

Human Resource Management

MBA

Master of Business Administration
University of Wales Trinity Saint David

Instructor - Dr Alice Te

Day 7 – December 14, 2024

Human Resource Management

Seven key topics

Global HRM: Globalization, Strategic Roles

Culture, Law, Ethics, AI

Staff Planning and Recruitment

Training and Development

Performance Management

Compensation and Benefits

Employee Relations



Human Resource Management

Course Components

8-day classes

Nov 2, 10, 16, 23, 30

Dec 7, 14, 22, 2024

Essay (50%)

Submitted by

Jan 6, 2025

Individual Presentation

(50%)

on Dec 22, 2024





Outline of the eight days

- | | | |
|-------------------|---------------|--------------------------------|
| Day three: | Nov 16 | Staff Planning and Recruitment |
| Day four: | Nov 23 | Training and Development |
| Day five: | Nov 30 | Performance Management |
| Day six: | Dec 7 | Compensation and Benefits |
| Day seven: | Dec 14 | Employee Relations |
| Day eight: | Dec 22 | Your Individual Presentations |

Day 7

Employee Relations

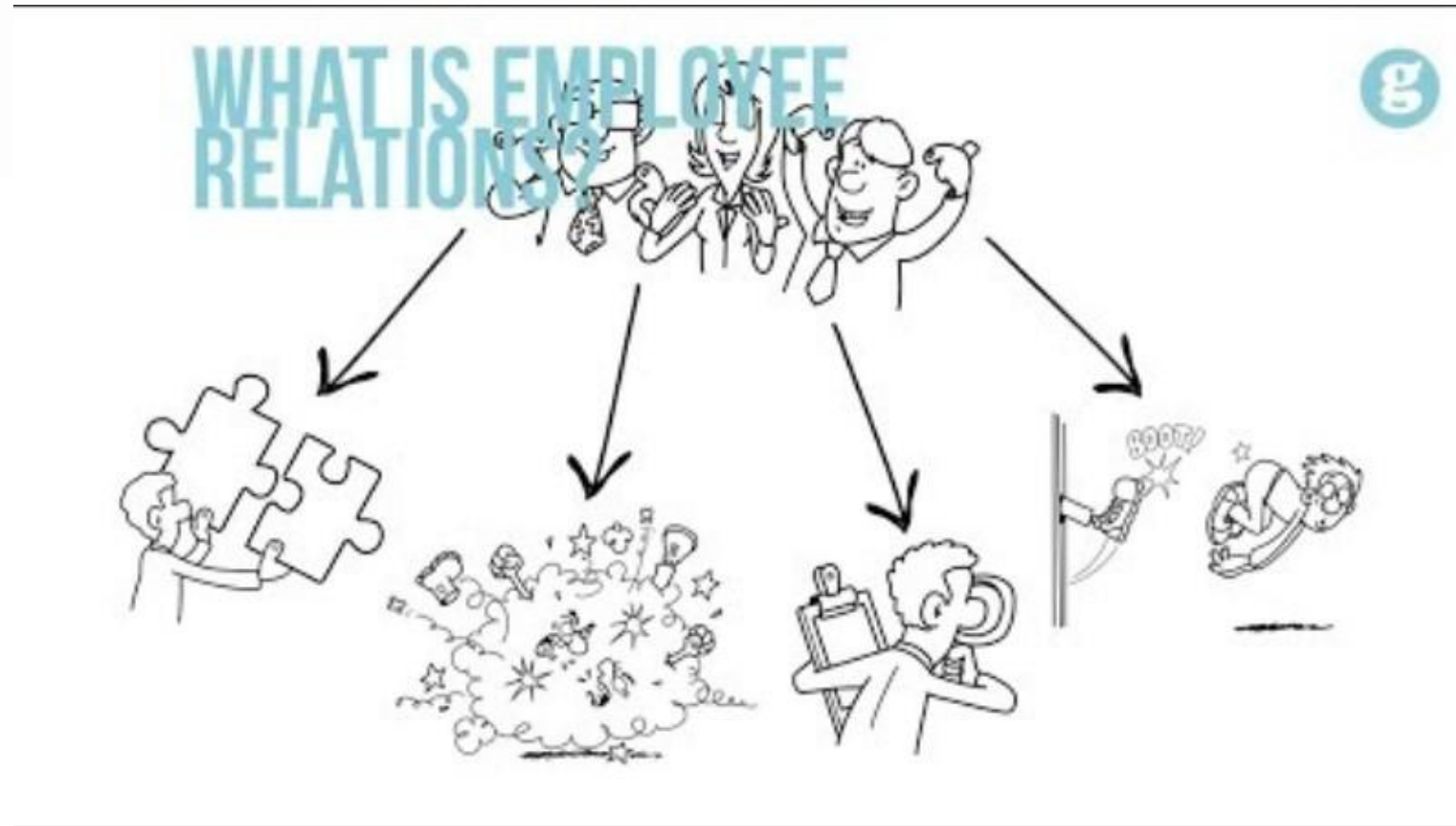


What we will cover today

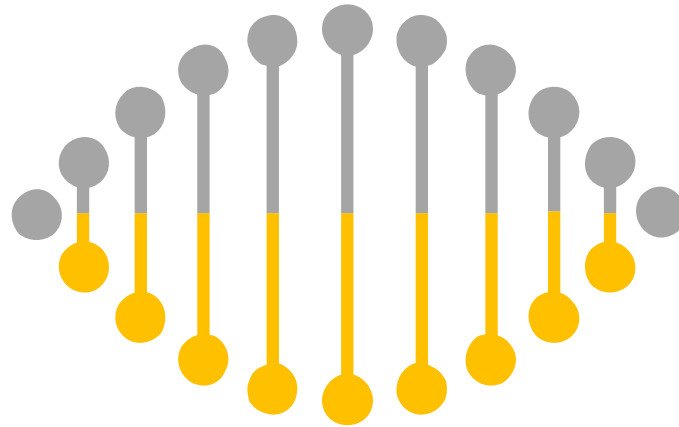
1. The meaning and guidelines of positive employee relations
2. Nature of union and related ordinance in Hong Kong
3. Collective bargaining, intervention and strike
4. Employment related Regulations in Hong Kong
5. Employment related Risks - recruitment
6. Q & A – your essay, your presentations



Employee Relations Scope



- (1) develop employees' engagement**
- (2) resolve workplace conflict**
- (3) conduct workplace investigation**
- (4) administer employee discipline**



The Meaning and Guidelines of Positive Employee relations

Employee Relations

What it is:

a series of **purposive** strategies and activities that aim at establishing and promoting positive employee–employer relationships, fostering employees' **wellbeing**, and improving employees' **emotional and behavioral engagement** connecting to their job.



Why do Employees Feel Upset?

