

Increasing support from the public and private sectors for anti-discrimination on the ground of sexual orientation in the employment field

The Government is committed to promoting equal opportunities for all and eliminating all forms of discrimination. In the area of sexual orientation, it has issued the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation to facilitate self-regulation on the part of employers and employees in eliminating discriminatory practices in employment.

Code of Practice

Apart from providing definitions of "sexual orientation", "discrimination", "harassment" and "victimisation", the Code also recommends good practices in various aspects of employment, including recruitment, promotion, posting, training, dismissals, terms and conditions of employment, etc.

For example, employers are recommended to apply consistent selection criteria for all new employees, and such criteria should not make reference to sexual orientation, but should be specifically related to the job, such as type and amount of experience, education qualifications, skills and personal qualities. The Code also sets out points for consideration at each stage of the recruitment process to serve as guidelines for employers.

On the part of employees, the Code points out that they can help eliminate discrimination by familiarizing themselves with the subject, so that they do not inadvertently discriminate against someone, or inadvertently aid their employers to do so. As well, they should help create a more pleasant and congenial working environment for all, and support colleagues who have been unfairly harassed or vilified for their sexual orientation.

Government commitment and promotion

The Government is committed to following the good practices recommended in the Code. It also encourages both public and private sector organizations to do so to the best of their ability, including writing to the top management of these major organizations to appeal to them to adopt the Code on a voluntary basis. It has also organized seminars and briefings for their management or staff to enhance their understanding of the Code.

To date, about 90 public and private sector organizations have pledged to adopt the Code. A list of these organizations, together with the full text of the Code, can be seen at the website of the Constitutional and Mainland Affairs Bureau: www.cmab.gov.hk/en/issuues/code_of_practice.htm

Positive response from public and private sectors

The Federation of Hong Kong Industries (FHKI) is one of the major chambers of commerce that have taken up the cause in an

emphatic manner by declaring its commitment to upholding the principle of equal opportunities for all, so as to foster a culture of mutual understanding and mutual respect in the business community.



Mr. Stanley Lau, FHKI Chairman

"We believe that all people, including people of different sexual orientations, have a right to just and equitable conditions of work," emphasized Mr. Stanley Lau, FHKI Chairman. "Non-discriminatory employment practices are essential for enterprises in our search for talented and dedicated employees."

In addition to incorporating the non-discriminatory principle in its own staff handbook, FHKI has also helped raise the awareness of its members by publishing the salient points of the Code in its monthly magazine, appealing to its members to adopt the Code through its newsletter, and publicizing related seminars organized by the Government.

Another supporting organization is Urban Group which has over 4,300 employees, and oversees 347 properties under its management all over Hong Kong, including, for example, City One Station and Mei Foo Sun Chuen.

Mr. Bevis Leung, Executive Director, said that when they were appraising the support and adoption of the Code, there was unanimity in management discussion on this issue, and unequivocal support from its Human Capital Department.



Seminar to promote the Code of Practice and spread the anti-discrimination message.

"Equal opportunity is part and parcel of our corporate social responsibilities," explained Mr. Leung. "A fair, equitable and transparent approach in staff management enhances our corporate branding, and is a great help in attracting and retaining good quality staff who are our premier assets."

"In providing a professional service to our clients, we are proud to make known what we stand for in terms of equal opportunities without prejudice," he added. "It is a public commitment that enhances our clients' confidence in the company."



Ms Janna Cheng, Urban Group

Ms Janna Cheng, Senior Group Manager – Human Capital, pointed out that sexual orientation has never been an issue in the Group as any decisions made are always job-oriented. The Group's Employee Handbook and Code of Conduct have already incorporated all the Equal Employment Opportunities Principles since as early as 1996.

"Equal Employment Opportunities Principles have always been part of our corporate culture," said Ms Cheng. "It is just one of the many commendable charters that we have signed and supported."

One of the public bodies to have adopted the Code is the Office of the Privacy

Commissioner for Personal Data (PCPD). Mr. Michael Chung, Chief Corporate Services Manager, said that the PCPD respected the sexual orientation of individuals, and had formulated the equal opportunity policy to provide a respectful working environment.



Mr. Michael Chung, PCPD's Chief Corporate Services Manager

"The selection criteria for all aspects of employment in PCPD are job-related, and an applicant's, or a staff member's, sexual orientation is not a consideration in the selection process. We will not tolerate harassment and bully within the office, and internal grievance procedures have been established to handle complaints of this nature," Mr. Chung emphasized.

"The PCPD will ensure that employees (especially those responsible for rendering personnel support) receive training on anti-discrimination so that they are equipped with the relevant knowledge. We have made the measures known to all staff, and they are supportive," he added.

If any organization wishes to know more about the Code, and/or to organize briefings/seminars on the Code for their staff/members, please contact the Constitutional and Mainland Affairs Bureau by phone on 2810 3205, or email gisou@cmab.gov.hk