



2022-2023

IMPACT REPORT

WHO WE ARE

The Fair Work Clinic is a worker-centred community legal clinic.

We provide support to grassroots workers facing legal issues that arise from their employment. Our work is to ensure grassroots workers have equal access to legal advice and support in the face of unfair treatment in the workplace. Beyond free preliminary legal advice, we ensure grassroots workers receive continued support to assert their legal rights, and demand fair treatment and compensation in labour disputes, workplace discrimination and work injury matters.

Immersed in the community

We work closely with the Hong Kong Women Workers' Association ("HKWWA") to assist their service

targets, including cleaning workers, promoters and other grassroots women workers, in resolving legal matters that arise from their employment.

Our staff is regularly stationed in HKWWA's office in Kwun Tong and Tsuen Wan. We work hand-in-hand with frontline caseworkers to meet with grassroots workers and understand the struggles that grassroots workers in Hong Kong face.

We are committed to ensuring workers understand their legal rights and feel that they have backing to demand fair treatment and compensation from the often more resourceful employers.



FAIRWORK
勞工平權社

2022-2023 AT A GLANCE

(OCT 2022 - JUNE 2023)



Cases referred to and screened by the FWC: **19 cases**

- **11** work injury cases
- **1** salary deduction case
- **2** pregnancy discrimination cases
- **1** false imprisonment case
- **1** sexual harassment / constructive dismissal case
- **1** case claiming severance payment
- **2** personal injury cases

Number of client meetings: **29**

(initial consultations, advice sessions and follow-up meetings)

- Initial consultations: **14**
- Free legal advice sessions arranged by the FWC: **10**
- Follow-up meetings: **5**

Law firm partners: **4**

- DLA Piper
- Ho Tse Wai & Partners
- Lewis Silkin
- Simmons & Simmons

Average Client Satisfaction Rate:

4.46/5

Clients' average level of confidence in pursuing legal action:

3 points increase on a scale of 1 to 5

Clients' average level of confidence in resolving their legal problems:

2.7 points increase on a scale of 1 to 5

THE ACCESS TO JUSTICE BARRIERS FACING GRASSROOTS WORKERS



Our community-centred approach allows us to witness first-hand grassroots workers' struggles in seeking justice and fair compensation. Some of the access to justice barriers that our clients face include:

- 1. Lack of Understanding of their Legal Rights:** Many grassroots workers do not fully understand their legal rights and do not know how to assert these rights. They often also lack awareness of the available legal avenues for redress, or may be misinformed. This prevents them from seeking legal help or pursuing their claims.
- 2. Pressure from Employers:** Many workers face pressure from their employers to forego their entitlements. The power imbalance can be acute, as employers are generally much more resourced to defend their claims.
- 3. Emotional Distress:** Grassroots workers often experience emotional distress when dealing with legal issues related to their employment. They fear losing their job if they take legal action against their employer; lack of a job often adds to their existing pressures with financial difficulties, housing problems, and childcare responsibilities. For those who have suffered work injuries and cannot return to work, seeking legal redress can be even more challenging.
- 4. Lack of Awareness of Legal Aid:** Some workers may not be aware of the availability or purpose of the legal aid scheme in Hong Kong. This can prevent them from accessing the legal services they need.
- 5. Complicated and Lengthy Legal Process:** The legal process can be daunting and unpredictable, leading to feelings of disempowerment and hopelessness when grassroots workers are confronted with employment-related legal issues. There is also a lack of transparency in labour cases, as not all judgments are published, and this adds to the difficulty of pursuing a legal claim.



OUR APPROACH



At the Fair Work Clinic, we take a community-centred approach to providing legal assistance to grassroots workers. Working hand-in-hand with our community partner to identify problems that hinder grassroots workers' pursuit of legal redress, we endeavour to ensure early intervention and prompt assistance for workers facing employment-related legal problems.

Some of the key elements of our approach include:

1. Identifying Problems:

We work closely with our community partner to identify the problems that workers face when seeking legal redress. We take a holistic approach to understand our clients' needs and struggles, and provide support tailored to their specific circumstances.

2. Early Intervention:

We ensure early and prompt intervention to help workers access professional legal advice and support. This may include evidence collection, retrieving employment or legal documents belonging to the workers, and other necessary steps to support their case.