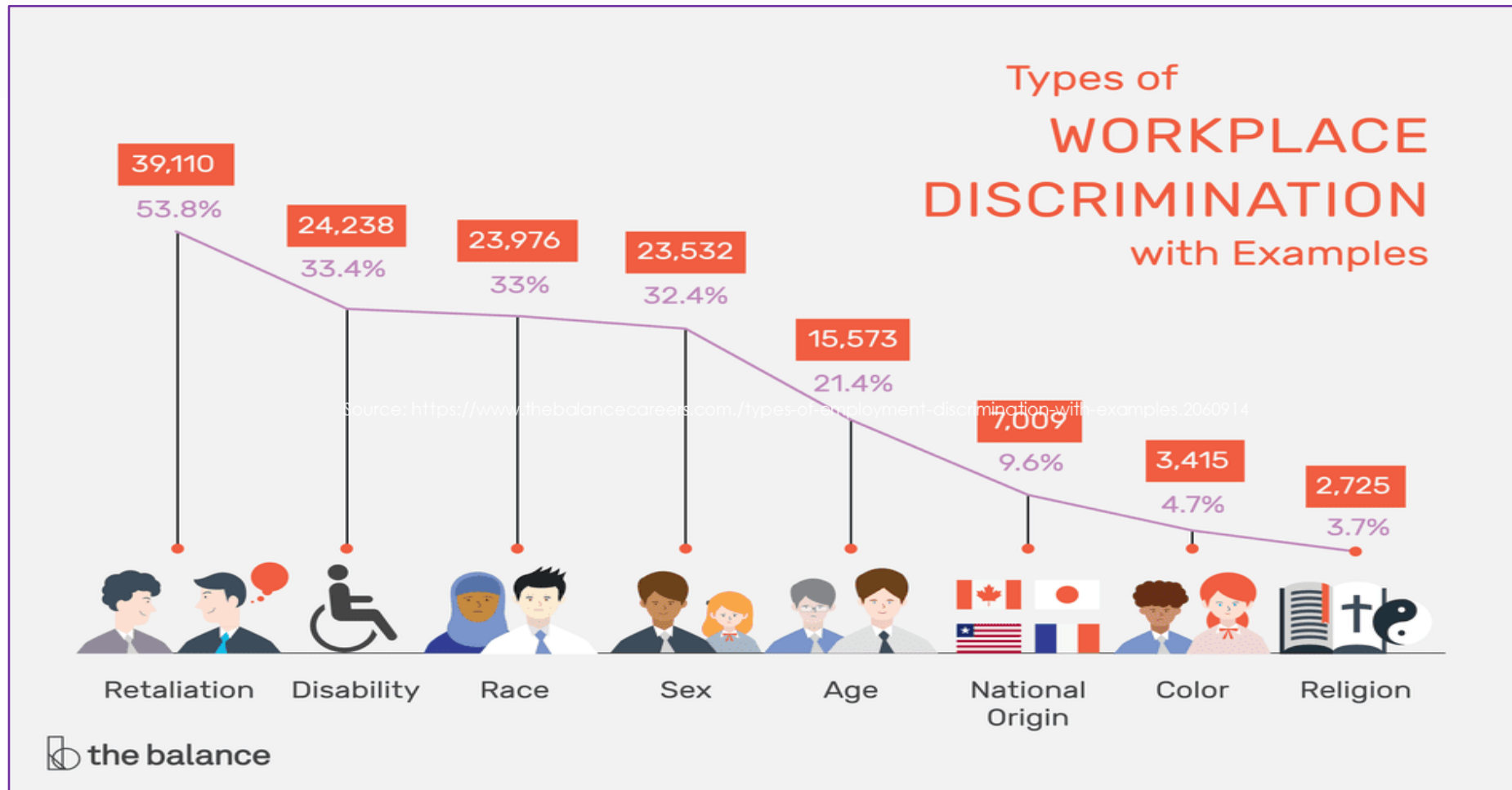
Symptoms of **Unhealthy** Working Environment:

- High turnover rate
- Frequent sick leave on Mondays
- Feel pressure to share or express ideas
- Always has conflicts or arguments with counterparts
-

Causes:

1. Workplace bullying → disrespect and threatening
2. Workplace unfairness, discrimination → bias, favoritism or revenge
3. Health and safety
4.

Types of Workplace Discrimination



Discrimination in the Workplace - GovHK

Guidelines on Employment

During the recruitment process, employers should ensure **equal opportunities** and hire people based on their **abilities, aptitude and knowledge**. They should not turn down candidates just because of their **gender, disability, family status, race, age or sexual orientation**. Below are the guidelines for employers and employees.

Codes of Practice on Employment

Code of Practice against Discrimination on the Ground of Sexual Orientation

Good Management Practice Series

Your Rights under the Anti-Discrimination Ordinances

Know your rights (sexual harassment)

Know your rights (pregnancy discrimination)

Know your rights (family status discrimination)

Race Discrimination Ordinance and I

Disability Discrimination Ordinance and I

Sex Discrimination Ordinance and I

Family Status Discrimination and I

<https://www.gov.hk/en/residents/employment/labour/discrimination.htm>

Guidelines for Positive Employee Relations

1. Use various **communications tools** (formal and informal) to maintain contact between employees and managers.
E.g., open-door policy
2. Check the “pulse” of the organization through **regular survey** and opinion collection
E.g., Evaluate employees’ opinions about the work, pay, leadership and culture
3. Encourage **employee involvement** in business decision or strategies so as to show respect and boost a sense of ownership
E.g., invite employees to discuss flexi-hours arrangement; freedom to voice ideas upwards and direct to managers concerned

Guidelines for Positive Employee Relations

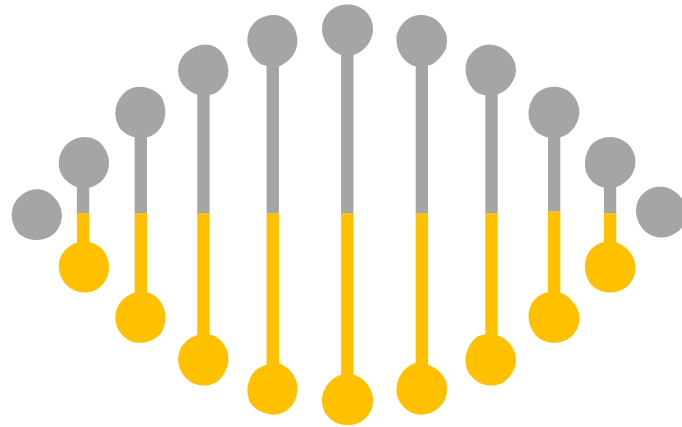
4. Disseminate **explicitly** with information, organizational decisions or follow up action to concerned employees
the days of high-level board room secrets are over; transparency boosts mutual trust culture
5. Conduct **exit** interview
to learn about the employee's experience within the company, and identify opportunity to improve retention and engagement



Benefits

1. Heightened **employee loyalty** as they are satisfied with the culture and advancing career
2. Fewer chances of workplace conflicts as employers have precautionary measure to mitigate any conflict
3. **Improved productivity** as employees are committed to work quality and organizational goals
4. **Reduced absenteeism** and healthcare costs: e.g., employees experience burnout at work are more likely to take sick days; more likely to take time off work





Nature of union and related ordinance in Hong Kong

Understand the nature of union



Union

WHAT is it?

