Page 1

Employing Persons with Disabilities to work from home

Tips for employers and employees

Chapter 1: Foreword

Persons with disabilities, just like their able-bodied counterparts, can perform well in jobs of various natures, thereby actualising their work potential if they are given equal employment opportunities. However, for some persons with disabilities, the difficulties encountered by them in securing employment do not arise from their work abilities but are rather caused by various constraints beyond their control, including availability of suitable facilities and equipment at work, location of the workplace, and availability of transportation for them to go to the workplace, etc.

At present, due to the advancement of information technology, the mode and venue of work can be in different forms. The workplace of many employees is no longer restricted to the office premises. Many employers allow their employees to work in places other than their offices in order to make the operations of their organisations more flexible. With the advance in information technology, it is anticipated that there will be further development in this trend. In fact, given that suitable jobs can be identified with the provision of appropriate work arrangements and application of information technology, employing persons with disabilities to work from home may provide job opportunities for persons with serious mobility problem and enable them to develop their potential. It will also enhance the chance of the enterprises to recruit suitable talents for their business.

Nowadays, home-based work can be in different modes, which include the person being engaged as a self-employed person or an employee. Engaging self-employed persons to work from home mostly involves provision of services under individual contracts in response to the needs of short-term work (such as short-term project). Employees being employed to work from home, on the other hand, usually have a longer working relationship with their employers. The employers will provide guidelines on the job and support to the employees, and keep in close contact to understand the work progress of the employees working from home. Both employers and employees are under the protection of relevant labour legislations. Therefore, this booklet will focus on the matters of concern to employers and employees in respect of employing persons with disabilities to work from home, and provide relevant information for reference of both parties when making such arrangement. It will also dispel employers’ doubts about arranging home-based work for persons with disabilities, thus encouraging more employers to offer vacancies and employ persons with disabilities to work from home.

Page 2

Chapter 2: Tips for Employers

The Benefits of Employing Persons with Disabilities to Work from Home

At present, many enterprises allow employees to work from home. With the advancement of information technology, there will be further development in this trend. Employing persons with serious mobility problem to work from home can provide them with job opportunities and also allow enterprises to recruit persons who cannot work at the designated place to make contribution at the posts offered to them.

Employing persons with disabilities to work from home will bring the following benefits to the enterprises:

(1) To expand the talent pool

\* For persons with limitation on mobility or chronic illnesses, the home-based work will unleash their work potential without being affected by the constraints of the workplaces. The enterprises may also have a wider choice of talents to meet their hiring needs.

\* A job means more than a source of income to persons with disabilities. It also represents the road to financial independence and self-affirmation. Where the enterprise is concerned, persons with disabilities would be loyal and reliable working partners who treasure their hard-won jobs.

(2) To save costs

\* The operating costs of an office normally include payments for rent for office premises, furniture, office equipment, computers and other communication devices. At present, the rent for office premises in Hong Kong stays at high level. As employees working from home do not occupy office space and this will lead to saving on related expenses, such mode of employment may be a cost-saver for business in Hong Kong.

Page 3

(3) To be free from environment restriction

\* Even if there are no barrier-free facilities in the organisation, it is still feasible to employ persons with disabilities to work from home because engaging them in such mode of work is not constrained by workplace environment.

\* There have been changes in the traditional mode of work with the advance in technology. Employee’s workplace and office space is no longer affected and bound by external factors such as traffic and weather. In addition, the working hours are not affected by them.

(4) To respond flexibly to market demand

\* Persons with disabilities being employed to work from home will not occupy office space in the organisation and will be free from any environmental constraint. The organisation can increase manpower according to the operational need.

(5) To have flexible working hours

\* Provided mutual agreement is reached between both parties, employers can arrange flexible working hour based on the job nature and the needs of the employees with disabilities. Such arrangement is conducive to achieving work-life balance for persons with disabilities concerned.

