present, the crux of the problem is that the relevant OHS policies have not received attention and support from the community. Moreover, without matching resources, professionals do their job only in their own way, and even create their own inner circle to safeguard the interests of their industries. As cross-profession collaboration has just begun, Dr. Chan hopes that these professional bodies will pay more attention to occupational health and safety and unite to urge the government to allocate more funds and resources to promote the development of OHS.

In addition, the policies and the distribution of resources in society are closely related to the concerns of individuals who are in power. Dr. Chan said, "As I mentioned earlier, OHS has never been the focus of government policies. From their point of view, OHS initiatives are just a minority. Therefore, they have not taken the initiative to re-examine how to improve OHS education or amend outdated legislation. At present, the OHS services in Hong Kong are very inadequate. It just requires the injured workers to receive the most basic treatment and rehabilitation services in public hospitals."

It can be seen that the government should enhance its role in the development of OHS policies, and allocate more resources for promotion. After the local OHS market is developed, talents in different professions will be valued by every sector of society and it creates conditions for their professional development; The professionals should not restrict themselves, but should focus on the actual needs of the target stakeholders and contribute to the long-term development of OHS in Hong Kong.



Message

In summary, Dr. Chan believed that every sector of society should contribute to the improvement of the OHS standards in Hong Kong. He also suggested that different sectors and professional organizations should strengthen communication and cooperation rather than restrict themselves, and strive to build a solid cross-profession platform for workers. In addition, with the advancement of technology and the financing- and service-oriented economy, new occupational health and safety hazards will arise accordingly. The authorities should actively study how information technology can be integrated into people's workplace, and make reference to the methods and effectiveness of the use of information technology across the globe, so as to offer more innovative preventive publicity and education to workers. Undoubtedly, It is also necessary for the government to better understand the voice of the workers. Moreover, occupational safety and health regulations and services should also keep pace with the times. The promotion of occupational safety and health will save effort and lead to better results to meet the current needs of society if every sector can be united to work together.



Recommendations on the Policy of Occupational Injury Rehabilitation

According to the Labour Department, the annual average number of reported occupational injuries from 2016 to 2020 is 33,472.¹ The figure excludes minor injuries, which means the work injury sick leave of an employee not exceeding three days. The existing Employees' Compensation Ordinance was formulated and implemented by the British Hong Kong Government in 1953 with reference to the 1943 Workmen's Compensation Act in the United Kingdom. The aim of the Ordinance is to ensure that the employee who is injured in an accident arising out of and in the course of employment, or who suffers the occupational disease specified in the Employees' Compensation Ordinance, receives the appropriate compensation. Yet, the system has been in use for nearly 70 years. Although it has been amended a number of times³, most of these amendments focused on the amount of compensation payable to injured employees, while the basic principles and operation of the employees' compensation system have largely remained unchanged.

With the changes in the labour market, the community has been always concerned about the adequacy of protection for employees under the existing legislation. Under the existing employees' compensation system, injured workers mainly receive monetary compensation. The Ordinance does not stipulate arrangements for their returning to work. Yet, a comprehensive rehabilitation system for the injured employees should be developed from various aspects, including prevention, rehabilitation, the arrangement for returning to work, and compensation. Hence, there have been many voices in the community over the years calling for amendments to the relevant legislation to meet the needs of the times and to make up for its inadequacies.⁴

Progress of Occupational Injury Rehabilitation Service Model

The Hong Kong SAR Government has allocated HKD434 million to launch a three-year pilot scheme, which is projected to commence in the second quarter of 2022. This is encouraging news for the industry. It is expected the scheme will offer timely and well-coordinated private outpatient rehabilitation services to 5,100 injured construction workers, assisting them to recover and return to work as soon as possible. WHC and various professional bodies have strived for this case management model for years. It is a great progress in the service model in that it has been formally incorporated into the scheme.



What is Next After the Pilot Scheme? Is Central Employees' Compensation System a Way Out for Future Development?



Regarding the pilot scheme launched by the labour Department, WHC hopes that workers can accept the specified rehabilitation treatment and case management model offered by the scheme, and that the scheme can help the workers to grasp the golden period of rehabilitation by receiving treatment in a timely manner, to liaise with employers successfully and to coordinate return to work for workers, so as to analyze the actual effect of the pilot scheme. If the pilot scheme can achieve its objectives, probably the next step is to extend the scheme to cover work injury cases in all industries. Yet the cost involved in implementing the scheme should not be solely borne by the government in the long term. It is necessary to re-examine the policy of occupational injury rehabilitation and the coverage of the Compensation Ordinance in the future.