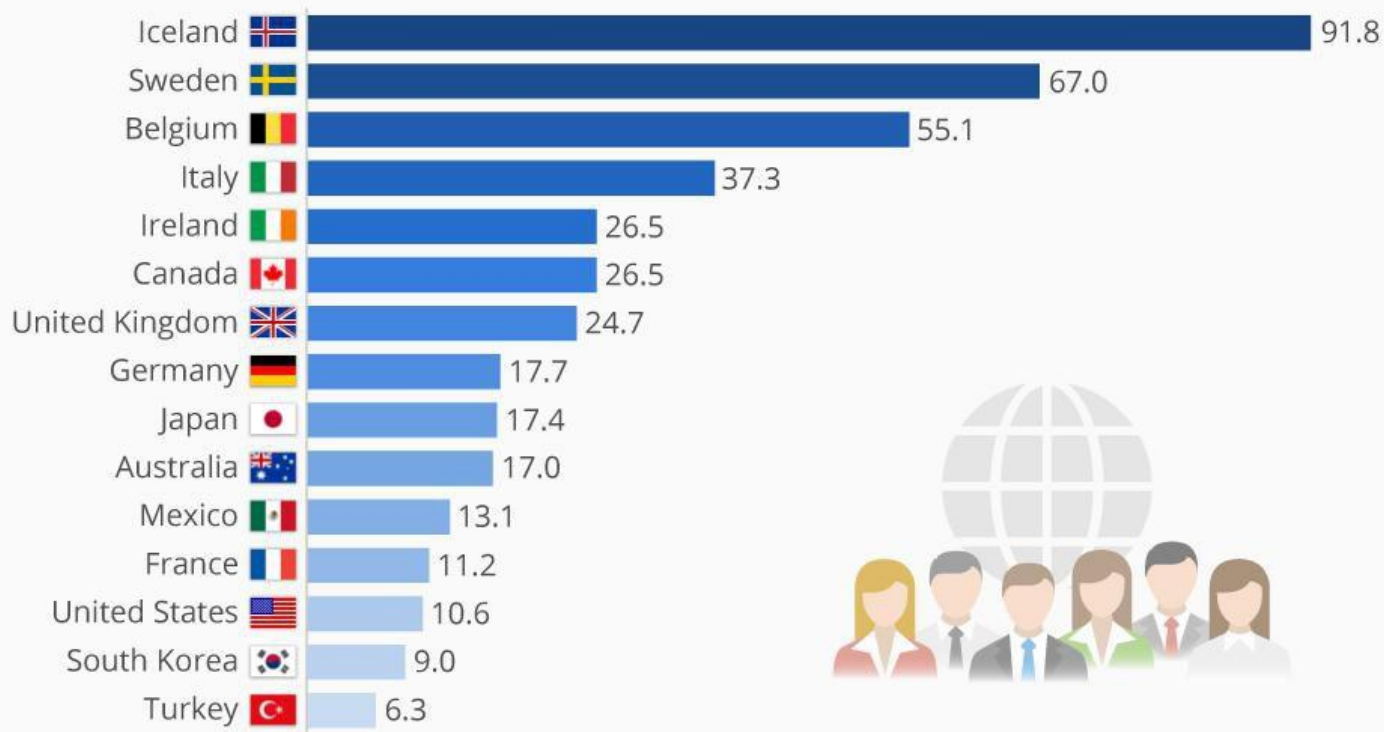
- Unions are organizations that **negotiate** and liaise with management or other entities on the behalf of **union members**.
- They represent their members to seek, promote and protect their interest, including fair wages, job security, fringe benefits, better working conditions or contractual terms.
- When unions want to request concessions from employers, they can do so through **collective bargaining**.

Union

According to OECD, trade union density is highly populated in some countries: Iceland, Denmark, Finland, Sweden

The State Of The Unions

Labor union membership as a percentage of total employees



@StatistaCharts

* Selected OECD countries (2015)

Source: OECD

Some concepts

- **A union** is an organization formed for the purpose of representing its members in resolving conflicts with employers.
- **Employee relations** is the management specialty emphasizing skills that managers and union leaders can use to minimize costly forms of conflict and to seek win-win solutions to disagreements.
- **Management goals** are to increase the organization's profits. Managers generally expect that unions will make these goals harder to achieve.

Some concepts

- **Labor unions** have the goal of obtaining pay and working conditions that satisfy their members. They obtain these results by gaining power in numbers.
- **Society's values** have included the hope that the existence of unions will replace conflict or violence between workers and employers with fruitful negotiation.
- In contrast to the traditional view that labor and management are adversaries, some organizations and unions work more cooperatively.

Union

Unions exercise the collective power to ensure employment security:

1. **closed** shop – company can hire only union members
2. **union** shop – can hire non-union people, but they must join the union after a prescribed period of time and pay dues
3. **preferential** shop – union members get preferences in hiring





Labour Department

The Government of the Hong Kong Special Administrative Region
of the People's Republic of China

Cap. 332

Trade Unions Ordinance

Chapter 12: Protection against Anti-union Discrimination

Right of an Employee in Participating in Trade Unions

Every employee shall have the following rights:

1. to be a member or an officer of a trade union
2. to take part in the activities of the trade union at any appropriate time, if the employee is a member or an officer of a trade union
(Appropriate time means:-
 - outside working hours; or
 - during working hours by arrangement and with the consent of the employer.)
3. to associate with other persons for the purpose of forming or applying for the registration of a trade union.

Statutory Requirements of the Employer

An employer shall not:-

1. prevent or deter an employee from exercising any of the above rights;
2. dismiss, penalise or discriminate against an employee for exercising the above rights;
3. make it a condition of employment that an employee must not exercise the above rights.

Offences and Penalties

Any employer who contravenes the above shall be liable to prosecution and, upon conviction, to a fine of \$100,000.



中華人民共和國香港特別行政區政府

勞工處

第332章 《職工會條例》

第十二章：防止歧視職工會

僱員參加職工會的權利

任何僱員，均可享有以下權利：

1. 參加職工會，成為職工會的會員或職員
2. 如果是職工會的會員或職員，可在適當時間參加該職工會的活動（適當時間指－
 - 工作時間以外的時間；
 - 按照與僱主議定的安排，或得到僱主的同意，僱員才可在工作時間內參加職工會的活動。）
3. 聯同其他人組織職工會或辦理職工會註冊事宜

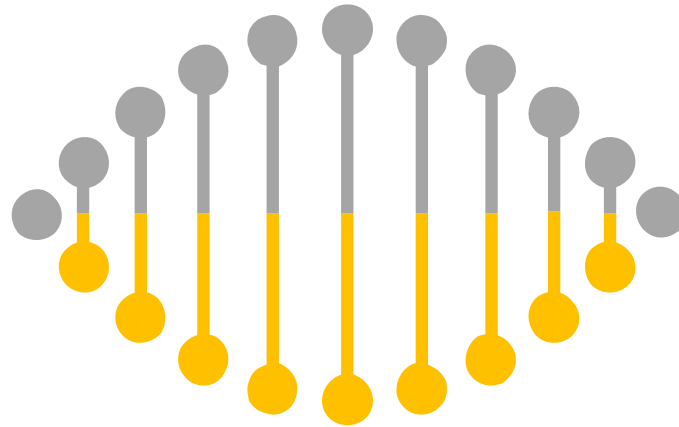
僱主須遵守的法例規定

僱主不得－

1. 阻止或阻嚇僱員行使上述權利；
2. 因僱員行使上述權利而解僱、懲罰或歧視該僱員；
3. 在僱用條件中，規定僱員不可行使上述權利。

違例與罰則

僱主違反以上規定，可被檢控，一經定罪，最高可被罰款 10 萬元。



Collective bargaining, intervention and strike

Collective Bargaining

- In **collective bargaining** a union negotiates on behalf of its *members* with *management representatives* to arrive at a **contract** defining:
 - Recognition
 - Management Rights
 - Union Security
 - Compensation and Benefits
 - Grievance Procedure
 - Employee Security



Collective bargaining

WHAT it is

Process through which representatives of management and the union (on behalf of a group of employees, members) meet to **negotiate** and reach a **mutually agreeable contract**

Wages, fringe benefits, working conditions and etc.