Page 4

Preparation work of the employer prior to employing persons with disabilities to work from home

(1) Thorough assessment

\* Implementing a policy to allow employees to work from home will have a bearing on both internal and external operation of the organisation. Full cooperation and support from all staff are needed.

\* The suitability of the job nature of the post for employees to work from home should be considered before implementing the measure. The following points should be considered when formulating the arrangement and conditions of the post concerned:

 > whether the work of the post does not require close and direct supervision?

 > whether the job does not require face-to-face contact with clients or colleagues?

 > whether the job involves the work which can be handled independently and will not create special impact on the daily work of other colleagues?

 > whether the equipment needed for the job can be easily installed and dismantled at home?

 > whether the organisation already has established procedures for handling and storing confidential information and documents at employee’s home.?

If most of the answers to the above questions are “yes”, the job nature of the post is suitable for implementing the policy of allowing employees to work from home. Even if a few of the answers is “no”, sufficient communication and discussion with the employees concerned and adjustment to the scope of work or workflow can enhance the smoothness of implementing the arrangement of working from home by persons with disabilities.

\* If the organisation has suitable post for home-based work, the following points can be considered when formulating working hour and working mode:

 > Number of working days per week, working hours per day and the working period;

 > Method of calculating employees’ remuneration;

 > Work content and scope of work;

 > Formulation of clear objectives and performance assessment methods;

 > Suitability of the work for employees with disabilities;

 > Daily contact method and the time of regular meeting; and

 > Training and support needed for the job.

Page 5

(2) Preparation of necessary documents and equipment

\* Documents:

 > Written employment contract;

 > Employee code of practice / handbook;

 > Work guidelines, etc.

\* Depending on the circumstances, employers may be required to provide relevant work related installations and equipment where necessary, such as:

 > Computer equipment and required software;

 > Computer protection program and anti-virus software; and / or

 > Telephone which facilitate the work of persons with disabilities.

Besides, depending on disability category of the employees concerned and their individual needs, employers may also consider providing appropriate assistive equipment and facilities to persons with disabilities in order to enhance their capability at work. These include:

 > Computer systems with Braille, vocalised and text enlarging functions;

 > Button aids;

 > Head control type operating rod;

 > Auxiliary phone; and / or

 > Lift tables, etc.

(3) Enhancing internal communication and education

\* Explain to existing staff the policy and objectives of employing persons with disabilities to work from home.

\* Enhance internal communication to explain the main duties, specific division of work, advantages to the organisation and long-term benefits and contributions of employing persons with disabilities to work from home.

(4) Providing job opportunities for persons with disabilities

\* For those employers who have not had experience of employing persons with disabilities to work from home, they may first try to employ persons with disabilities to work from home for certain posts or jobs. Evaluation and assessment will then be conducted and improvement be made where necessary during the period so as to further extend such arrangement to other suitable posts and jobs.

Page 6

Points to note for employer when employing persons with disabilities to work from home

(1) Make clear terms of employment and keep clear work record

\* In order to facilitate management of the home-based work and comply with relevant legislative requirements, an employer should draw up a clear and specific employment contract with the employee with disabilities to work from home so as to protect the rights of both parties. It will be conducive to maintaining good labour relation. For the interest of both the employer and employee, it will be better if the terms of employment can be clearly set out in written contract.

\* Employment contract should prescribe the following employment terms in details, and its operation requires timely communication and feedback by both parties:

 > wage rate of the employee with disabilities, over-time rate and any other allowance (calculate regardless by piece, by job, by hour, by day, by week or others);

 > wage period and payroll method;

 > company benefits entitled to the employee;

 > leave, follow-up medical consultation and the procedures of application;

 > notice period for terminating the contract;

 > information regarding the end of year payment, partial end of year payment and the period if the employee with disabilities is entitled to end of year payment;

 > other code of practice for the employees, etc.

