

Revision of Statutory Minimum Wage Rate: Notes for Employees with Disabilities and Employers

With effect from 1 May 2019, the Statutory Minimum Wage (SMW) rate is raised to \$37.5 per hour.

SMW applies to all employees including employees with disabilities. Therefore, employees with disabilities are also entitled to receive wages not lower than SMW. Employees with disabilities who have chosen the special arrangement under the Minimum Wage Ordinance (Cap. 608) (MWO) are entitled to wages of not less than the amount to be calculated according to the new SMW rate. Details are as follows:

① Employees with disabilities who have not chosen the special arrangement under MWO

With effect from 1 May 2019, an employer should pay wages to employees with disabilities not lower than \$37.5 per hour (i.e. the new SMW rate).

② Employees with disabilities who invoke productivity assessment under MWO

✂ Employees with disabilities who undergo the trial period of employment:

During the trial period of employment	SMW rate (per hour)	<u>Hourly wage level that an employer should pay to employees with disabilities</u>
Before 1 May 2019	\$34.5	Not lower than \$34.5 x 50%#
On or after 1 May 2019	\$37.5	Not lower than \$37.5 x 50%#

Section 3 of Schedule 2 of MWO stipulates that the specified percentage is 50%.

✂ Employees with disabilities who have completed productivity assessment:

Completion of productivity assessment	SMW rate (per hour)	<u>Hourly wage level that an employer should pay to employees with disabilities</u>
On or after 1 May 2019	\$37.5	Not lower than \$37.5 x assessed degree of productivity (indicated in percentage) stated in the “Certificate of Assessment on the Degree of Productivity” ^

^ If an employee with disabilities continues to perform the same job for the same employer as specified in the “Certificate of Assessment on the Degree of Productivity”.

③ Employees with disabilities who elected the transitional arrangement before 1 May 2011 but have not invoked productivity assessment

From 1 May 2019 till the completion of productivity assessment by employees with disabilities, an employer should pay employees with disabilities **at no less than a wage rate calculated by multiplying the percentage of the original wage rate over the initial SMW rate as stated in the “Option Form” by \$37.5 per hour.**

Enquiries:

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- Email: enquiry@labour.gov.hk
- Fax: 3101 4705
- Enquiry in person to Offices of the Labour Relations Division of the Labour Department:

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Kowloon

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Kowloon West	Room 1009, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Sham Shui Po, Kowloon.
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Shatin & Tai Po	Rooms 304-313, 3/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories.

For productivity assessment and major requirements of MWO, please refer to the *Concise Guide to Productivity Assessment for Employees with Disabilities under the Statutory Minimum Wage Regime* and *Concise Guide to Statutory Minimum Wage* published by the Labour Department. The interpretation of MWO should be based on its original text. The full text of MWO has been uploaded to Hong Kong e-Legislation of the Department of Justice at the website: www.elegislation.gov.hk.

Labour Department's Homepage: www.labour.gov.hk