



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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Good Management
Practice Series:

The Sex Discrimination
Ordinance

Recruitment Planning

Terms and Conditions of Employment

Most employees are offered a contract or an agreement upon confirmation of job offers by the employers. The contract or agreement sets out the terms and conditions of employment, including information on the rights, responsibilities, duties, remuneration and benefits of employees.

Employers should adopt a fair and consistent approach when offering the terms and conditions of employment to prospective and existing employees. They should avoid making stereotypical assumptions that employees with certain characteristics are better at performing certain job duties, or more suitable for training, promotions, transfers or certain work shifts.

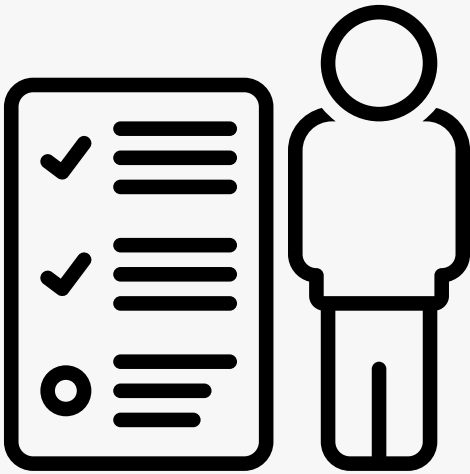


What the law says

Under the Sex Discrimination Ordinance, it is unlawful for an employer to discriminate against an employee on the grounds of **sex, marital status, pregnancy or breastfeeding** by offering less favourable treatment in the terms and conditions of employment, and opportunities for training, promotions or transfers.



Examples of less favourable treatment in the terms and conditions of employment include:

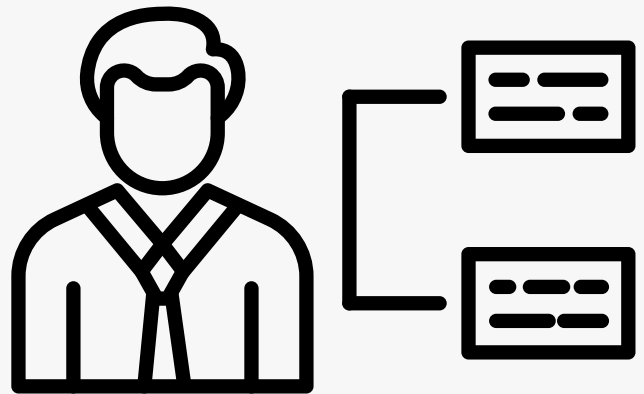


Appraisal – An employer conducts annual employee appraisals and offers salary increments to those with positive feedback. An employee was on maternity leave during the appraisal and subsequently missed the salary adjustment.

Employers should ensure that employees' performance is assessed by transparent, objective, and justifiable criteria, and that all employees are given equal opportunities to participate in appraisals.

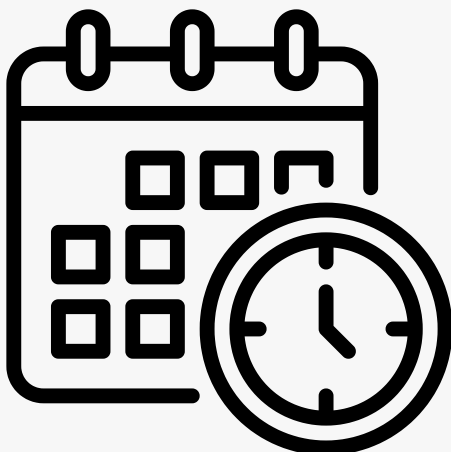
Duties at work – An employer assumes that female employees are more appealing to customers and more capable in promoting products. Whenever the employer sets up promotional booths at trade fairs, which gives sales and marketing staff members chances to earn extra commission, the employer assigns only female staff members to attend, whereas male staff members can only work in the office with no opportunities to earn extra commission.

Employers should allocate work duties fairly and objectively among employees, and avoid stereotypical assumptions that employees with certain characteristics are inherently better at performing certain job duties.



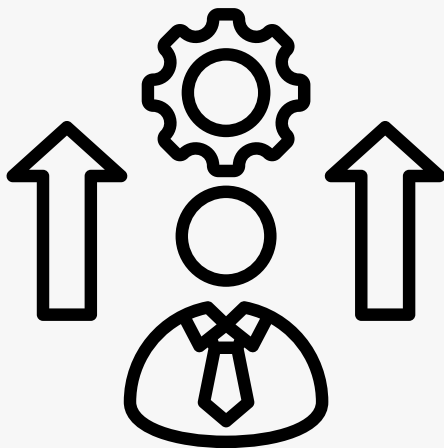
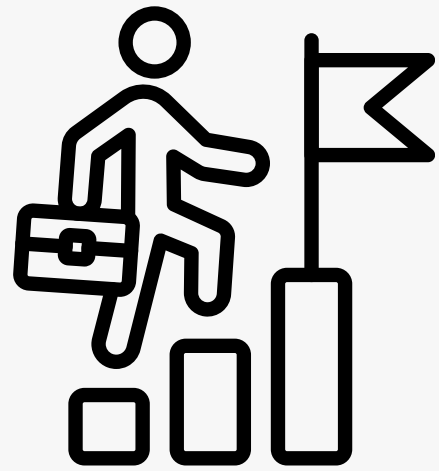
Rosters – When setting up the work roster each month, an employer always allows married employees to select their work shifts first, while the unmarried employees can only work on the untaken or least desired shifts, usually the overnight shifts. As a result, some unmarried employees are unable to attend training courses or take care of their parents at night.

When assigning rosters, employers should try to take individual needs into account, and as far as reasonably possible, make sure that the most and least desired shifts are shared equally among employees.



Promotion and Transfer – An employer assumes that married employees are less motivated and committed to work. Where two candidates with the same calibre and competence are shortlisted for promotion, the employer selects the single employee rather than the married employee.

Employers should inform all eligible employees of opportunities for promotions and transfers. Candidates for promotions and transfers should also be assessed based on consistent and objective criteria.



Training and development – An employer assumes that pregnant employees may likely leave the workforce after giving birth, and it will not be worthwhile to invest on their training. Hence no training programmes are offered to pregnant employees.

Employers should provide opportunities for training and development to all eligible employees. If resources are available, it is good practice for employers to consider developing personalised training plans for employees.

Good Practices:

- ✓ Maintain clear policies on promotion, retention, training and development, and communicate the policies to all employees clearly. Monitor the policies and performance appraisal systems regularly to ensure no patterns of bias exist.
- ✓ Allocate work duties fairly and objectively, taking into account the job nature, individual competencies, skills and experience of employees.
- ✓ Take into account the individual needs of employees, such as those of pregnant and breastfeeding employees, when drawing up work rosters. As much as possible and reasonably practicable, accommodate the request of breastfeeding employees to adjust working conditions, arrangements and hours in order to breastfeed or express breast milk at work.
- ✓ Set fair and objective criteria for promotions and transfer, such as the work performance, years of service and skills required. Ensure that the opportunities for promotion or transfer are open to all eligible applicants. Back up the promotion with a fair, consistent performance appraisal process.
- ✓ Offer training to employees based on job requirements and their abilities, not personal preferences, presumptions or prejudices of the employers. Inform all eligible employees on training and development opportunities available.