After an employer and an employee have made a written employment contract, a copy of the contract should be given to the employee with disabilities for reference and record. If there are any changes in the terms of the employment contract, the employee must be clearly notified and the changes must be stated in writing. (Please refer to the “Concise Guide to the Employment Ordinance” published by the Labour Department. To assist employers and employees to draw up written employment contracts, the Labour Department has prepared a sample employment contract for their reference. The sample covers the major entitlements and protection enjoyed by employees under the Employment Ordinance. For details, please visit the website of the Labour Department: www.labour.gov.hk).

\* It is a good practice for the employer and employee with disabilities to properly record and keep the following work information:

 > Daily working hour;

 > Over-time record;

 > Leave record including statutory holidays, sick leave, annual leave and maternity leave, etc.

Page 7

(2) Prepare a clear work guideline

\* Since the workplace is far from the office, if an employee is employed to work from home, the employer should prepare a clear work guideline so that the employee can work independently from home.

(3) Understand the needs of employee with disabilities and provide timely support

\* The employer should keep in view the situation of each employee with disabilities and provide assistance and support to address their various needs so as to enable each employee to be able to realize their full potential and commit to the work while working from home.

\* Appropriate care and encouragement can help the employee with disabilities to build up confidence and enhance his / her performance. Employer should care about the employee with disabilities and give him / her appropriate appreciation and trust.

(4) Maintain sufficient communication

\* An employee who is working from home usually has less face-to-face communication with his / her superior and colleagues. Establishing a good communication mechanism can help increase employee’s sense of belonging to the company and enhance mutual communication.

\* In order to provide timely and sufficient guidance and assistance to the employee with disabilities, and to understand his / her working condition at home, the employer may take into account the following items for specific arrangement:

 > A clear work reporting mechanism:

 - the party to whom the daily report of the work be made?

 - the items needed to be reported?

 - the format of reporting?

 - the frequency of reporting?

 - the time of reporting?

Page 8

 > Regular communication and meeting:

 - The employer and employee with disabilities should agree on the format, content and frequency of communication so that both parties have the opportunity to express their views, raise their concern and give their feedback.

 - Communication can be made through telephone, intranet of the company, email, instant communication software / apps, etc.

 - Regular meeting between the concerned parties should be encouraged in order to let the employee with disabilities know the support from the company and give him / her sense of working so that he / she will feel more comfortable at work.

 > Provide assistance on information technology:

 - The company should provide support in respect of the use of information technology. In case the employee with disabilities encounters problems relating to computer or the Internet, he / she can seek appropriate assistance in a timely manner.

(5) Establish a good performance appraisal mechanism

\* A good performance appraisal mechanism can help the employee with disabilities know clearly the scope of work, work content and the employer’s requirement for the convenience of appraising performance. It can also help build up a common objective for both the employer and employee.

\* A good job evaluation mechanism should contain the following items:

 > clear objective and scope of work;

 > the employer and employee can discuss the performance indicators together. To set up an objective, clear, easily comprehensible and fair performance indicators, the following “SMART” elements should be included:

 - Specific;

 - Measurable;

 - Actionable;

 - Realistic; and

 - Time-specific

(6) Establish security measures when handling sensitive information

\* If the work of the employee involves sensitive information of the company, the employer should prepare guidelines on keeping confidential information and set up relevant security measures to protect data and information of the company.

Page 9

\* Relevant measures include:

 > Installing anti-virus software and firewall for computer;

 > Adding password to computer, external memory and computer document;

 > Keeping documents with sensitive information in a locked cabinet; and

 > Deleting and destroying unnecessary information on a regular basis.

\* The employer should prepare a clear and effective guideline to ensure that sensitive information will be used and handled properly.

