



Good Employment Procedures and Practices under the Race Discrimination Ordinance

This infographic is a simplified practical interpretation of selected good employment procedures and practices outlined in the **Code of Practice on Employment (CoP)** under the Race Discrimination Ordinance (RDO). It focuses on four key areas of racial diversity and inclusion impacting an employee's experience in the workplace.



The CoP under RDO aims to give practical guidance on how to prevent discrimination, harassment and other unlawful acts on the ground of race, and to promote racial equality in the employment field.

The Code is intended to encourage employers, employees and other concerned parties to promote racial equality and harmony in the workplace by adopting good practices, and to help them to understand their respective rights and responsibilities under the RDO so that they will respect, and refrain from infringing on, the rights of other people.

The Code should be read in the light of and subject to the RDO. It should be read as a whole and in the spirit of promoting racial equality. It should not be read narrowly or approached in a minimalist way.

Note: This infographic is not a summary of the CoP but rather an extraction. For more comprehensive information, please refer to the complete CoP¹.



TERMS TO KNOW



RACE

A person's "race", "colour", "descent", "national", or "ethnic origin".

[Refer CoP, Section 2.1]



RACE DISCRIMINATION

In general terms, race discrimination is about treating people less favourably on the basis of their race.

[Refer CoP, Section 6.1.1 – 6.1.3]



RACIAL HARASSMENT

Any unwelcome, abusive, insulting, or offensive behaviour because of a person's race, which makes the aggrieved person feel offended, humiliated or intimidated; includes harassment due to the person's associate - spouse, relative, carer, a person who is living with the person on a domestic basis, or who is in business, sporting or recreational relations with the person. Creating a hostile or intimidating environment for a person on racial grounds also constitutes racial harassment.

[Refer CoP, Section 6.3 and Amendments to Race Discrimination Ordinance (Cap. 602) Section 2 amended (interpretation)]

Selected Good Practices

BIAS-FREE RECRUITMENT²

Consistent Selection Criteria

- Use selection criteria specific to the job
- Should reflect job requirements (including language requirement) and be commensurate with satisfactory job performance
- Re-examine criteria from time to time to ensure applicability



Race Not a Factor³

- Base recruitment decisions on consistent selection criteria
- Refrain from making requests for photographs, copies of ID cards or asking race-related questions at the application stage
- Avoid assumptions of suitability on the grounds of the candidate's race



Unbiased Recruitment Assessments

- Base interviews and tests on a standardised format and consistent marking system
- Only include questions related to the requirements of the job in the selection test
- Provide training for hiring staff on objectively evaluating applicants and avoiding bias



Advertising Vacancies

- Ensure content of the advertisement is based on consistent selection criteria
- Include statements like “the post is equally open to people from all racial groups”
- Encourage advertising in media and channels that can reach diverse groups where reasonably practicable



INCLUSIVE POLICIES & IMPLEMENTATION

Inclusive Policies

- Draw up an equal opportunities policy which includes explicit reference to racial equality⁴
- Target the policies towards achieving fair treatment or conditions, equal opportunities for career development, respect for racial diversity, zero tolerance for racial harassment and an effective grievance mechanism
- Ensure all employees are regularly made aware of these policies



Grievance Handling

- Designate an internal grievance procedure or an officer to deal with complaints concerning race discrimination and harassment or victimisation
- Observe and respect the right to confidentiality of the complainant and respondent
- Ensure no one will be victimised or penalised for coming forward with a complaint or grievance



Monitoring & Policy Review

- Examine policies, rules and practices related to transfers, training and promotions regularly to check for discrimination and minimise any disparate adverse impact on any racial group
- Assess the effectiveness of equal opportunities and other anti-discrimination-related policies regularly
- Monitor and review the impact of employment procedures and practices on the composition of the workforce, distribution by job type, grade, location and pattern of career development by racial group to check for imbalances