3. Continued Support:

We provide continued support beyond preliminary legal advice provided by pro bono lawyers. This includes support for workers to follow up and act on the initial legal advice, such as applying for legal aid, gathering evidence, preparing statements to the authorities, and more.



Putting workers at the centre of our work

We spend time understanding grassroots workers' struggles, and we work closely with our community partner and pro bono lawyers to ensure that workers understand their legal rights and options. Our support addresses both the legal and psychological needs of grassroots workers whose rights have been violated, so that grassroots workers can reclaim their power to demand fair treatment and compensation.

OUR IMPACT



Before seeking assistance from the Fair Work Clinic:

- **Two-thirds** of our clients felt **“extremely stressed and anxious”** having to deal with their legal problems
 - The remaining one-third felt “very stressed and anxious”
- **Two-thirds** of our clients felt that they had **“absolutely no confidence”** in being able to seek professional legal advice and resolving their employment-related legal problems
 - The remaining one-third felt that they had “very little confidence”

After seeking assistance from the Fair Work Clinic:

- **Two-thirds** of our clients feel that their stress and anxiety have been relieved
- **Two-thirds** of our clients went from having **“absolutely no confidence”** to **“feeling confident”** in being able to seek professional legal advice and resolving their employment-related legal problems



工傷後我花了很多醫療開支, 公司又不肯賠, 令我壓力很大, 心情暴躁。感謝你們幫了我很多, 分擔了很多壓力, 現在我的情緒好了很多。

After getting injured at work, I spent a lot of money on medical expenses but my employer refused to compensate me, which caused me a lot of stress and I became bad-tempered. I am grateful for [HKWWA and the Fair Work Clinic's] support, which has relieved a lot of pressure for me. Now, my mood has improved a lot.



- 清潔工友, 倒垃圾時意外導致身體多處受傷
- Testimonial from a cleaning worker who was injured in an accident at work

EQUIPPING NGOS TO BE BETTER FIRST RESPONDERS



We support workers on the frontline and labour organisations like our community partner, HKWWA, tackle a range of issues including unfair employment practices, workplace discrimination, work injuries, and other violations of workers' legal rights.

Frontline caseworkers play a crucial role in providing early intervention to help ensure that workers preserve key evidence, and back them to assert their legal rights. However, frontline caseworkers generally do not have prior legal training that equips them to address workers' legal concerns, especially regarding the prospect, time cost and financial risks of pursuing legal action.

Our staff work alongside caseworkers in community partners' offices, assisting with issue-spotting and evidence collection. We also screen cases to determine if they require urgent intervention, such as seeking legal advice and/or applying for legal aid. This ensures that workers receive timely and appropriate assistance.

Our support enables caseworkers to build their capacity to handle cases that involve legal questions. The Clinic prepared case handling materials that provide guidance in fact-finding, addressing information gaps, and evidence collection. Based on caseworkers' feedback, this guidance allows them to gather the materials necessary for pro bono lawyers to provide concrete advice tailored to the workers' needs.



FWC的同事可以即時提供更多在法律層面的資訊、解答個案的疑問及解釋法律程序。就一些個案，如工傷、歧視，在了解詳情時可以集中更多爭議的部分、要求個案提供更多細節，有助之後的申索。

The Fair Work Clinic can provide timely legal information, answer questions related to individual cases, and explain legal procedures. For certain cases, such as work injuries or workplace discrimination, their support helps us focus on the disputed issues and seek more detailed information from clients, which can be helpful for workers' future claims.



— 女工會同事, 阿茵
— HKWWA Staff, Yan

IMPACT STORY



Ms. W was a restaurant employee whose job duties included preparing food ingredients, washing dishes and cleaning. A work-related accident fractured her elbow, which required two surgeries to correct. The injury affected not only her daily life but also her employment opportunities, as she struggles to find work that is suitable for her condition.