(7) Understanding the protection of labour legislations for both employer and employee and the provisions of the related legislations

An employee working from home is protected under relevant labour legislations. These include, among others, the requirements of the employer to pay wages to the employee not less than the statutory minimum wage, to take out employees’ compensation insurance and to contribute to the employees’ MPF accounts, etc. Relevant labour legislations are as follow:

\* The Employment Ordinance is the legislation governing conditions of employment in Hong Kong.;

\* The Employees’ Compensation Ordinance (ECO) establishes a no-fault, non-contributory employees’ compensation system so that individual employers are liable to pay compensation for work-related injuries or fatalities. It requires all employers to possess valid insurance policies to cover their liabilities under ECO and at common law;

\* The Minimum Wage Ordinance establishes a Statutory Minimum Wage system which provides a wage floor with a view to forestalling excessively low wages;

\* The Mandatory Provident Fund Schemes Ordinance stipulate, among others, that employer shall set up a MPF account for the employee and contribute to the employee’s account monthly; and

\* Disability Discrimination Ordinance is to protect people with a disability against discrimination, harassment and vilification on the ground of their disability.

For details and reference materials of the above labour legislations, please refer to the “Annex” of this booklet.

Page 10

Chapter 3: Tips for employee with disabilities to work from home

Although it will be helpful for persons with disabilities to integrate into the society if they can work in the premises away from their home, some persons with disabilities may not be suitable for working away from home because of their physical disabilities (such as limitation on their mobility or inability to work away from home for long period of time because of their chronic disease). With the help of technology and the provision of vacancy and suitable support from the employer, home-based work is a feasible alternative working mode for persons with disabilities.

Preparation prior to the employee with disabilities to work from home

(1) Adjust living habits and set up a daily schedule

\* The working environment at home is different from that in the office. An employee is easily assimilated by the surrounding atmosphere. In general, an employee working in the office is more attentive to work. However, an employee who works from home may easily mix up the work with daily lives because the workplace is his/her home, thus affecting his / her attentiveness and work efficiency.

\* Therefore, before being employed to work from home, the employee should set up a schedule to clearly allocate and divide daily work and rest time. A clear timetable can remind oneself to divide work and daily lives as well as effectively manage time and daily routine, so that the work efficiency can be enhanced.

(2) Gaining support from family

\* Employee should be attentive at work and avoid disruption from the household environment. If an employee with disabilities is living with his / her family, he / she should communicate with his family members in advance so that they will understand the job nature, working hour and arrangement. He / she should also discuss with his / her family members about possible adjustment and preparation in daily lives when working from home.

\* Support from the family members can enhance the attentiveness and efficiency of the employee with disabilities working from home.

Page 11

Understanding the employee’s rights and protection of various labour legislations

Despite being engaged to work from home, a home-based employee is also protected by the labour legislations. Therefore, it is necessary for the employee with disabilities who works from home to understand the rights and protection under various labour legislations. Relevant labour legislations include:

\* The Employment Ordinance is the legislation governing conditions of employment in Hong Kong.;

\* The Employees’ Compensation Ordinance (ECO) establishes a no-fault, non-contributory employees’ compensation system so that individual employers are liable to pay compensation for work-related injuries or fatalities. It requires all employers to possess valid insurance policies to cover their liabilities under ECO and at common law;

\* The Minimum Wage Ordinance establishes a Statutory Minimum Wage system which provides a wage floor with a view to forestalling excessively low wages;

\* The Mandatory Provident Fund Schemes Ordinance stipulate, among others, that employer shall set up a MPF account for the employee and contribute to the employee’s account monthly; and

\* Disability Discrimination Ordinance is to protect people with a disability against discrimination, harassment and vilification on the ground of their disability.

There are various employment-related legislations other than the above mentioned. For the details and reference of the above legislations, please refer to the “Annex” of this booklet.

Page 12

Need to draw up clear employment terms and conditions with the employer

Since the employee is working independently at home and far from the office of the employer, both parties should draw up a clear and specific employment contract to set out the relevant terms of employment. Although both employer and employee are protected under the Employment Ordinance and other relevant legislations regardless of whether the employment contract is a written or verbal one, a written employment contract can clearly set out the rights and responsibilities of both parties and remind them the responsibilities they should have under the contract. A written employment contract can provide better protection to both parties than a verbal one and can avoid any unnecessary misunderstanding and labour dispute.

