



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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Good Management
Practice Series:

The Sex Discrimination
Ordinance

Recruitment Planning

Designing the job application form

It is common for employers to require all job applicants to fill out a standardised application form. The purpose is to gather information the employer regards as essential, and to facilitate assessment and comparison of different candidates based on a consistent set of criteria.

However, seeking information that is irrelevant to the job may give an impression that the employer is stereotyping or fishing for irrelevant personal information that will be taken into consideration for selection purposes. It might raise suspicions of discrimination, leading to complaints from a rejected job applicant that she/he was declined for the job on one or more of the grounds protected under the Sex Discrimination Ordinance (SDO).



What the law says

The SDO makes it unlawful for an employer to discriminate against a job applicant on grounds of **sex, pregnancy, marital status** or **breastfeeding** by refusing or deliberately omitting to offer employment to the applicant. This is a form of direct discrimination.

As regards sex discrimination, it is a valid defence if the employer can show that being a woman/man is a genuine occupational qualification for the job. Check out our [separate flyer](#) to learn more.

Direct discrimination occurs when:

A person (A) is treated less favourably than another person (B);

The difference in treatment is based on one of the protected grounds; and

The relevant circumstances between A and B are the same or at least not materially different, such that they are in comparable positions. An example is where both A and B apply for the same vacancy at the same company.

Examples: what do you think?

“Photo and ID copy needed”

Employers are strongly advised not to ask the applicants to provide photographs and copies of ID cards at the application stage as this may give an impression of discrimination on the basis of sex (or other grounds prohibited by the other three anti-discrimination ordinances in Hong Kong, such as race).

Requests for photographs and copies of ID cards may be made at the interview stage for identification and security purposes, if appropriate.



“Are you married?”

Seeking information on marital status, marital intention or pregnancy may be susceptible to complaints of discrimination on the grounds protected under the SDO. If such information is specifically required, employers should explain the reasons clearly, e.g. where the job involves work that is hazardous to pregnant women. Any justification for seeking such information should be directly relevant to the job.

Seeking information for statistical purposes

In deciding what information the job applicants have to provide at the application stage, it is best for employers to distinguish between personal information needed for statistical purposes (e.g. number of children) and information necessary for recruitment and selection purposes.

The former should be requested after the selected candidate accepts the offer of employment. In this way, the information will not be revealed to personnel involved in recruitment and selection, thus reducing the risk of discrimination.

Good practices



Request information directly relevant to the job requirements.



Avoid questions that might reasonably be perceived as indicating an intention to discriminate on the grounds protected under the SDO.



Review the application form on a periodic basis.



Focus questions on objectively assessing an applicant's ability to perform the job duties.