Federation of Hong Kong Higher Education Staff Associations
香 港 高 等 院 校 教 職 員 會 聯 會

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Mr. Simon Ip Sik On, CBE, JP
Council Chairman
Hong Kong Institute of Education
(Fax: 2810 4719)

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8th October 2001

Dear Mr Ip,

Management-Initiated Retirement Scheme

Improving education for the young is a top priority for the Government, and your Institute is no doubt in the vanguard of this mission. Though upgrading an institute to university status is always difficult, the Institute under your leadership seems to have made an extremely good start.

A Management-Initiated Retirement Scheme may be one of the steps that may have to be taken during the upgrading process. However, it is disheartening to learn how the scheme was initiated, as there was no proper consultation with the Association of Lecturers nor with the staff directly affected.

The reason given by the **Action Director** for making staff **redundant** is: "either (a) the staff member whose academic discipline/expertise is surplus to the future needs of the Institute as an institution predominantly teaching at the degree and post graduate level and (b) the staff member has not attained or moved successfully towards attaining the qualifications normally needed to teach in a university-level institution." These reasons are not acceptable for making staff redundant, and would only reflect badly on the management of the Institute, not on the staff.

For reason (a) there is no suggestion that the staff are redundant now, as the reason given is that staff will be redundant sometime in the future. If the existing skills are not needed, then every effort should be made to relocate or retrain the staff members involved. Claiming that skills will not be needed in the future opens a whole system of abuse and possible victimization. Retraining of staff can begin now for the planned future. Staff who have already started retraining on their own initiative should be encouraged to continue their efforts and told which skills the Institute needs most. It does not take much imagination to predict what effect these so-called redundancies will have on staff morale.

For reason (b), the Institute ought to specify clearly the qualifications they require, as some of the staff involved have already obtained Ph.D. degrees. Further, the management of the Institute should have a clear programme for staff development. Upgrading staff is a long-term process requiring consultation with the staff involved and good human relationship skills. The letter from Patrick Maule and Associates runs contrary to any notion of natural justice or fair play. The management should establish their case for redundancy and then the accused can defend himself/herself. Not only "redundancy" has been arbitrarily and wrongly defined by management as "not needed in the future" or "not sufficiently qualified", it also poses the serious problem of how a staff member can be expected to defend himself/herself by proving that he/she is needed in the future. The letter from the Consultants is an example of very bad management practice and can only lead to an atmosphere of conflict and confrontation in the Institute. It seems that the management of the Institute are evading their responsibilities for managing and have handed the task over to a hit-man whose main interest in the exercise is his fee.

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The timing of the exercise is also very bad. Stopping 10% of staff from performing their duties at the start of a term inevitably affects teaching. It is not our wish, nor that of the society to see students being affected by any disputes. Stopping teachers from performing their duties undermines the integrity of teachers, is detrimental to staff morale, and also sets a very bad example to students, especially as they will be teachers themselves soon.

We are astonished that the **Acting Director** should make such a hasty policy decision whilst the Institute is looking for a new Director. There does not seem to be sufficient urgency that staff have to be made "redundant" now. This important decision should only have been made after the new Director is in place and has formulated a future strategy for the Institute. We sincerely hope you, for the sake of students, teachers and the staff of the Institute, to help to delay the implementation of the scheme, and to consult staff and the Association of Lecturers of your institute to resolve this matter.

Thank you very much,

Yours sincerely,

Professor Kar-Ping Shum
Chairman
Federation of Hong Kong Higher Education Staff Associations

cc. Dr. Thomas Leung Kwok Fau (Vice-Chairman of Council of HKIEd)
Professor Ruth Emilie Hayhoe (Director of HKIEd)
Dr. Ken Volk (President of Association of Teachers at HKIEd)

Please note that

reply from Council Chairman of the Hong Kong Institute of Education

has not been attached.

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Mr. Simon Ip sik On, CBE, JP
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12th October 2001

Dear Mr Ip,

Management-Initiated Retirement Scheme

Many thanks for your reply to my letter of 8th October 2001, which was faxed to me on the 9th October 2001.

We are glad to learn that there was some consultation with staff on the early retirement scheme. You also state in your letter "…it became clear that to offer our academic staff who are former civil servants immediate pension benefits a mandatory scheme was necessary." This indicates that there was no consultation with staff about the Management-Initiated Retirement scheme itself, which now appears to have been solely determined by a Council decision with no input from the staff. You must be aware that the Government has recently introduced a voluntary early retirement scheme for civil servants. Since those staff are former civil servants, it is hard to see how the Government could not endorse the same voluntary early retirement scheme for your staff.

Judging by the strong negative response from the staff affected by the scheme, your March staff forum appears to have been no more that a venue for informing staff of your decision; consultation implies that staff had some input into the Management-Initiated Retirement scheme. The statement in your letter "that those offered early retirement would be given a number of choices about the timing of their retirement, including the possibility of completing the teaching year, to June of 2002" is, in our view, rather distant from the truth. Staff were only asked to indicate their preferences for four options offered by the Institute, and there was no guarantee that the Institute would accept their preferences. Even more disturbing is that one of the options offered is as follows: "Remain employed by the Institute on revised terms for a period following 24 January 2002". However, neither the revised terms nor the period of employment after 24 January 2002 were specified, and by choosing this option staff would effectively be forced to relinquish their existing contractual rights. In our view there is no notion of justice if staff are forced to accept the Management-Initiated Retirement Scheme, which in fact unilaterally changes their contracts of employment.

You also failed to address one of the main concerns raised in my last letter that the reasons for making staff redundant are unacceptable. Forcing staff to challenge your decision, and be judged by the same body that initiated their dismissal is against natural justice; in the normal course of justice it is the accuser who has to prove his case and the accused is assumed not guilty until proven otherwise.
The chaos created on the first day of the implementation of the Management-Initiated Retirement scheme and the necessity for an apology from the Director is clear evidence of management incompetence. Since you set high standards for your teaching staff, the same standards, if not higher, must also be expected of the management and the administrators of the Institute. The Director and those involved should be

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reprimanded and should also be offered the Management-Initiated Retirement scheme, as otherwise the Institute will be accused of lacking impartiality.

The suggestion of April 2002 as an alternative date for implementing the scheme once again showed the lack of experience of the Management. Any one with experience in Education would have chosen December, which is the end of the first term/semester. The problem with staffing level is clearly another management problem, and staff should not be required to take the consequence of the mistake. It further demonstrates the poor planning in the Institute. The upgrading of the Institute to university status was a clear goal when the Institute was established about six years ago. It is a dreadful management mistake that six years later some staff suddenly become redundant because of the mismatch of academic expertise.

I am very surprised that your reply seems to have forgotten the students, who were inevitably affected by this unfortunate incident. Given the current state of affairs in the Institute, it may be advisable that the Management-Initiated Retirement scheme be frozen, pending further consultation with ALHKIEd and all concerned.

As you mentioned in your letter, the staff involved are on permanent contracts. Your blatant decision to dismiss them is a clear sign of violation of contractual agreements. The violation of contracts is a very serious matter, and one that reflects badly on both the Institute and Hong Kong's international reputation.

Yours sincerely,

Kar-Ping Shum
Chairman
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