Good Faith

What it is

As the cornerstone of effective labor-management relations,

- both parties communicate and negotiate, that proposals are matched with counterproposals, and that both parties make **every reasonable effort** to arrive at an agreement.



Impasse

Impasse:

a deadlock situation occurred in negotiation when working parties are not able to move further toward settlement

- Usually due to one party demands **more than** the other party can offer





Strikes

Meaning: It generally involves quitting of work by a group of workers, or slow down the working pace, work stoppage while employees are present in the workplace, for the purpose of bringing the pressure on their employer so that their demands get accepted.

1. Economic strike

- failure to agree on the terms of a contract that involve wages, benefits, and conditions of employment

2. Wildcat strike

- an unauthorized, spontaneous illegal strike; fail to follow the proper procedure for striking such as majority approval through a union ballot (vote)

3. Sympathy strike

- takes place when one union strikes in support of the strike of another

Strikes

Food panda

‘Hundreds of disgruntled fleet members working for online food delivery platform (Foodpanda) protested over the weekend (13 & 14 Nov 2021).’

‘Accusations against company include fee cuts and expanded delivery zones.’

外賣平台Foodpanda送遞員，不滿資方降低每張接單的服務費底價、自僱人士保險不足、派送系統混亂等，由11月13日下午發起一連兩日的「拒接單」工業行動。

相關罷工行動由11月13日下午5時半開始，直到11月14日。當中主要癱瘓Pandamart門市，亦會派人在Pandamart門口游說取單的速遞員加入罷工，如不設Pandamart的地區則癱瘓送餐，送遞員會集體上線但休息不接單。

Hong Kong/Transport, South China Morning Post (published 7:30 a.m., 16 November, 2021)
Business Times (published 15 November, 2021)

Alternatives to Strikes

Mediation

- Conflict resolution procedure in which a mediator hears the views of both sides and facilitates the negotiation process but has no formal authority to dictate a resolution.

Fact Finder

- Third party to collective bargaining who reports the reasons for a dispute, the views and arguments of both sides, and possibly a recommended settlement, which the parties may decline.

Arbitration

- Conflict resolution procedure in which an arbitrator or arbitration board determines a binding settlement.



Third Party Intervention

1. Mediation - mediators **listen and look** for common grounds for bargaining; mediator as “neutral” third party to reconcile difference

2. Fact-finding mediator as “neutral” third party who examines the issues thoroughly, **makes a public recommendation** of what a reasonable settlement ought to be

3. Interest Arbitration - Most definitive third-party intervention; **guarantee a solution** to an impasse because the arbitrator often has the power **to determine** and dictate the settlement terms

Mediation

- Use mediation as a first step in dispute resolution.
- A neutral, third party mediator is sought to
 - ✓ Keep parties talking
 - ✓ Suggest alternatives
 - ✓ Work towards agreement

Fact Finding

- If mediation fails, fact finding occurs
- Appointed by courts
 - Hearings held
- Issue advisory opinions laying out proposed grounds for settlement
- Along with mediation, is considered a “first resort” option



Arbitration

- “Last resort” options
 - Interest arbitration
 - Grievance arbitration
 - Strikes
 - Not allowed in most public sector jobs
- Final-Offer arbitration
 - Binding arbitration

Hostility vs. Harmony

- Doctrine of Hostility
 - Adversarial
 - Conflict-based
 - Confrontational
- Doctrine of Harmony
 - Cooperation
 - Service orientation
 - Participation

Effectiveness and Control in Bargaining

Stage 1 – Healthy Workplace Environment

- Commitment to
 - Positive, trusting relationship
 - Collaboration
 - Creating organizational infrastructure

Effectiveness and Control in Bargaining

Stage 1 – Healthy Workplace Environment

Stage 2 – Need for problem solving

- Training in problem solving skills
- Investment in employees, organization
- Recognition of inevitable conflict and decisions on proactive responses

Effectiveness and Control in Bargaining

Stage 1 – Healthy Workplace Environment

Stage 2 – Need for problem solving

Stage 3 – Need for Mediation

- Incurs moderate expense
- External problem solving
- Possible damage to labor-management relations

Effectiveness and Control in Bargaining

Stage 1 – Healthy Workplace Environment

Stage 2 – Need for problem solving

Stage 3 – Need for Mediation

Stage 4 – Arbitration Required

- Increasing expenses
- Acceptance of outside decision
- No appeal
- Results that are possibly unsatisfactory for both parties

Effectiveness and Control in Bargaining

Stage 1 – Healthy Workplace Environment

Stage 2 – Need for problem solving

Stage 3 – Need for Mediation

Stage 4 – Arbitration Required

Stage 5 – Resort to Litigation

- Expensive process
- Adversarial relationship
- Decided by people with limited “in house” expertise
- Blocks communication

Traditional Bargain vs. Problem Solving

Traditional Bargaining

- Opposing bargaining teams – zero sum posturing
- Form over substance
- Obscures real wants and needs
- Hierarchy communication

Problem-Solving

- Discussion is resolution oriented, leading to mutually agreeable and beneficial answers to common problems

Summary

- Union and management negotiations are often difficult.
- Tips to assist positive solutions
 - ✓ Be willing to share power to solve problems
 - ✓ Be patient and acknowledge mistakes
 - ✓ Invest time and effort in building relationships and in resolving differences
 - ✓ Cooperate where the interests of both parties converge

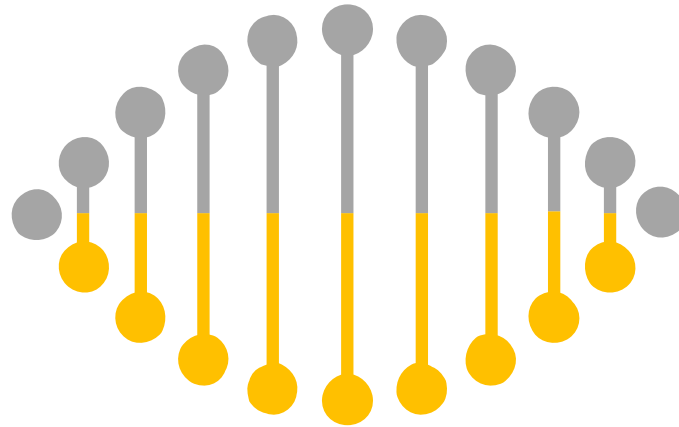


Summary

- Traps to guard against in determining positive solutions
 - ✓ Be unwilling to fix deteriorating relationships
 - ✓ Fail to recognize the inevitability of conflict
 - ✓ Be inattentive to cultivating a harmonious work atmosphere
 - ✓ Provide tardy and unfair response to complaints