With reference to the situation of individual company, both parties may draw up terms and conditions of employment in respect of salary and benefits on their own which are not worse than the minimum levels set under the Employment Ordinance. The employment contract should state clearly the name of both parties, their respective rights and responsibilities. The contract usually includes the following:

\* Identity of the contracting parties;

\* Working hour;

\* Employment period (if, for fixed term contract);

\* Scope of work;

\* remuneration and employee benefits (including wage, annual leave and end of year payment (if any) etc); and

\* Arrangement of termination of contract, etc.

However, the content may not be the same in each individual contract which is subject to the terms agreed by both parties. To assist employers and employees to draw up written employment contracts, the Labour Department has prepared a sample employment contract for their reference. The sample covers the major entitlements and protection enjoyed by employees under the Employment Ordinance. For details, please visit the website of the Labour Department: www.labour.gov.hk).

Page 13

Formulate specific working arrangement before the commencement of employment

As home-based employee with disabilities is working independently at home and the workplace is far from the office of the employer, both parties should make specific arrangements prior to the start of work. These arrangements include daily communication method, reporting of work to the employer and request for assistance when needed, etc. The points to note are listed as follow:

(1) Understanding the job requirement

\* The employee with disabilities should know the working hours, working procedures, requirements and the details of reporting arrangement.

(2) Leave application and over-time arrangement

\* The employee should understand the leave application procedures and over-time guidelines.

(3) Solving the work problem

\* The employee may inevitably come across any situation which he / she does not know how to deal with or encounter different kinds of difficulties during the work. For the employee working in the office, he / she can seek advice from colleagues or superior working in the same workplace whenever required. But for the employee working from home, he / she may face a different situation as he / she works in different workplace and may have different working time.

\* Therefore, an employee with disabilities and his / her employer should agree on a communication and contact method before the commencement of work so that the employee working from home can seek help from his / her superior or colleagues to deal with any doubts and problems at work as soon as possible.

(4) Guidelines on handling sensitive information

\* An employee with disabilities who works from home may have access to company’s confidential information and handle clients’ personal data. The employee should understand the guidelines and mechanism of handling and accessing confidential information so that such information can be properly handled with a view to protecting all parties involved.

Page 14

Points to note for person with disabilities working from home

(1) Keep the work record

\* For the protection of his / her right, an employee with disabilities working from home, especially those remunerated on hourly basis, should keep the relevant work records properly which include start time and end time of each working day, rest day, leave and over-time record so as to facilitate the verification with the employer on whether correct amount of wages are paid in accordance with the contract and legislative requirement.

(2) Confirm receipt of correct salary

\* The employee with disabilities can check the payroll and bank account on pay day to confirm receipt of the correct salary. The employee can counter-check the payment calculation method provided by the employer with his / her work records to make sure that the correct amount of the wages is received. If there is any mistake in the calculation of wages, the employee concerned should notify the employer immediately and provide records for checking when necessary.

Page 15

Chapter 4: Examples of occupations suitable for home-based jobs

Characteristics of the jobs suitable for employees working from home include the work which:

\* can be handled and completed independently;

\* does not have any effect on the productivity of the company by any re-arrangement of working time of the employees;

\* is not affected by any environmental factors such as traffic and weather;

\* is not required intensive supervision;

\* involves simple and repetitive tasks;

\* requires creativity of the employee;

\* can be completed with the use of the Internet.

Home-based jobs suitable for people with disabilities include:

\* Customer services;

\* Tele-marketing;

\* Telephone survey and data processing;

\* Design and creative work;

\* Website management; and

\* Copywriting and translation.

Examples of home-based jobs

It doesn’t need to do much when employing persons with disabilities to work from home. Generally, only some simple and basic equipment is needed. These are some examples of equipment needed for common home-based job:

Job categories:

- Customer services

- Tele-marketing

- Telephone survey and data processing

Basic equipment needed:

- telephone

- computer and relevant software for data processing and analysis

- fax machine and printer

- a lockable cabinet for sensitive information

Job categories:

- design and creative work

- website management

- copywriting and translation

Basic equipment needed:

- computer, relevant design / creative work software

- internet

Page 16

Chapter 5: Services of the Selective Placement Division of Labour Department

The Selective Placement Division (SPD) provides free employment services for job-seekers with disabilities fit for open employment and free recruitment services for employers.