Challenges that Ms. W faced in navigating the legal system

When Ms. W's case came to the attention of the Fair Work Clinic, we were under the impression that Ms. W was legally aided. However, after speaking with Ms. W, we discovered that she might have been in touch with a recovery agent ("Mr. X"), whom we suspected had been taking advantage of Ms. W's vulnerable circumstances. We learnt that Ms. W had once attempted to apply for legal aid but struggled to complete the application form on her own. She sought help from Mr. X, whom she believed had assisted her in securing legal aid. Upon further investigation, we confirmed that Ms. W was not legally aided, nor was she aware of the purpose or benefits of the legal aid scheme in Hong Kong. Ms. W turned to the HKWWA for help

when Mr. X informed her that her employer was offering to settle. She was under pressure to respond quickly, but felt that the amount offered was unfair as it was even smaller than the calculation provided by the Labour Department. Without any legal advice, Ms. W was clueless about her legal rights and struggled to decide if she should accept the settlement offer.

Supporting Ms. W in overcoming the access to justice barriers

Our staff's involvement helped to promptly identify the issues Ms. W was facing, particularly the fact that she was represented by a suspected recovery agent and was not legally aided. HKWWA quickly found a lawyer with expertise in work injury matters who provided Ms. W with preliminary legal advice on a pro bono basis.

Alongside HKWWA's caseworker, our staff accompanied Ms. W to the initial legal consultation and held multiple follow-up meetings to help her understand her situation, legal rights, and possible next steps. We also assisted Ms. W in completing her legal aid application, and worked together with HKWWA to support Ms. W in demanding Mr. X to return copies of legal documents belonging to Ms. W.

With a better understanding of the available legal protections, Ms. W became much more determined to stand firm on her legal rights and fight for her deserved compensation. HKWWA and the Fair Work Clinic will continue to join hands in supporting Ms. W in her journey to seek fair compensation for the work injuries suffered.



「之前我對工傷法律上的事情一點也不明白，有了法律支援和你們的耐心解釋，現在我明白了自己的權利，更決心要為自己爭取合理的賠償。工傷事情令我很煩惱，晚上常常睡不著覺，你們幫我解開了很多心結，現在我的精神好了很多。」

Before, I didn't understand anything about the legal protections for injured workers. After receiving a lawyer's advice and the detailed explanations from HKWWA and the Fair Work Clinic, I now understand my rights and am more determined to fight for fair compensation. Suffering from work injury caused me a lot of stress and I often couldn't sleep at night. [HKWWA and the Fair Work Clinic] helped me untangle many of my worries, and now I'm in a much better mental state.

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— W女士

— Ms. W



有FWC的同事與我們女工會同行, 既支援工友, 也支援了我們一眾同事。她有好多實際上的幫忙: 向工友解釋及分析處境, 釐清法律觀點, 幫忙填法援表等。過程中, 除了有耐性、講解清晰, 也有權益觀點, 給了工友很多支持鼓勵, 也令過往不熟悉工傷或法援的我感到很安心。這段時間, 慶幸有她作我們的親密伙伴及同行者, 十分謝謝!

During the Fair Work Clinic's collaboration with the HKWWA, the Clinic Manager provided support not only to workers but also to our team. Her support was highly practical, including helping workers understand and analyse their situations, clarifying legal viewpoints, and assisting with legal aid applications. Throughout the process, the Clinic Manager was patient and clear in her explanations. With a strong rights-based approach, she provided workers with great support and encouragement. As someone who was previously unfamiliar with work injury matters and legal aid, I feel much more at ease with the Fair Work Clinic's staff by our side as a close partner and companion. We are incredibly grateful to have her support during this time!