Summary

- Doctrine of Hostility has to be avoided
- Collective commitment is a key part of Doctrine of Harmony; using the “pronoun test”
- “They” and “them” versus “we” and “us”
- Win-win negotiation, cooperative problem solving occurs less with hostility



Employment related Regulations in Hong Kong

Employment-related ordinances

- 1. Employee Ordinance (Cap. 57)**
- 2. Mandatory Provident Fund Scheme (Cap. 485)**
- 3. Discrimination Ordinances – 4 ordinances**
- 4. The Personal Data (Privacy) Ordinance (Cap. 486)**

Employment-related ordinances

Employee Ordinance (Cap. 57) 《僱傭條例》即《香港法例》第57章 started in 1968

Chapter 1: Application of the Employment Ordinance

Chapter 2: Contract of Employment

Chapter 3: Wages

Chapter 4: Rest Days, Holidays and Leave

Chapter 5: Sickness Allowance

Chapter 6: Maternity Protection

Chapter 7: Paternity Leave

Chapter 8: End of Year Payment

Chapter 9: Termination of Contract of Employment

Chapter 10: Employment Protection

Chapter 11: Severance Payment and Long Service Payment

Chapter 12: Protection against Anti-union Discrimination

Chapter 13: Employers' Criminal Liability in Failing to Pay an Award of the Labour Tribunal or Minor Employment Claims Adjudication Board

Employment-related ordinances

Mandatory Provident Fund Scheme Ordinances (Cap. 485)

第485章《強制性公積金計劃條例》 started in 2000

Discrimination Ordinances

1. Sex Discrimination Ordinance (Cap. 480) 第480章《性別歧視條例》
2. Disability Discrimination Ordinance (Cap. 487) 第487章《殘疾歧視條例》
3. Family Status Discrimination Ordinance (Cap. 527) 第527章《家庭崗位歧視條例》
4. Race Discrimination Ordinance (Cap. 602) 第602章《種族歧視條例》

Equal Opportunities Commission (EOC) issue **Code of Practice** for the above

性別歧視條例僱傭實務守則 家庭崗位歧視條例僱傭實務守則
殘疾歧視條例僱傭實務守則 種族歧視條例僱傭實務守則

Employment-related ordinances

The Personal Data (Privacy) Ordinance – PCPD (Cap. 486)

第486章《個人資料(私隱)條例》

main legislation in HK aims to protect the **privacy of individuals** in relation to **personal data**, and to **regulate** the collection, holding, processing, or use of personal data based on a set of **data protection principles** ('DPPs').

- outline how data users should **collect, handle and use personal data**, complemented by other provisions imposing further compliance requirements
- **code of practice** (實務守則)

Office of the Privacy Commissioner for Personal Data

香港個人資料私隱專員公署 (Office of the Privacy Commissioner for Personal Data)

- Code of Practice on Human Resource Management
僱主及人力資源管理者指引(2016年4月)

The Personal Data (Privacy) Ordinance (Cap. 486)

Six Data Protection Principles

1

收集目的及方式 Collection Purpose & Means



資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。

須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。

收集的資料是有實際需要的，而不超乎適度。

Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.

All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.

Data collected should be necessary but not excessive.

2

準確性、儲存及保留 Accuracy & Retention



資料使用者須採取切實可行的步驟以確保持有的個人資料準確無誤，而資料的保留時間不應超過達致原來目的的實際所需。

Practicable steps shall be taken to ensure personal data is accurate and not kept longer than is necessary to fulfil the purpose for which it is used.

3

使用 Use



個人資料只限用於收集時述明的目的或直接相關的目的，除非得到資料當事人自願和明確的同意。

Personal data is used for the purpose for which the data is collected or for a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

The Personal Data (Privacy) Ordinance (Cap. 486)

Six Data Protection Principles

4

保安措施 Security



資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。

A data user needs to take practicable steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

5

透明度 Openness



資料使用者須採取切實可行的步驟來公開其處理個人資料的政策和行事方式，並交代其持有的個人資料類別和用途。

A data user must take practicable steps to make personal data policies and practices known to the public regarding the types of personal data it holds and how the data is used.

6

查閱及更正 Data Access & Correction



資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。

A data subject must be given access to his personal data and to make corrections where the data is inaccurate.



Employment Contracts

Employment contracts in Hong Kong

Top 5 Things to Note

1. What is a **continuous contract** of employment?

- According to the **Employee Ordinance**, in Hong Kong, a continuous employment is an employee who works at least 18 hours each week who has been employed continuously by the same employer for four weeks or more.

2. Are there any **mandatory documents** an employer needs to provide its employees?

- In the case where the contract of employment is in writing, the employer is required to provide the employee a copy of the written contract for retention and reference.
- As Hong Kong allows for oral contracts, if in the case the contract of employment is not in writing, the **employee may choose to make a request in writing** before entering the employment to the employer. In this scenario, employers are required to provide such information in writing. Failure to comply with the above may result in prosecution and upon conviction, to a fine of \$10,000.

Employment contracts in Hong Kong

Top 5 Things to Note

3. How are “**temporary**”, “**part-time**” and “**substituted**” employees differentiated and covered under the Employment Ordinance?

- There is **no differentiation** between “temporary”, “part-time”, “substituted”, “permanent” and “full-time” employees under the Employment Ordinance.
- Employees are covered and entitled to statutory rights and protection such as wage payment, restriction on deductions from wages and granting of statutory holidays and other rights. irrespective of their designated job titles or working hours.
- **Additional rights and benefits** such as rest days and annual leave with pay and sickness allowance however are provided to employee who has been continuously employed by the same employer for four weeks or more, with at least 18 hours worked in each week.

Employment contracts in Hong Kong

Top 5 Things to Note

4. Does “contractors” and/ or “self-employed persons” enjoy the same protection as an “employee” under the Employment Ordinance?

- While there is no distinction between the types of employees, it is important to note that the Employment Ordinance only applies to employers and employees who are **connected through a contract of employment**. As such, right and benefits stated under the Employment Ordinance only applies to parties engaged in a contract of employment.
- **Best practices** to avoid disputes and misunderstandings is to make sure relevant parties understand clearly their mode of cooperation, including whether they are engaged as an employee or a contractor/ self-employed person.

