

Job Application by Pregnant Women (Pregnancy Discrimination)

Not hiring a pregnant woman due to her pregnancy is a common situation of pregnancy discrimination in employment under the Sex Discrimination Ordinance (SDO).

◆ **The Complaint**

Ms A and Ms B were both pregnant and worked as security guards at a housing estate. The estate's security service was contracted out on a three-year basis. When the service tender of the contractor ended, the employment of Ms A and Ms B also ended. A new contractor (the Defendant) successfully won the service bid for the next three years. The Defendant held recruitment talks for the estate's existing staff about employment prospects with the company. During the Q&A session, staff from the Defendant stated that the company would not employ pregnant staff for safety reasons. Ms A and Ms B were deterred from applying for a job with the Defendant. They lodged a complaint with the EOC against the Defendant for pregnancy discrimination.

✓ **What the EOC Did**

The EOC launched an investigation into these two cases after receiving the complaints lodged under the SDO. The Defendant denied discrimination. Conciliation between the parties was unsuccessful. After assessing the merits of each case, the EOC assisted Ms A and Ms B in commencing legal proceedings for pregnancy discrimination. Legal representation and advice were provided by the EOC's lawyers, who also assisted in settlement negotiations with the Defendant. The parties to each case eventually reached a settlement. Ms A and Ms B each received a settlement sum as compensation.

Points to Note:

- It is unlawful under the SDO for an employer to subject a woman to a disadvantage, including in the recruitment process, or dismiss her on the ground of her pregnancy. All types of employment (including contract work) are protected under the Ordinance.
- Acting upon stereotypical assumptions based on sex, marital status or pregnancy could lead to discrimination. Employers should adopt a set of job-related and non-discriminatory criteria for recruitment.
- Also, employees handling job applications and conducting interviews should be trained to avoid acts of discrimination.