

Submission to LegCo
Equal Pay for Work of Equal Value

“Equal pay for equal work” is familiar to most of us and we understand that men and women doing the same job should receive the same amount of pay. An adjunct to the principle of “equal pay for equal work” is “equal pay for work of equal value”. This is new to Hong Kong and many are not sure of its meaning and how it will affect individual employers.

“Equal pay for work of equal value” stems from the fact that men and women often do different types of work and so get different pay. Yet, these different kinds of jobs may require similar credentials, similar work experiences, and may not be greatly affected by market forces at play. One then needs to look at the pay differences and see if they are justified.

According to the Labour Department, the median monthly salary of a woman in Hong Kong in the fourth quarter of 1999 was 27% lower than that of their male counterpart. The Department says that the difference may be due to a combination of factors including the nature of jobs taken, educational attainment level, family commitment and career aspiration.

The “nature of jobs taken” means that men and women are often segregated into different types of jobs. The segregation may be the result of career choice based on socialization and the expectations of the job market. Nevertheless, studies show that male-dominated jobs (75% males) often pay better than female-dominated (75% female) jobs.

The Government of Hong Kong is bound by a number of international treaties to implement this principle. Article 11(1)(d) of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) provides for the “right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.”

Another treaty binding the Government is the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Article 7 sub-paragraph (1) states that, “Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. Although the Government placed a reservation on the sub-paragraph, it only “reserved the right to postpone the application in the private sector”.

The Commission was asked by Home Affairs Bureau to include this principle in our portfolio. This principle was first included in the Code of Practice on Employment. Next, an Implementation Plan was commissioned. There is now a Task Force on “Equal Pay for Work of Equal Value” to promote and recommend ways to progressively implement this principle.

The Terms of Reference for the Task Force on Equal Pay for Work of Equal Value are as follows:

- Objective: To promote the principle of equal pay for work of equal value and to recommend ways to progressively implement this principle.
1. To gather data about job evaluation tools and to review these tools for possible use in Hong Kong.
 2. To review Civil Service job data on any pay differential between male and female dominated jobs and to understand its rationale.
 3. To understand the possible problems faced by both the public and private sectors in implementing the principle of equal pay for work of equal value and to look at different ways to resolve these problems.
 4. To recommend appropriate means of carrying out reviews of individual jobs to determine job worth to conform with the principle of equal pay for work of equal value.
 5. To recommend a strategy for encouraging both the public and private sectors

to comply with the principle of equal pay for work of equal value.

In addition to looking at overseas experiences, the work of the task force will be divided into phases. The first phase is to look at the status in the Civil Service. By doing so, we hope to see whether salary differentials exist in male and female dominated jobs and if so in what areas. Since Civil Service pay is closely tied to that of the private sector, this will guide us into the second phase of the work, which is to look at companies with over 200 employees. The third phase is to go beyond this into the smaller companies.

The Task Force will be chaired by Mr. Peter K.H. Yeung, EOC Commissioner. The first meeting was held on 24 May 2000.

Equal Opportunities Commission

May 2000