Employment contracts in Hong Kong

5. What are the differences between an “employee” and a “contractor/ self-employed person”?

In the case where the mode of cooperation is not stated clearly resulting in a legal dispute, here are **various factors** to consider when differentiating between an “employee” and a “contractor or self-employed person”. There is not one single conclusive test, therefore the context and all relevant factors should be considered. **Common factors** include:

- **control over work procedures**, working time and method
- ownership and provision of work equipment, tools and materials
- whether the person is carrying on business on his own account with investment and management responsibilities
- whether the person is properly regarded as part of the employer’s organisation
- whether the person is free to hire helpers to assist in the work
- bearing of financial risk over business (e.g. any prospect of profit or risk of loss)
- responsibilities in insurance and tax
- traditional structure and practices of the trade or profession concerned
- other factors that the court considers as relevant

Employment contracts in Hong Kong

Your contract of employment should be clear

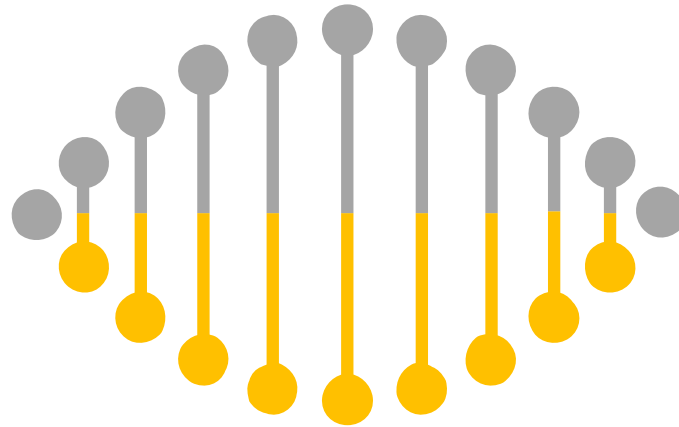
- Bottom line, you want to protect your company by **minimising the chance of dispute**.
- As an employer, you can do so by making sure that your contract of employment **clearly states** the identity of the parties involved, including the **form of engagement** you share (full-time, part-time, temporary, contractor, self-employed person, etc.).

Stay educated on the latest labour legislation

- The key method to avoid disputes is by equipped yourself on the **latest changes and updates** to the Employment Ordinance.

Sorting out your books

- It is not unlikely for companies to rely on outdated policies. To ensure the rights and benefits of both parties and that you are abiding by the Employment Ordinance, employers should **regularly review** and **update their policies**, this includes whether or not they abide by the minimum wage policy.



Employment related Risks - Recruitment

Recruitment Risks

Risk 1: Making Negligent Hires 疏忽僱用

Risk 2: Falling for False Credentials 虛假學歷

Risk 3: Overlooking Employee Fraud 忽視員工欺詐

Risk 4: Putting Customers and Employees at Risk 將客戶和員工置於風險之中

Risk 5: Facing Sudden Employee Turnover 面對突然員工流失



Recruitment Risks

Risk 1: Making Negligent Hires 疏忽僱用

- Negligent hiring practices are one of the top recruitment risks facing small business owners and hiring managers.
- Negligent hiring claims can be made against employers who are accused of knowing — or employers that should have known — information about an employee's background that may have indicated dangerous or untrustworthy prior acts.
- Negligent hiring claims can be expensive, and the odds are often stacked against the accused employer.



Risk 1: Making Negligent Hires

What HR should do?

- Employers should conduct due diligent **background checks** on candidates
- **Fair** and non-discriminatory checks
- Clear link between the background checks & **job requirements**
- **need to know who you are hiring** to avoid harming your employees or customers in any way
- To avoid the hassle and time invested, potential loss of productivity and reputation, and possible claims



Risk 1: Making Negligent Hires

Q1: Can employers inquire about a job applicant's **criminal record?**



- DPP 1(1) provides that personal data shall only be collected for a lawful purpose directly related to a function or activity of the data user. Further, it requires that the collection of the data is **necessary for or directly related** to that purpose, and, in relation to that purpose, the data is adequate but not excessive. **No hard and fast rules** can be laid down as to which data is necessary for human resource management. This will depend on the specifics of the individual case, including the role and nature of the job involved, its function and potential tasks.

Risk 1: Making Negligent Hires

Education Bureau Circular No. 7/2021 Measures for Strengthening the Protection of Students: Appointment of Teaching and Non-teaching Staff in Schools

This circular aims to update and remind all schools (including Private Schools Offering Non-formal Curriculum) on the measures adopted to strengthen the **protection of students** on matters relating to the appointment of teaching and non-teaching staff in schools. Schools should check the potential appointees' teacher registration status, **whether they have any criminal conviction record**, whether they are involved in any ongoing criminal proceedings or investigations (including but not limited to arrest or apprehension by the police), or whether they are being investigated by schools or the Education Bureau (EDB) over professional misconduct allegations.

<https://applications.edb.gov.hk/circular/upload/EDBC/EDBC21007E.pdf>

Risk 1: Making Negligent Hires

Privacy or information disclosure

- Q2: A company's job application form includes questions about the occupations of the **applicant's spouse or children**, the sole purpose of which is to ascertain whether any relative of the applicant works for its competitors. Is this acceptable?

Risk 1: Making Negligent Hires

Sexual Conviction Record Check Scheme

Q: What school posts are covered under the Sexual Conviction Record Check (SCRC) Scheme?

In principle, only prospective employees seeking **child-related work** or work relating to mentally incapacitated persons (MIPs) whose usual duties involve, or are likely to involve, frequent or regular contact with children (i.e. persons under 18) or MIPs (with no age restriction) are eligible to apply for SCRC to the Police at the provision of a documentary proof from their employers.

Risk 1: Making Negligent Hires

Sexual Conviction Record Check Scheme

Q: What school posts are covered under the Sexual Conviction Record Check (SCRC) Scheme?

In general, the usual duties of the relevant work may conform to any of the following criteria:

- providing services mainly for **children or MIPs**, such as teachers, tutors working in tutorial centres, tutors of interest classes, social workers looking after children, paediatricians and nursing staff, teaching and non-teaching staff in special schools and boarding sections of such schools, etc.;
- working in premises that provide services for children or MIPs, such as **general staff** or assistants, librarians, janitor staff, cooks and watchmen in schools (including boarding sections) or tutorial centres, etc.; or
- involving **frequent or regular contact**, in particular unmonitored contact, with children or MIPs, such as permanently-hired school bus drivers, assistants of children activities, etc..

In view of the above, the Scheme is basically applicable to all school posts.

Risk 1: Making Negligent Hires

Sexual Conviction Record Check Scheme

Q: Should a school require serving contract staff to undergo SCRC in the same way as prospective employees upon renewal of their contracts?

At present, only prospective employees (including newly-appointed teachers/staff members on transfer from other schools) are eligible to apply for SCRC to the Police at the provision of a documentary proof from their employers. The Scheme does not cover contract staff working in the same school under continuously renewed contracts without break.

