

**Claim cases of employees requesting
reinstatement or re-engagement under the protection against
unreasonable and unlawful dismissal of the Employment Ordinance**

From 2018 to 2022, the Labour Department handled a total of 40 claim cases in which the employees, who were suspected of being unreasonably and unlawfully dismissed, requested reinstatement or re-engagement. A breakdown by category of the cases is set out below:

	Category of cases¹	No. of cases
(i)	Dismissal during pregnancy or maternity leave	5
(ii)	Dismissal during paid sick leave	8
(iii)	Dismissal after a work-related injury and before the determination/ settlement and/or payment of compensation under the Employees' Compensation Ordinance (Cap. 282)	24
(iv)	Dismissal by reason of the employee exercising trade union rights	3
(v)	Dismissal by reason of the employee giving evidence for the enforcement of relevant labour legislation	0
	Total	40

2. Of the above 40 claim cases, 17 were settled at the Labour Department after conciliation or the employees decided not to pursue the claims. The employees of the remaining 23 cases filed their claims with the Labour Tribunal ("LT") and the results are as follows:

	Results of cases filed with LT	No. of cases
(i)	Withdrawn by the employees	6
(ii)	Settled by monetary remedy with mutual consent of both parties	9
(iii)	Reinstatement ordered by LT	0
(iv)	Re-engagement ordered by LT	0
(v)	Ruled against the employees	1
(vi)	Adjourned sine die	7
(vii)	Result pending	0
	Total	23

¹ According to Part VIA on Employment Protection under the Employment Ordinance, the circumstances in which it is unlawful for an employer to dismiss an employee are fully set out in (i) to (v).