

EMPLOYMENT LAW

Hong Kong Protests Impact HR

By Leah Shepherd
September 20, 2019



The recent protests in Hong Kong have led companies to take extra precautions to ensure safety, minimize business disruptions and uphold their brand.

For HR professionals and supervisors, the protests have raised many questions, including:

- How to respond to workers who attend a protest during work hours with or without permission from a supervisor.
- How to handle requests to use paid time off to participate in a protest.
- What to do when a worker is arrested during a protest.
- What to do when an employee is shown on social media or news reports committing a crime.

If an absence is not approved, employers are not required to pay the employee. However, firing an employee for taking leave to participate in a strike is illegal. It's unclear whether these protests should be considered a strike, since they are aimed at government rather than a single employer.

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If an employee appears to have done something illegal and video of that action is posted on social media, HR should investigate but not jump to hasty decisions about disciplinary actions.

Rallying for Democracy

The protests in Hong Kong began in April. The primary focus was to oppose a bill that would have allowed the extradition of suspected criminals to mainland China. Critics said the bill would undermine Hong Kong's judicial authority and endanger dissidents and visitors.

On Sept. 4, Hong Kong Chief Executive Carrie Lam announced that she would withdraw the bill. But by then, protestors had taken up a broader agenda to support democracy and oppose police brutality. Protestors' demands include:

- Amnesty for all arrested protesters.
- An independent inquiry into alleged police brutality.
- Universal suffrage for the elections of the chief executive and Legislative Council (Hong Kong's parliament).
- Retraction of the term "riot" in official descriptions of the protests.

Sebastian Liu, global threat analyst for Healix International, a global risk management firm with an office in Singapore, said withdrawing the bill "has failed to fully appease protesters. Related protests and stress tests of airport transportation links are still being planned."

Some protestors have been peaceful, while others have thrown firebombs and bricks. Police have used tear gas, water cannons, pepper spray, rubber bullets and batons against protestors.

"There remains limited room for political maneuvering," Liu said. "Beijing would seek to refrain from striking further compromise. The full withdrawal of the extradition bill has already set a precedent that suggests civil disobedience can effect change. Careful monitoring and analysis in the weeks leading up to Oct. 1, China's national day, is crucial, and HR teams should monitor for escalatory triggers."

The protestors have often targeted airports and train hubs. The protests have hurt Hong Kong's economy, particularly in the tourism, hospitality and retail industries, since safety concerns have deterred some visitors.

China's aviation authority barred employees of Cathay Pacific Airways from flying mainland routes if they participated in the protests, and it threatened to keep any flights without an approved crew list out of Chinese airspace. Cathay Pacific fired some employees, and its CEO and chief commercial officer resigned.

Hong Kong is a special administrative region of China. It operates under a "one country, two systems" agreement that provides Hong Kong some autonomy. It runs its own judiciary and legal system. Freedom of assembly and freedom of speech are protected rights under the agreement, which will last until at least 2047.

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Assessing Risk

Companies are continuing to monitor the physical risks to their employees in Hong Kong, including specific risks at airports and train stations and on daily commutes to and from work, and they've taken different measures to ensure employees' safety.

"Responses from organizations have varied so far," Liu said. "This is due to the different risk 'appetites' and tolerance that organizations have, which can vary significantly across different industries. Responses have ranged from the heightened monitoring of developments to temporarily restricting all inbound travel to Hong Kong. On protest days, many companies with a permanent presence in Hong Kong have implemented work-from-home schemes or have issued restrictions on travel to certain areas of the city. A very small minority of businesses have closed operations altogether on days when large-scale demonstrations are planned."

Many organizations have prepared contingency plans linked to triggers that, if met, would lead the organization to elevate its security posture, Liu notes. These triggers may include:

- Authorities or protestors targeting staff or foreign nationals.
- Sustained transportation disruption.
- Protests during business hours.
- Fatalities resulting from the protests.
- Revision of U.S. government travel advisories.
- An increase in protest-related violence.

"The most commonly identified trigger is an intervention by the mainland Chinese security forces," Liu said. "Many HR managers are currently monitoring for escalatory and de-escalatory triggers in the lead-up to Oct. 1."

