



## 實務守則及指引 Issuing Codes of Practice and Guides

### 《種族歧視條例僱傭實務守則》

《種族歧視條例》及其僱傭實務守則（實務守則）已於2009年7月10日起全面生效，為香港帶來新機遇和新挑戰，有助社會變得更好，讓每一個生活在香港的人，無分種族，得到更公平的待遇。

《種族歧視條例僱傭實務守則》經廣泛諮詢公眾及持份者後，由平機會發出。這實務守則解釋了《種族歧視條例》法例，就如何保障我們在僱傭範疇方面免受種族歧視提供實用指引，促進職場的種族平等。

平機會於2008年10月13日至2009年1月19日的公眾諮詢期內，就《種族歧視條例》及其實務守則草擬本舉行了共55場簡報會及諮詢會，超過4,000人參加。當中包括來自僱主組織、工會、少數族裔機構、關注團體、非政府組織、政府部門的人士、人力資源從業員及市民大眾。

在諮詢期內收到的公眾意見已適當地收錄於實務守則修訂本。完成修訂的實務守則以中、英文出版，並翻譯成印尼語、印度語、尼泊爾語、菲律賓語、泰語及巴基斯坦語等六種語文。

### 修訂現行的僱傭實務守則

除了新制訂的《種族歧視條例》外，現有幾條反歧視條例的僱傭實務守則已沿用超過十年，目的是向香港僱主提供指引，以促進職場上不同人士間的平等機會（包括男性與女性、殘疾人士與非殘疾人士、和有不同家庭崗位的人士）。隨着公眾人士對歧視條例的注意及認識日漸加深，平機會在過往幾年接獲的投訴亦有所增加。

社會已逐漸接納平等及反歧視的觀念。尤其在僱傭範疇的議題上，更多的公司或機構已不再單單講求有否遵守條例，而是著眼於

### Code of Practice on Employment under the Race Discrimination Ordinance

The Race Discrimination Ordinance (RDO) and its Code of Practice on Employment (CoP) have come into full operation from 10 July 2009. It brings to Hong Kong new opportunities and at the same time new challenges to make our society better and fairer for everyone living in it regardless of their race.

The CoP, issued by the EOC, was prepared through extensive consultation with the public and stakeholders. It intends to explain the law and to provide practical guidance on complying with the RDO in relation to employment matters as well as to promote racial equality in the workplace.

The EOC organised 55 briefings and consultations on the draft CoP and the RDO during the public consultation period from 13 October 2008 to 19 January 2009. Over 4,000 people from the general public, employers' federations, labour unions, ethnic minority organisations, concern groups, non-governmental organisations (NGOs), government departments and human resources practitioners participated in our briefings and consultations.

Public views and comments received during the consultation process have been incorporated in the final CoP as appropriate. The final CoP has been published in Chinese and English, and translated into six other languages, namely Indonesian, Hindi, Nepali, Tagalog, Thai and Urdu.

### Revision of Existing Codes of Practice

The current codes of practice for the anti-discrimination ordinances, except for the newly enacted RDO, have been in use for more than 10 years providing general guidelines to the employers in Hong Kong on implementing equality of opportunities between men and women, persons with disability and those without, and among persons with different family status in the workplace. The number of complaints have increased in the past years as the public became more aware and knowledgeable of the laws.

We recognise that our society has gradually embraced the notion of equality and non-discrimination. Particularly in the employment field, the issue is no longer about complying with the law but



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實行平等機會，從而更充分履行企業社會責任。有關法例已制定了十多年，隨着經驗累積，平機會已著手修訂這些實務守則，以確保它們繼續作為僱主及人力資源從業員的有用參考指引。平機會已設定更新各實務守則的時間表，且率先為《殘疾歧視條例僱傭實務守則》進行修訂。隨後，將會陸續檢討《性別歧視條例》及《家庭崗位歧視條例》的僱傭實務守則。

平機會為修訂實務守則，特地成立了內部工作小組。工作小組已著手修訂《殘疾歧視條例僱傭實務守則》的工作。小組首先透過平等機會之友會徵詢人力資源從業員的意見，瞭解他們在職場推行《殘疾歧視條例》的經驗。其後，根據收到的意見和資料，連同平機會處理投訴的經驗及本地和海外的重要案例，擬備了修訂實務守則的草擬本。修訂版加入了嶄新內容，例如全面的案例分析和三個具體有關人力資源的章節。平機會繼而向不同規模僱主(包括政府機構)的人力資源從業員、不同非政府組織及不同持份者團體的代表交流意見，以協助我們更清楚知悉他們的需要。