(1) Job Counselling

\* The placement officers of SPD will conduct in-depth interviews with job seekers to understand their career aspirations and to provide them with the latest information on the labour market. Through employment counselling, the placement officers help job seekers understand their abilities so that they can search for suitable jobs in line with the requirements of the labour market.

(2) Job matching and referrals

\* Based on the requirements of the job vacancies offered by the employers, placement officers refer suitable candidates to employers for job interviews. Assistance is also provided to facilitate employers and employees with disabilities in applying for assistive aids and Rehabs Service where necessary.

(3) Follow-up service

\* Upon placement of a job-seeker with disabilities into employment, the placement officer will provide follow-up service. The placement officer will keep in touch with both the employer and the employee with disabilities and render assistance where necessary to ensure a harmonious working relationship.

Page 17

《Annex》

I. Employment-related Legislation

The employment-related legislation includes: the Employment Ordinance, the Employees’ Compensation Ordinance, the Occupational Safety and Health Ordinance, the Factories and Industrial Undertakings Ordinance, the Minimum Wage Ordinance, the Mandatory Provident Fund Schemes Ordinance, the Disability Discrimination Ordinance, the Sex Discrimination Ordinance, the Family Status Discrimination Ordinance, the Race Discrimination Ordinance, the Personal Data (Privacy) Ordinance and the Immigration Ordinance. For enquiries, please call the following hotlines:

Legislation:

- Employment Ordinance

- Employees’ Compensation Ordinance

- Occupational Safety and Health Ordinance

- Factories and Industrial Undertakings Ordinance

- Minimum Wage Ordinance

Enquiry Hotlines and Websites:

Labour Department

Enquiry Hotline: 2717 1771

Website: www.labour.gov.hk

Legislation: Mandatory Provident Fund Schemes Ordinance

Enquiry Hotlines and Websites:

Mandatory Provident Fund Schemes Authority

Enquiry Hotline: 2918 0102

Website: www.mpfahk.org

Legislation:

- Disability Discrimination Ordinance

- Sex Discrimination Ordinance

- Family Status Discrimination Ordinance

- Race Discrimination Ordinance

Enquiry Hotlines and Websites:

Equal Opportunities Commission

Enquiry Hotline: 2511 8211

Website: www.eoc.org.hk

Legislation: Personal Data (Privacy) Ordinance

Enquiry Hotlines and Websites:

Office of the Privacy Commissioner for Personal Data

Enquiry Hotline: 2827 2827

Website: www.pcpd.org.hk

Legislation: Immigration Ordinance

Enquiry Hotlines and Websites:

Immigration Department

Enquiry Hotline: 2824 6111

Website: www.immd.gov.hk

Page 18

II. Facilities for working from home and suitable for persons with disabilities

\* Telephone (with hands-free device) and mobile phone

\* Fax machine

\* Computer

\* Wi-Fi connection

\* Printer

\* Screen reading software (suitable for people with visual impairment)

\* Braille reading screen machines (suitable for people with visual impairment)

\* Screen magnifier / amplifier (suitable for people with visual impairment)

III. Regional Offices of the Selective Placement Division

Hong Kong office

G/F, East Wing, Harbour Building,

38 Pier Road, Central, Hong Kong

Tel: 2852 4801

Fax: 2541 5290

Kowloon office

G/F, Ngau Tau Kok Government Officers,

21 On Wah Street, Ngau Tau Kok, Kowloon

Tel: 2755 4835

Fax: 2796 0369

New Territories office

2/F, Tsuen Wan Government Offices,

38 Sai Lau Kok Road, Tsuen Wan, New Territories

Tel: 2417 6190

Fax: 2499 3713

Website of Interactive Selective Placement Service

http://www.jobs.gov.hk/isps