

LegCo Brief on Notices of Criteria for Approved Assessors and Assessment Methods under the Minimum Wage Ordinance

Views from Hong Kong Association of Occupational Therapy

To be presented by HKOTA representative (Prof. Chetwyn Chan) on 28/1/2011

1. In the Minimum Wage Ordinance - Criteria for Approved Assessors and Assessment Methods, it states that the productivity assessment requires the approved assessor to "exercise his/her professional expertise and decide on the appropriate factor(s) ..." (p.3) and "having regard to the details of the work and all the circumstances of the case" and "making any upward adjustment he or she thinks fit to the PWD's degree of productivity" (Annex B, Section 5). In view of the wide spectrum of problems with work participation of PWDs and high complexity of the job/work settings, approved assessors must possess specialized knowledge and skills relevant to vocational assessment and rehabilitation. Vocational assessment and rehabilitation are specialized fields of practice in occupational therapy, physiotherapy and social work (categories i to iii). The professional credentials and stipulated work experience in vocational rehabilitation of these professionals ensure the core competence and quality of the productivity assessments to be carried out by them. In contrast, vocational rehabilitation practitioners (category iv) are likely to possess different educational and career background who might not have the core knowledge and skills as that of occupational therapists, physiotherapists and social workers. As a consequence, the core competence and quality of the assessments to be conducted by these practitioners cannot be ensured. The requirement for recommendation of the practitioner by the "aforementioned organization(s)" to become an approved assessor is one way to promote the standard of practice among the category iv approved assessor.

2. One way to ensure the standard of the assessments to be conducted by vocational rehabilitation practitioners (category iv) is for them to complete a certification course. The content of the certification course can be stipulated by the Labour Department together with the stakeholders or make reference to the assessment courses covered in the vocational rehabilitation-related curriculum of occupational therapy, physiotherapy and social worker. The course can be offered by approved organization(s), professional associations, and/or universities. Professionals in occupational therapy, physiotherapy and social work are recommended to be exempted from this certification process. At the same time, it is proposed that the "training arranged by the Commission for Labour in order to become approved assessors" (p.2) should not be applied to professionals in occupational therapy, physiotherapy and social worker who possess the stipulated work experience.

3. As the productivity assessment conducted by approved assessor involves professional expertise and judgment (see pt.1 above), it is not appropriate to stipulate in detail the process and content of the assessment for the approved assessors to follow. The reason is that there are no set of guideline which can be comprehensive enough to cover all the individual PWD and job/work environment conditions. As a

result, such set of guideline would entail challenges from PWDs and/or employers which are highly undesirable. A high level of specialized knowledge, skills and core competence possessed by the approved assessors is the most appropriate for assuring the quality and validity of the assessment.