Risk 2: Falling for False Credentials

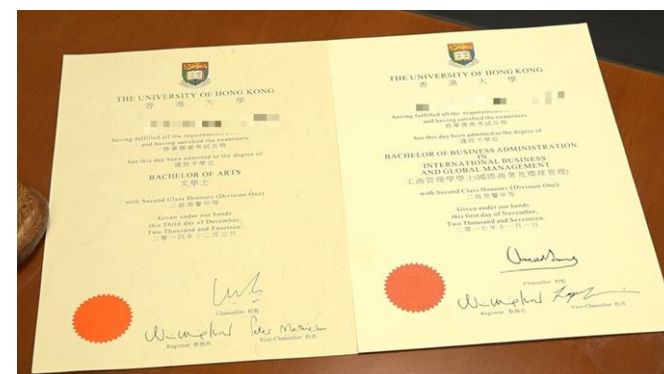
- A Chinese website sells **forged graduation certificates** from various universities in Hong Kong. The reporter disguised himself as a customer and purchased a **fake 2017** Bachelor of Business Administration graduation certificate from the University of Hong Kong for \$1,200, while borrowing a graduation certificate awarded by the University of Hong Kong in 2014. Comparisons revealed discrepancies in **paper quality, style, university seal and signature**.
- The reporter provided a real HKU certificate and a fake HKU certificate to **senior human resources consultants**, as well as **HKU alumni** and **lawyers**, respectively, and invited them to distinguish which one is the real certificate by observing the texture, wording and style of the certificate.
- After a round of observation, the human resources consultant **eventually mistakenly selected** the fake certificate as the “real” certificate; when the reporter was told the answer, she appeared very surprised: “Huh? No!” According to her past experience, the seal of the graduation certificate is generally not too much ‘Bright’, and the seal of the sub-authentic certificate sticks to maroon, the paper is thinner, instead the paper of the fake certificate is thicker, close to the thickness of the common certificate, thus mis-selected.



Risk 2: Falling for False Credentials

- 有內地網站出售偽造本港各間大學的畢業證書，記者喬裝顧客以1,200元購入一張虛假的2017年香港大學工商管理學士畢業證書，同時借來一張2014年由香港大學頒授的畢業證書作比較，結果發現在紙質、式樣、大學印章及簽署均有出入。
- 記者分別向資深人力資源顧問，以及港大校友、律師提供一張真港大證書及一張假港大證書，邀請他們憑觀察證書的質感、字樣、式樣等方面，分辨哪張是真證書。
- 人力資源顧問經過一輪觀察，最終誤選了假證書為「真」證書；記者告知答案時，她顯得十分驚訝：「吓？唔係掛！」據其過往經驗，畢業證書的印章一般不會過於鮮豔，而是次真證書的印章貼近棗紅色，紙質較薄，反而假證書的紙質較厚，貼近常見證書的厚度，因而誤選。

Source: 《香港01》 <https://www.hk01.com/sns/article/206313>



Risk 3: Overlook Employee Fraud

1. **Asset misappropriation** 資產挪用
fraudulent activities include false expense reimbursements, check tampering, and cash theft
2. **Financial statement fraud** 財務報表欺詐
fraudulent activities include asset or revenue overstatements/understatements
3. **Corruption fraud** 貪污詐騙
bribery, illegal gratuities, or economic extortion



Risk 3: Overlook Employee Fraud

How **Pre-Employment Screening** can help

1. **Background checks** - shed light on a candidate's **criminal history**, help kick out those who might prove to be a security risk.
2. **Credit check** - for financial sector. Information about your candidate's past and current personal financial history help answer questions:
 - ✓ Does this candidate make payments on time?
 - ✓ Are they responsibly managing their money?

Learning more about your candidate's spending habits can help when determining whether or not you are putting the organization at fraudulent risk



Risk 4: Putting Customers and Employees at Risk

- Part of an employer's responsibility is to provide a **safe and secure** environment for both **staff and customers**.
- In the event of making the wrong hire, you could potentially introduce **a threat to your current team and clients**.
- Employers should be extra mindful of who their employees and customers **will interact with on a day-to-day basis**. Not only could the wrong hire pose risk to your employees and customers, but to the overall **brand** of your organization.

Risk 4: Putting Customers and Employees at Risk

How **Pre-Employment Screening** can help

- **Background checks** can help employers to spot a criminal history or dangerous track record, which allows you to make a more informed hiring decision.



Risk 5: Facing Sudden Employee Turnover

- Employee may leave a company **on good terms** and **for honest reasons** such as relocation, fresh company culture, or for a more attractive offer elsewhere.
- Employers may **face more abrupt employee turnover** because they simply hired the wrong person from the start. For example, they may have had to dismiss the employee due to a lack of performance, or in the worst-case scenario, due to an unlawful act of employee fraud.
- Abruptly losing an employee can put **a significant strain on business**, leaving other employees to pick up the slack and substantially affecting workflow, productivity, and profitability.



Risk 5: Facing Sudden Employee Turnover

How **Pre-Employment Screening** Can Help

- The more you know about your applicant's **work ethic and qualities**, the better equipped you'll be to make a **well-informed hiring decision**.
- The process includes candidate's **professional references** to gain insight into:
 - ✓ Education background
 - ✓ Criminal background
 - ✓ Past employment behavior
 - ✓ Job responsibilities
 - ✓ Accomplishments in the workplace
- help you avoid employee turnover and its costs in the long run, substantially affecting workflow, productivity, and profitability.



A court case about Disability Discrimination

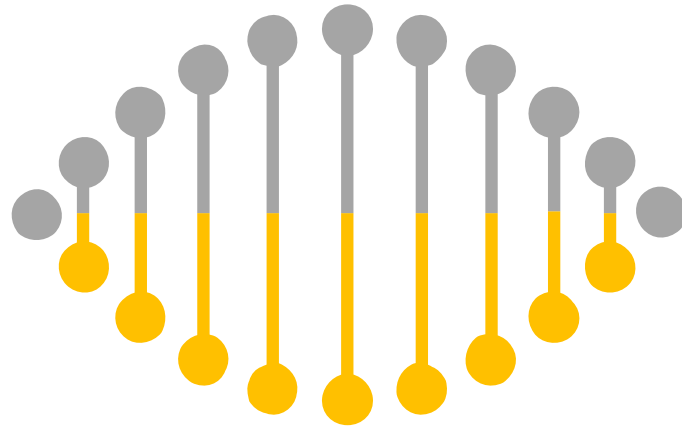
Law Miu Kuen Sally v Sunbase International (Holdings) Limited

- Law Miu Kuen Sally 對 新恆基國際（集團）有限公司

DCEO 7/2012

- Court's judgment on Factual Dispute (1): Sick Leave Guideline

<https://www.eoc.org.hk/en/legal-services/significant-court-cases/hong-kong/disability-discrimination>



Your Essay

Essay - 2500 words

- Select a **global, regional company, or a publicly listed company in Hong Kong or overseas stock exchanges.**

For example, you can select company name A which is based and listed in Hong Kong Stock Exchange.

Company A recently **expanded its operations** to another country or places outside Hong Kong. You may also wish to choose a second company, Company B for comparison if you think appropriate.

- The objective is to analyze the **HR management challenges** that arose during this regional or international expansion, and examine the **actions taken** when the local HR team transitioned into a regional or international HRM role.

What is your company?



Essay

Select **1 or 2 HRM functional areas** for your analysis:

- Employee Recruitment
- Performance Management and Appraisal
- Compensation and Benefits
- Talent Management
- Training and Development
- Employee Relationship
- Others (subject to prior approval by the lecturer)

What is your functional areas?

