



## (I) The Use of Consistent Selection Criteria

### *What are consistent selection criteria?*

Consistent Selection Criteria (CSC) are selection criteria that are applied consistently to applicants or employees in recruitment, promotion, transfer, training, dismissal or redundancy. They also apply to the setting of the terms and conditions of employment. These criteria and terms and conditions should be made known to employees or job applicants upon request.

### *Why is it important to have consistent selection criteria?*

It is important for employers to have CSC to avoid acting unlawfully. It is also a matter of good management practice. The application of CSC helps promote fairness and minimise unconscious bias. The Code of Practice on Employment under the four anti-discrimination ordinances, i.e. the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO), recommend that employers use CSC to avoid discrimination on grounds of sex, marital status, pregnancy, disability, family status and race. It is in the employers' interests to do so.

### *How should consistent selection criteria be developed?*

Start by drawing up a list of job-related requirements and identifying the range of relevant and essential personal requirements under the headings of education, experience, knowledge, skills and abilities. During this process, try to ensure that the CSC are objective, clearly defined, and ranked in order of priority. They should be set out in such a way that they can be easily assessed.

To decide whether or not a certain personal requirement is relevant, the following may be considered:

**Education** – Is a formal educational qualification essential for the performance of the job, or could this be substituted by knowledge gained from

work experience? If qualification is essential, it is recommended that the minimum requirement should be specified.

**Experience** – Think about other related requirements such as knowledge and skills before deciding on the type and years of experience required. For example, is practical experience necessary or can it be acquired on the job in a relatively short period of time?

**Knowledge** – People may have a capacity to acquire knowledge quickly. For this reason, knowledge may be considered as an alternative to educational qualifications for some jobs.

**Skills/Abilities** – Think carefully about the required skills and abilities, and the extent to which they are important for the performance of the job. For example, if a requirement of “ability to drive” is not an essential criterion, it may unfairly exclude some people with a disability. On the other hand, if there is a genuine need for an applicant “to be able to travel”, or have an “ability to undertake site inspections”, these should be made clear.

Employers should guard against applying non-essential requirements or conditions for a job as this may result in unlawful indirect discrimination against candidates of a certain group with the attributes protected by the anti-discrimination ordinances. For example, language requirements for applicants should reflect job requirements and should commensurate with the satisfactory performance of the job. Otherwise, it may result in indirect racial discrimination.

Generally speaking, CSC should relate to education, experience, knowledge, skills and abilities which are relevant to the job. Where one of the CSC stipulates a particular sex, race or the absence of a disability, employers need to ensure that such a requirement can be claimed as a genuine occupational qualification under the SDO, the DDO or the RDO<sup>1</sup>. Employers should bear in mind that, under the DDO, it is necessary to allow for reasonable adjustments for job applicants or employees with disabilities to overcome any practical difficulties arising from the disability.



### **What comes next when consistent selection criteria are set?**

CSC should be made known to employees or job applicants upon request. They should be kept under periodic review and updated to reflect any changes in the nature of the job. It is good management practice that employers ensure that CSC are up-to-date and relevant.

## **(2) Recruitment Advertisements**

There are various ways of inviting job applications, one of which is by advertisement. As an advertisement is the first step to recruitment, it is important to get it right. Employers are advised to be alert to discriminatory biases which may be unlawful under the anti-discrimination ordinances, i.e. the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO). It is recommended that employers should follow the recommendations on setting out consistent selection criteria, job descriptions and shortlisting<sup>2</sup>.

Under the anti-discrimination ordinances, any advertisement which indicates or might reasonably be understood to indicate an intention to discriminate is unlawful. This means the advertisement, when taken as a whole, must not indicate such an intention unless the job is one for which sex, absence of disability or race is a Genuine Occupational Qualification (GOQ) or unless one of the legal exceptions applies so that the discrimination would not be unlawful<sup>3</sup>.

### **Discriminatory advertisements under the SDO**

An intention to discriminate may be attributed even without such obvious words as “male driver” or “female typist”, and can be inferred where single-sex words are used, for example, “waitress”, “salesman” or “stewardess”, unless the advertisement contains an indication to the contrary. For instance: “This post is open to both men and women”, or to pair words with the other sex equivalents, i.e. “waiter/waitress”, “saleswoman/salesman” or “steward/stewardess”. Where there are no feminine (or masculine) equivalents commonly in use, one alternative would be to use gender-neutral job titles, for example, “camera operator” instead of “cameraman”.

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<sup>1</sup> Please also read “Sex as a Genuine Occupational Qualification”, “Race as a Genuine Occupational Qualification” and “Absence of Disability as a Genuine Occupational Qualification” in this publication.