

加強保障政府服務承辦商 聘請的非技術員工

Enhanced Protection for Non-skilled Workers
Employed by Government Service Contractors

18.1.2019

改善非技術員工僱傭福利的新措施

New Measures to enhance Labour Benefits for Non-skilled Workers

修訂「標準僱傭合約」及政府服務合約條款，要求政府服務承辦商：

Amend Standard Employment Contracts (SEC) and Government service contract provisions to require Government service contractors (GSCs) -

- 向按連續性合約受僱不少於一年的非技術員工在「標準僱傭合約」屆滿或終止時(因僱員干犯嚴重過失而被即時解僱除外)提供總工資的6%的合約酬金

To provide a 6% gratuity to non-skilled workers who have been employed for a continuous period under SEC for one year or longer

改善非技術員工僱傭福利的新措施

New Measures

- 非技術員工按連續性合約受僱滿1個月享有法定假日薪酬
Non-skilled workers to enjoy paid statutory holidays after employment under SEC for one month or longer
- 非技術員工在八號或以上風球懸掛時工作，發放不少於本應賺取工資的150%
Non-skilled workers to receive 150% of original pay if required to work when typhoon signal no. 8 or above is hoisted

**適用於2019年4月1日或以後招標、
以僱用非技術員工為主的政府服務合約
Apply to non-skilled workers employed by GSCs
under government contracts tendered on or after 1.4.2019**

在過渡期內的相關政府合約

Government Contracts in Transition

- * 在新措施落實前的過渡期間，有兩類相關政府合約：
Two scenarios during the transitional period:
 1. 在投標程序階段的政府合約(正計劃招標或已招標)
Contracts are in the tendering stage
(tender planned or issued)
 2. 已批出的政府合約(按舊有招標條款)
Contracts awarded under pre-existing tender terms

於2019年4月1日引入新措施的原定計劃不變
No change to planned implementation on 1.4.2019

過渡安排

Transitional Arrangements

- 在投標程序階段的政府合約，在可行的情況下
Where possible, contracts during tender stage will be –
 - 計劃招標 → 延後並按新條款招標
During tender planning stage → tender deferred to include the new measures
 - 正在招標 → 修訂招標文件，加入與新措施有關的條款
Tender issued → Amend tender document to include provisions for implementing the new measures
- 因運作需要必須在2019年4月1日前以舊有條款招標或批出合約，盡量縮短合約年期，以期盡快按新條款重新招標
Contracts that must be awarded before 1.4.2019 to meet operational needs will have shorter duration to enable issue of tender under new terms as soon as possible

過渡安排

Transitional Arrangements

已批出的政府合約(按舊有招標文件條款)

For tenders already awarded according to pre- existing tender provisions –

- * 就2018年10月10日起批出的服務合約，與服務承辦商磋商，加入與新措施有關的條款

For contracts awarded on or after 10.10.2018, negotiate with contractors to incorporate provisions for implementing the new measures

- * 與新措施有關的條款自2019年4月1日起適用

Relevant new provisions to take effect from 1.4.2019

政府財政承擔

Government's Financial Commitment

- 作為一次性特殊措施，政府會就因加入新條款而引致的額外開支，向承辦商補貼差額
As a one-off special measure, Government will provide top up to GSCs to cover additional expenses incurred as a result of incorporating the new provisions
- 初步估算涉及約120張政府合約，惠及10 600名非技術員工，補貼金額超過3億元
Transitional arrangements will apply to about 120 government contracts, benefit 10 600 non-skilled workers, and involve over \$300 million
- 2019年4月1日或以後招標的合約，有關新措施的開支預計會反映在政府服務合約金額之中，政府不會作出額外補貼
For contracts tendered after 1.4.2019, expenses arising from the new measures will be reflected in the tender price of awarded contracts. No top up will be provided

對服務承辦商的規範

Requirements on GSCs

- * 服務承辦商須與非技術員工簽訂新「標準僱傭合約」
GSCs must sign new SEC with their non-skilled workers
- * 新「標準僱傭合約」會收納新措施下的僱傭福利，為非技術員工享有這些僱傭福利提供合約基礎
New SEC will incorporate the enhanced labour benefits to provide contractual basis for non-skilled to benefit from them
- * 政府服務合約條款將列明服務承辦商提供這些僱傭福利的責任。違反條款將按合約作出懲處
- * Government service contracts will specify GSC's responsibility to provide such labour benefits. Default will attract penalty under the contracts

謝謝

Thank you