"The situation is unlikely to be resolved in the short term, and there is a need to dedicate internal resources to actively monitor developments and establish contingency plans."

Staying Neutral

In their internal and external communications, companies may find it best to remain politically neutral. Employers want employee morale, teamwork and productivity to remain high, but that won't happen if employees are angry at each other over political differences.

"HR should remind employees, regardless of what political stance they have had, to remain apolitical in the workplace," said Wilfred K.P. Wong, founder of the HR consulting firm Resolutions, located in Hong Kong, and a former president of the Hong Kong Institute of Human Resource Management.

Political arguments in public carry the risk of a negative reaction from China and potential damage to the company's reputation.

Friedrich Wu, a professor of international economics at Nanyang Technological University in Singapore, recommended that employers "tell employees to keep a politically neutral stance on social media. Praising or condemning the protests could be misinterpreted as companies' positions and could have political backlash, either from the Beijing government or from violent rioters."

Leah Shepherd is a freelance writer in Columbia, Md.

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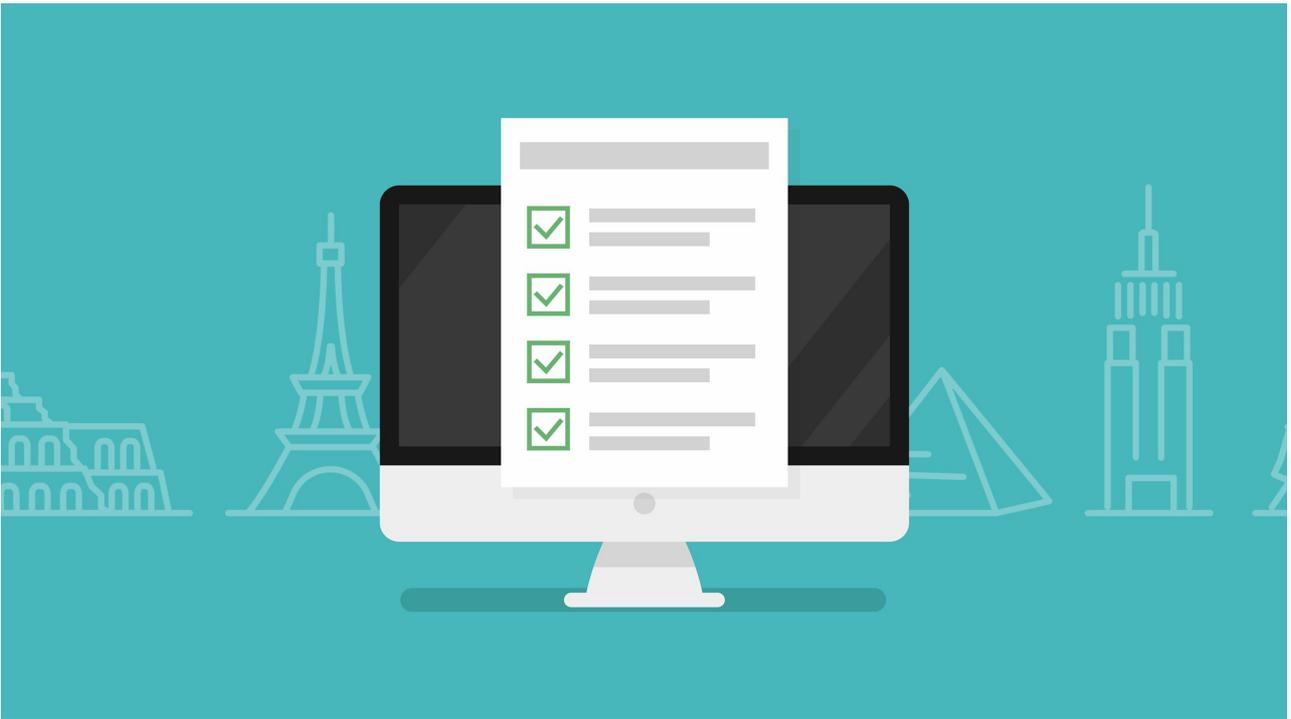
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