

# **Productivity Assessment for Employees with Disabilities under the Statutory Minimum Wage Regime**

## **Support Kit:**

### **Introduction to Assessment Procedures**



**Note:**

According to MWO, the right to invoke productivity assessment is solely vested in the employees with disabilities but not the employers. Employees with disabilities must hold a valid “Registration Card for People with Disabilities” when invoking the assessment.



This support kit aims to assist employees with disabilities who choose to invoke the productivity assessment and their employers to have better knowledge of the procedures of the assessment, so as to get prepared and facilitate approved assessors in conducting the assessment.

## I. Before conducting productivity assessment

- Upon receipt of the request from an employee with disabilities for assessment, the approved assessor will first:
  - explain to the employee and his/her family members/ other relevant persons (if necessary) the rights of employees with disabilities under MWO, and ascertain the intention of the employee with disabilities to invoke the assessment and select an approved assessor;
  - explain to the employee with disabilities and his/her employer the purpose and procedures of the assessment; and
  - obtain and confirm the following basic information of the employee with disabilities with a view to preparing the assessment:
    - Personal particulars of the employee with disabilities, including name in Chinese and English, Hong Kong Identity Card number, whether he/she holds a valid “Registration Card for People with Disabilities”, contact means, type(s) and degree of disability, etc.
    - Name, industry and contact means of the employer
    - Whether an employment relationship has been established between the employee with disabilities and the employer
    - Commencement date of employment, job duties, wage rate, location of the workplace and working hours of the employee with disabilities
    - Whether the employee with disabilities has been assessed for the work concerned before and relevant details
    - Whether the employee with disabilities and the employer have agreed on the arrangements for a trial period of employment and relevant details

- The approved assessor will agree on an assessment date and time with the employee with disabilities and the employer. On the day of assessment, the employee with disabilities and the employer are required to produce the following information and documents to the approved assessor for verification and issuance of the “Certificate of Assessment on the Degree of Productivity of Persons with Disabilities”:

Employee with disabilities	Employer
<ul style="list-style-type: none"> <li>● Original copy of Hong Kong Identity Card</li> <li>● “Registration Card for People with Disabilities” in the form of a physical card (original copy) or an electronic version</li> </ul>	<ul style="list-style-type: none"> <li>● Relevant information of the employee with disabilities, such as the contract of employment</li> <li>● Business Registration Certificate/other registration documents and chop</li> </ul>

- If situation warrants, the approved assessor will, prior to the day of assessment, maintain close contact with the employee with disabilities and the employer to obtain further details of the work concerned and prepare for the assessment. For more precise understanding of the job duties and requirements of the employee with disabilities, the employer should arrange, as far as possible, relevant staff who have direct connection with the work of the employee with disabilities (e.g. direct supervisor of the employee with disabilities or related personnel in the human resources section) to handle matters in relation to the assessment.



## Reminder:

- It is very important for employees with disabilities, employers and approved assessors to maintain close communication before assessments. Approved assessors may contact employees with disabilities and/or their family members and employers more than once if necessary, so as to confirm the assessment date and time, acquire better understanding on the employment details of employees with disabilities, and explain to both parties the respective rights and responsibilities under MWO, and the purpose and procedures of the assessment.
- Approved assessors may conduct site visits to workplace of employees with disabilities prior to assessments if necessary (e.g. the industry engaged by the employee with disabilities is uncommon/the approved assessor has no knowledge on relevant work procedures) and permitted by circumstances, to learn in depth the detailed work arrangements or work details of the employees with disabilities during different time intervals.

## II. Undergoing productivity assessment

### 1. Confirming and collecting information related to the assessment with the employee with disabilities, the employer and other relevant person(s)

- Before conducting the productivity assessment, the approved assessor will re-confirm the intention and eligibility of the employee with disabilities to opt for the assessment, and explain to the employee with disabilities and the employer their respective rights and responsibilities under the relevant provisions of MWO and the procedures of the assessment.
- At the beginning of the assessment, the approved assessor will collect detailed information on the work through the employee with disabilities, the employer and any other relevant person(s) who can assist in better understanding the work:



- Post title
- Job nature and details of job duties
- Basic job requirements (e.g. quality of work, quantity of work, working speed and other requirements for performing the duties)
- Work procedures
- Business nature of the employer and overall work flow
- Position and role of the employee with disabilities in the company/relevant division and how the employee with disabilities co-operates with other employees in the work flow
- Performance of other employee(s) of the employer performing the same or similar work



## Reminder:

The employee with disabilities or the employer can provide to the approved assessor for reference information relating to the work of employee with disabilities, e.g. contract of employment, daily work flow sheet, work instructions, duty checklist, etc.

## 2. Selecting appropriate factor(s) to be considered in the assessment and adopting suitable means for assessment

- Based on the detailed information on the work of the employee with disabilities collected, the approved assessor will exercise his/her professional knowledge and experience to select the appropriate factor(s), including quality of work, quantity of work, working speed and other requirements for performing the duties, and decide on the respective weight.
- The approved assessor will adopt suitable means, including on-site observation, analysis of performance data of the factors for consideration etc., and based on all the information collected to assess the degree of productivity of the employee with disabilities in performing the duties.

## 3. Elucidating to the employee with disabilities and the employer the major considerations in conducting the assessment and collecting supplementary information

- The approved assessor will confirm with the employee with disabilities and the employer that the duties under assessment are the daily duties of the employee with disabilities required under the contract of employment. The approved assessor will also explain the major considerations in conducting the assessment.



- Where necessary, the approved assessor will seek clarifications from or raise supplementary questions with the employee with disabilities and the employer. The employee with disabilities and the employer may also provide supplementary information to the approved assessor.



### Reminder:

| To allow employees with disabilities to perform |  
| at full potential, approved assessors may offer |  
| advice to employees with disabilities and their |  
| employers on supporting equipment or facilities |  
| that facilitate employees with disabilities to |  
| better perform their job duties. |

### **III. Completion of productivity assessment**

- The approved assessor has to explain the assessment result and issue in triplicate the “Certificate of Assessment on the Degree of Productivity of Persons with Disabilities” to the employee with disabilities and the employer. The assessment is completed when the certificate of assessment is signed and issued by the approved assessor.
- Upon receipt of the certificate of assessment issued by the approved assessor, the employee with disabilities and the employer should countersign the certificate of assessment. Both parties to employment should read the “Important Notes” set out in the certificate of assessment before signing.
- On and from the first day after the countersigning of the certificate of assessment by both parties, the degree of productivity of the employee with disabilities for the job stated in the certificate of assessment will take effect. The employer shall pay the employee with disabilities at no less than a wage rate commensurate with the degree of productivity in accordance with MWO.
- After the completion of the assessment, the employee with disabilities shall not have any further assessment made for the same work with the same employer.



## Reminder:

Before countersigning the certificate of assessment, the employee with disabilities and the employer should verify whether the important information on the certificate of assessment (e.g. name of employee with disabilities, Hong Kong Identity Card number and serial number of “Registration Card for People with Disabilities”, name of employer, Business Registration Certificate/ other registration number; and details of the trial period of employment, etc.) is correct or not.