Over the years, WHC and many non-governmental organizations have expressed that the existing Employees' Compensation Ordinance places particular

emphasis on compensation and lacks support for prevention of injuries at work, rehabilitation and arrangement for returning to work. Moreover, various problems have arisen from the occupational injury insurance underwritten by insurer companies. For example, workers from many high-risk industries have to pay high insurance premiums; insurers refuse to cover some workers for their high-risk nature of their jobs; commission profits are necessary to be included in the premiums for occupational injury insurance.⁵

As early as in the 1980s, WHC began to advocate the establishment of a central compensation system to solve the problems arising from the existing Employees' Compensation Ordinance. Central compensation systems have been implemented in some countries such as China, Japan and Australia. The scheme has long been the mainstream employees' compensation insurance scheme in these countries. In Hong Kong, the Pneumoconiosis Compensation Fund Board and the Occupational Deafness Compensation Board are examples of central compensation systems.

A central employees' compensation fund is a system for compensating employees collectively. The fund can be derived from the contributions made by all employers in Hong Kong to labour insurance; all employers in Hong Kong are responsible for paying the compensation, medical and rehabilitation expenses of the victims of occupational injuries and diseases. WHC suggests that the government should set up a central fund to be managed by a not-for-profit Central Employees' Compensation Board in authority to cover all labour insurance in Hong Kong. The Board should determine the amount of premium by making use of the linking condition between the premium and the level of occupational safety and monitoring the records and safety measures implemented by employers.



A centrally managed central employees' compensation fund can centralize the existing fragmented management of occupational injuries, resulting in more effective management and allocation of resources:



1 Centralized management of all occupational injuries cases is conducive to saving unnecessary administrative costs. Another benefit is that the insurance is run on a not-for-profit basis. Apart from compensation, the insurance premium can be used more directly and effectively for prevention of occupational injuries, occupational rehabilitation and support for returning to work. In this sense, a systematic system and services can provide more comprehensive assistance and protection to workers suffering from occupational injuries and diseases.

2 By incorporating the element of occupational rehabilitation, injured workers may receive timely and highly coordinated rehabilitation services for a speedy recovery and returning to work. Moreover, they will no longer need to wait for public medical services for a long time and miss the golden period of rehabilitation treatment.

3 Injured workers can return to work soon, thus reducing the loss of human resources and maintaining the productivity of society. At the same time, the injured workers do not need to take legal action and it saves the worry and psychological pressure of litigation.

4 Private occupational rehabilitation services for injured workers is conducive to decreasing the demand for public medical services and reducing waiting time for public medical services.

5 Occupational rehabilitation services will no longer take up the resources of public medical services and will not rely on public funds. Instead, it can depend upon the not-for-profit fund to offer private occupational rehabilitation services.

6

Employers from every sector, including those in high-risk industries, can purchase labour insurance to provide comprehensive protection for the occupational health of their employees.

**7**

It can encourage employers to attach more importance to occupational health and safety. Since the insurance premium and the level of occupational safety are linked to each other, it motivates employers to place emphasis on occupational health and safety and improve the relevant practice.

Conclusion

Occupational accidents cause physical damage and loss of some physical functions to the occupational casualties. Moreover, it directly degrades their working ability, thus depriving enterprises and society of valuable human resources. The existing Employees' Compensation Ordinance, which has been implemented for more than 60 years, has long been out of date; it has failed to meet the needs of the times. Summarizing the policies on rehabilitation and the compensation ordinance in the developed countries, it is necessary for these in Hong Kong to make a change. As the government's pilot scheme to be launched in 2022, WHC believes that the government is willing to improve the rehabilitation services for employees suffering from occupational injuries and diseases and help them recover and return to work as soon as possible. WHC also hopes that the government can take a further step to review the scope of protection under the Employees' Compensation Ordinance as soon as possible. Solid policies on occupational injury rehabilitation should cover prevention of occupational injuries, rehabilitation, arrangement for returning to work and compensation.

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To promote occupational health and safety (OHS) culture and reduce occupational injuries among NGOs in Hong Kong, we are now running a project under the Jockey Club Charities Trust which offers a series of OHS consultancy and promotion services. The project consists of 2 phases:

	Phase I	Phase II
Objectives	To increase employees' participation, knowledge and awareness on OHS issues	To train up internal OHS ambassadors for participating organizations
Details	<ul style="list-style-type: none"> • Workplace environment inspection and assessment • OHS training with industry-specific topics • Set up internal OHS Committee • Consultancy and follow-up 	<ul style="list-style-type: none"> • OHS Ambassadors Courses with minimum 9 hours of training and teaching • Experience sharing sessions • Professional seminars <p>** Certificates will be delivered to participants who accomplishes all the components of the project</p>
Fees	Free of charge (Fees will be waived upon completion of all components in the project)	

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