Essay

Deadline
Jan 6, 2025

Include at least the following:

- ✓ Background of the company (or the two companies).
- ✓ Identify 1 or 2 functional areas within HRM as the focus then explore the challenges associated with the regional or international expansion.
- ✓ Scope – Description of the context of the challenges/problems, root cause(s) of the issues, and who are the stakeholders being impacted. The scope should also include the similarities and differences in Company A and B (if applicable) on their challenges; and the way how the HR managers experience and approach to solve the issues.
- ✓ Analysis – Analyse the challenges, their problem solving initiatives, the positive and negative impacts, and identify potential areas of improvement needed.
- ✓ Recommendation for solution – Propose the short-, mid- and long-term action plan (with timelines), the pros and cons of the plan, the required resources and impacts, and the potential outcomes of the action plan.
- ✓ Conclusion

Use of Generative AI

Proofreading

For this assessment, you can use Generative AI to check your own text/creation for grammatical and syntactical mistakes, including rephrasing of your own work within specific standards.

A student can use AI to:

- Check a text they have written themselves for readability, grammar and syntax
- Use a tool like Microsoft Editor, Bing Chat or specific elements of Grammarly, to check for grammar, spelling and readability

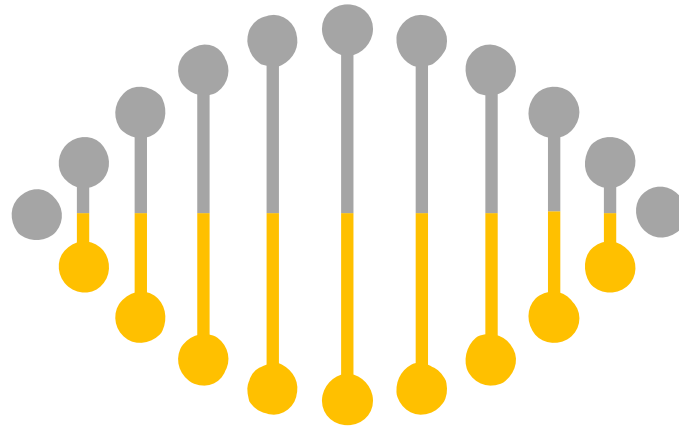
A student cannot use AI to:

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- Rephrase text that they did not write themselves
- Rephrase or paraphrase text that another person has written

Essay - Assessment Criteria

Five criteria:

- ❑ 15% Engagement with literature skills
- ❑ 25% Knowledge and understanding skills
- ❑ 25% Cognitive and intellectual skills
- ❑ 25% Practical application skills
- ❑ 10% Transferable skills for life and professional practice



Your Presentations

Overview of the Key Drivers of changes

Artificial Intelligence (AI)

- Enhanced Recruitment:

AI-driven systems can analyze resumes and match candidates to job descriptions more efficiently.

- Employee Onboarding:

AI chatbots can assist new hires with onboarding processes, answering questions, and providing resources.

- Performance Management:

AI can analyze employee performance data to provide insights and suggest personalized development plans.

Robotics

- Automating Repetitive Tasks:

Robots can handle routine administrative tasks, allowing HR professionals to focus on strategic activities.

- Improved Efficiency:

Robotic Process Automation (RPA) can streamline processes like payroll and benefits administration.

Cloud Computing

- Accessibility:

Cloud-based HR solutions provide access to employee data from anywhere, facilitating remote work.

- Scalability:

Organizations can easily scale their HR operations up or down based on workforce needs.

Machine Learning

- Predictive Analytics:

Machine learning can forecast employee turnover, helping HR plan retention strategies.

- Personalized Training:

Learning platforms can adapt to individual employee needs, providing tailored training programs.

Blockchain

- Secure Data Management:

Blockchain can ensure secure and transparent management of employee records and contracts.

- Credential Verification:

Simplifies the verification of candidate credentials and work history, reducing hiring fraud.

Cognitive Technology

- Enhanced Decision-Making:

Cognitive technologies can analyze vast amounts of data to inform HR decisions, from talent acquisition to succession planning.

- Employee Engagement:

Using sentiment analysis, HR can gauge employee satisfaction and engagement levels more effectively.

Internet of Things (IoT)

- Workplace Monitoring:

IoT devices can monitor workplace conditions and employee health, enhancing well-being and productivity.

- Real-Time Feedback:

IoT can facilitate real-time feedback mechanisms, allowing for quicker adjustments to workplace policies and practices.

These digital transformation drivers are not only reshaping **HR operations** but also enhancing employee **experiences**, driving **efficiency**, and enabling data-driven decision-making. Organizations that leverage these technologies can gain a **competitive advantage** in talent management and organizational growth.

Individual Presentation

15 minutes

10-12 pages - include cover/end page & references

- Produce a presentation that analyses a contemporary HRM issue related to **digital transformation** and how key change drivers affect the way HR leaders manage in complex business environments.
- Contain **strategies, insights, solutions, and conclusions** derived from the findings and culminate in fully justified **recommendations** and an **implementation plan** for recommended changes.



Individual Presentation

What is YOUR key change driver?

- Key Change Drivers of Digital Transformation –
(1) Artificial Intelligence, (2) Robotic, (3) Cloud computing, (4) Machine Learning, (5) Block-chain, (6) cognitive technology, and (7) IoT (Internet of Things), etc., are changing the way organizations being managed.
- For example, the way we lead, attract, motivate, and retain staff, the way we lead as HR leader and team for performance, the way to serve our stakeholders (employees / customers / suppliers / investors / partners), the way we compete, and definitely have profound impacts to the way we manage and drive performance effectiveness in our organization today and future.
- **Select 1 of the above Key Change Drivers** in digital transformation and reference to at least 10 articles related to how the driver is being adapted and how it impacts on 1 to 2 key HR functions for higher performance today and in the future to provide an insightful critical analytical on the HR challenges.

Individual Presentation

Presentation

December 22, 2024

The presentation should cover the followings:

1. Brief introduction of the background and focus of the topic / key change driver.
2. Describe how the organization embraces and incorporates the change driver(s) and discuss the resulting impacts on HR functions.
3. Analyse and reflect key findings and learnings (impacts, insights, lessons, observations, arguments) from the articles.
4. Key challenges for HR leaders to apply learnings into their real workplace.
5. Provide recommendations/suggestions for better results.



Use of Generative AI

Proofreading

For this assessment, you can use Generative AI to check your own text/creation for grammatical and syntactical mistakes, including rephrasing of your own work within specific standards.

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Presentation - Assessment Criteria

Five criteria:

- ❑ 15% Engagement with literature skills
- ❑ 20% Knowledge and understanding skills
- ❑ 20% Cognitive and intellectual skills
- ❑ 20% Practical application skills
- ❑ 25% Transferable skills for life and professional practice

What we have covered today

1. The meaning and guidelines of positive employee relations
2. Nature of union and related ordinance in Hong Kong
3. Collective bargaining, intervention and strike
4. Employment related Regulations in Hong Kong
5. Employment related risks - recruitment
6. Q & A – your essay, your presentations



NEXT WEEK