平機會的工作小組現正為草擬本定稿，以期可於2010年初進行為期三個月的法定公眾諮詢。經過公眾諮詢後，實務守則將於憲報刊登，並提交立法會進行審議。預計實務守則將於2010年下半年發出。

rather about the implementation of equal opportunities in the organisation for better fulfillment of corporate social responsibility. With the enforcement experiences accumulated over a decade, the EOC plans to revise these codes to ensure that they continue to serve as a useful reference tool for employers and human resources practitioners. Timetables to update various CoPs have been set up with the revision of the CoP on Employment under the Disability Discrimination Ordinance (DDO) leading the exercise. This will be followed by the review of the CoPs for the Sex Discrimination Ordinance (SDO) and the Family Status Discrimination Ordinance (FSDO).

An internal working team has been formed to carry out the revision exercise. The team has already started its work on the DDO. It first consulted with a group of human resources practitioners through the EO Club on their views and experiences on implementing the DDO at workplace. An initial draft was produced based on the information collected at these consultations, our own experiences in complaint handling, and other important local and overseas precedents. New features such as comprehensive case illustrations with analysis and three chapters specific to human resources have also been introduced. The draft was further presented to a larger group of human resources practitioners representing employers of all sizes, including government agencies, NGOs and different stakeholder groups, in order to assist the EOC in gaining a better picture of their needs.

The EOC's team is currently finalising the draft to submit for a three-month statutory public consultation aimed for early 2010. After the public consultation, the CoP will be published in the gazette and laid before the Legislative Council for negative vetting. It is slated to be issued in the second half of 2010.

## 同工同酬及同值同酬刊物

儘管《性別歧視條例》訂明，根據僱員的性別而給予不同薪酬屬於違法，但統計資料顯示，香港男性與女性間的薪酬仍存在差異。平機會認為，僱主在釐定薪酬制度時應採取有系統的方法，考慮市場情況和其他可影響僱員薪酬的相關因素，如工作表現、能力及資歷等。

在公眾教育方面，平機會於2008/09年度出版了一套關於同值同酬的指南，當中包括1)主要指引：《性別歧視條例下的同工同酬及同值同酬－給僱主的指引》，2)第一冊：《如何制定不含性別偏見的分析性工作評估系統》，3)第二冊：《系統化的男女平等薪酬釐定方法》，4)第三冊：《同值同酬自行評核手冊》，及5)《簡易指引》。這套指南向僱主提供實用指引，確保他們的薪酬措施不含性別偏見。這些指南文字淺白，簡潔易明，照顧到不同規模機構的僱主的需要，目的是讓它們成為一套有效的工具，在僱主釐定薪酬過程時作為參考。

隨着這些指南的面世，平機會舉辦了數個工作坊和研討會，進一步推廣同值同酬的概念。有關指南及工作坊均廣受歡迎。



## Publications on Equal Pay for Equal Work and Equal Pay for Work of Equal Value

Statistics show that there is a disparity in pay between men and women in Hong Kong although the SDO prohibits unequal treatment between men and women in the terms of employment on the ground of sex. The EOC believes that a systematic approach to pay determination should be adopted in the given context, taking into account the market forces and valid factors affecting pay for individuals such as performance, competency and seniority.

In 2008/09, the EOC published a set of guidebooks on Equal Pay for Work of Equal Value (EPEV), namely 1) Main Guide: Guide to Employers on Equal Pay between Men and Women under the SDO, 2) Book One: An Illustration on Developing an Analytical Job Evaluation System Free of Sex Bias, 3) Book Two: A Systematic Approach to Pay Determination Free of Sex Bias, 4) Book Three: An Equal Pay Self-Audit Kit, and 5) An Easy Read Guide, as one of its major public education initiatives. They provide practical guidance to employers on ensuring that their pay practices are free of sex bias. They are self explanatory and written in user-friendly language, designed specifically to cater to the needs of employers of all sizes. The purpose of these guides is to serve the employers as a set of tools which they can easily refer to throughout the pay administration process.

Following the publication of these guidebooks, several workshops and seminars were held to further promote the concept of EPEV. Both the publications and workshops have been positively received.