— 女工會同事(負責跟進W女士個案), 阿晴

— HKWWA Staff (Caseworker on Ms. W's case), Ching

LOOKING AHEAD

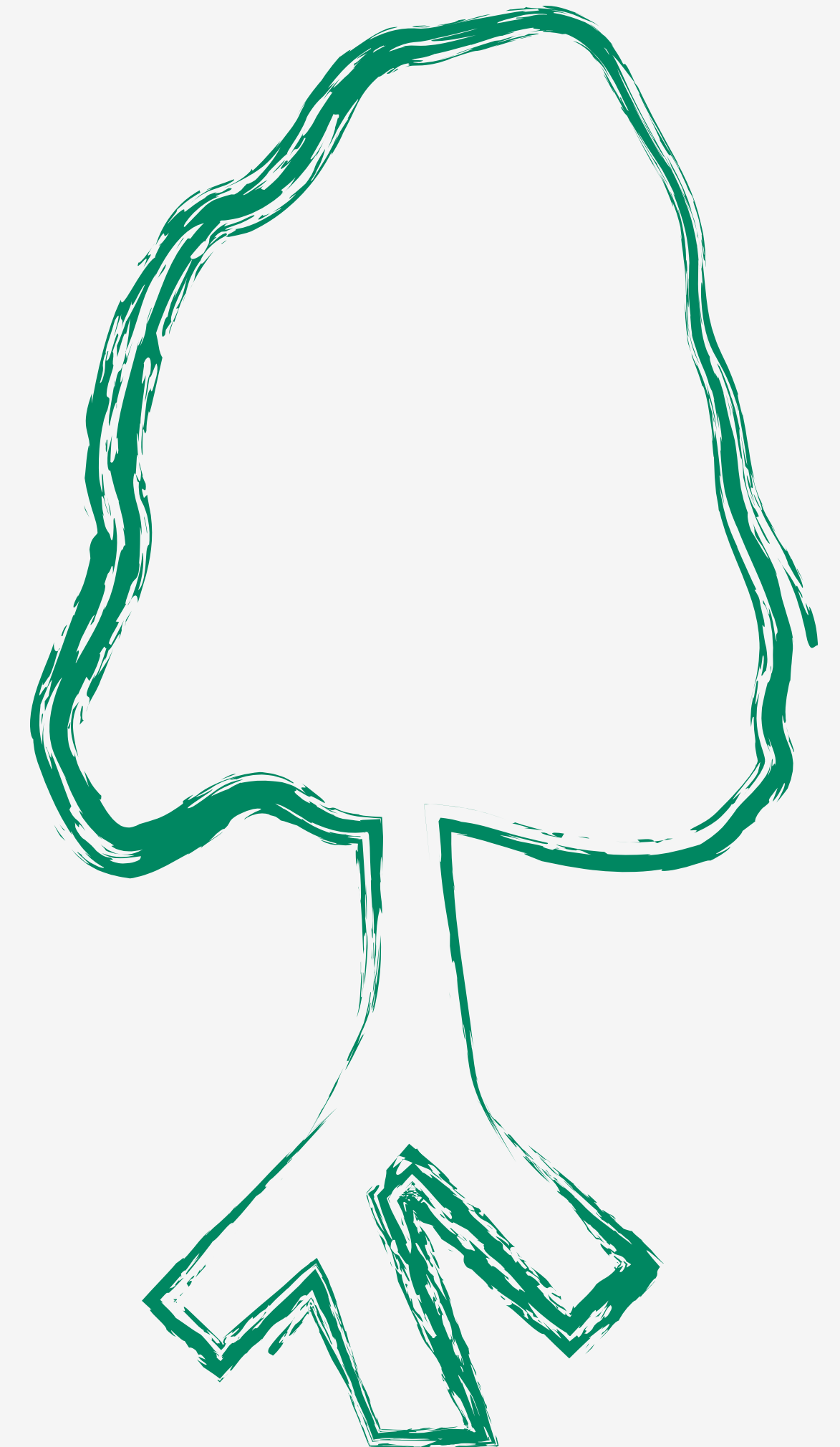


We are building on our first two years of experience to create a sustainable model of operation that provides timely and effective legal assistance to workers from all walks of life, particularly those who are marginalised and financially disadvantaged.

Our work in these early years has been experimental. We would like to express our immense gratitude to HKWWA for the partnership and their invaluable insights into the challenges faced by grassroots workers in Hong Kong. We are committed to learning from the community we work with and constantly improving our approach.

Moving forward, we will continue to strengthen the foundation of our work by exploring new projects with more NGO partners. These may include conducting a legal needs survey

to further understand the specific challenges faced by grassroots workers in accessing justice, collating labour case data to support community-driven advocacy for legal and policy reforms, building a network of Hong Kong-based worker rights' lawyers with expertise in both employment law and labour rights, and developing a model for engaging students in case support and research to cultivate the next generation of worker rights' lawyers.



GROWING FROM THE ROOTS



ACKNOWLEDGEMENTS



Community Partner:

- Hong Kong Women Workers' Association



Pro Bono Partners: (in alphabetical order)

- DLA Piper
- Ho Tse Wai & Partners
- Lewis Silkin
- Simmons & Simmons



LEWIS SILKIN
世勤律師事務所



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