FAIR EMPLOYMENT PRACTICES

Unbiased Terms & Conditions

- Ensure there is no less favourable treatment in employment, dismissal, assignment, practices, rules, terms, policies, conditions and requirements on access to any benefits, facilities or services based on race
- Minimise any disparate adverse impact of practices, rules and requirements, such as dress code, on any racial group
- Maintain the principles of equal pay for equal work, equal pay for work of equal value, including for “like work”⁵ in terms of work hours, overtime, bonuses, holiday entitlement, and sickness leave arrangements that are justifiable without regard to race



Language

- Ensure language requirements are not obligatory unless they are commensurate with the satisfactory performance of a job
- Avoid discrimination or harassment because of accent in speaking a language
- Provide health and safety and other relevant employment information in the language(s) that can be understood by employees



Promotion, Transfer & Training

- Establish measurable standards for evaluation of job performance along the same lines as for recruitment that are free of racial bias
- If opportunities for promotion, training or transfer arise, including by nomination, assess all possible candidates ensuring nobody with potential is overlooked
- Examine rules, policies, practices regarding selection for training, personal or career development to check for less favorable treatment, adverse impact or imbalance based on race



Prevent Racial Harassment

- Explain the types of behaviour which can be regarded as racial harassment and offensive
- Implement preventive and procedural measures to facilitate a harassment-free workplace
- Make a clear statement on zero tolerance for racial harassment and ensure its dissemination to all recruits and employees
- Have in place an effective complaint-handling mechanism and make it known to all employees



CATERING TO DIVERSITY

Adjustments

- Minimise disparate adverse impact on any racial groups due to recruitment and employment practices, rules and requirements
- Make appropriate adjustments in practical ways that meet employees' needs



Organisation Culture

- Communicate clearly what constitutes unlawful and unacceptable actions on the ground of race
- Ensure human resource managers, hiring managers, line managers, and grievance handling personnel receive training in cultural sensitivity and non-discriminatory practices
- Cultivate a culture in the workplace where the dignity of employees and workers is respected



² All requirements are also applicable where recruitment is done through employment agencies or employment services [CoP, Section 5.3.9]

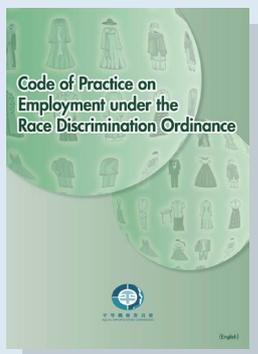
³ Except for Genuine Occupational Qualification [CoP, Section 5.3.3]

⁴ For a sample equal opportunity policy, refer to CoP, Pg. 63

⁵ Refer CoP, 5.3.10 (4)

RESOURCES

Code of Practice on Employment under the Race Discrimination Ordinance

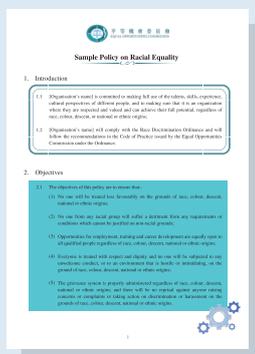


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English

Sample Policy on Racial Equality

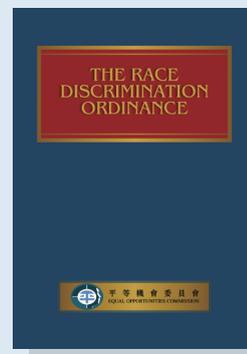


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English

The Race Discrimination Ordinance (Cap. 602)

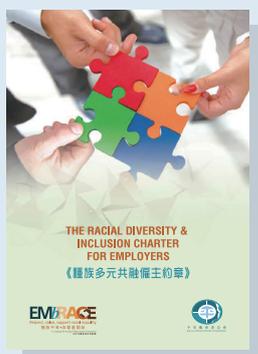


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English

The Racial Diversity & Inclusion Charter for Employers



Equal Opportunities in Employment: Good Management Practices

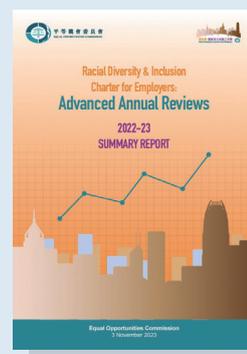


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