

HUMAN RESOURCES POLICIES AND PROCEDURES/GENERAL

**Policy Guidelines on Employment and Management of Related Individuals
in the Workplace**

Preamble and Definition

A “related Individual” refers to an individual who has family or close personal relationship with a staff member of the University.

2. For “family members”, the definition of immediate family members under the Family Status Discrimination Ordinance (FSDO) will be followed. Under the FSDO, an immediate family member is a person who is related by blood, marriage, adoption or affinity. The types of blood relationships covered by this definition may include mother, father, brother, sister, son, daughter, grandmother, grandfather, grandchild, aunt, uncle, cousin, nephew and niece. Relationship of marriage is that of husband and wife who are lawfully married. Relationships of affinity are those created by marriage, and these may include, for instance, mother-in-law and father-in-law.

3. Apart from immediate family members as defined above, individuals related in close personal relationship refer broadly to relationship where obligations or favours may be reasonably expected of one another.

4. The University, as an equal opportunity employer, will not discriminate against “related individuals” in employment, review, promotion and other human resources-related decisions. However, as a public organisation, the University also needs to be fair, open and impartial in its operation, and should take step to avoid undue criticism with regard to favouritism, nepotism, jobbery and the like.

Declaration of Interest

5. Job applicants are required to indicate on the Job Application Form whether they are closely related to any staff members of the University. Staff members should follow the University’s regulation on “Declaration of Interest by Staff Member”, and should make a conscious effort to avoid or declare, as appropriate, conflict of interest which may arise or has arisen due to their relationship with another staff member as described in paragraphs 2 and 3 above. Supervisors, on receipt of such declaration or who become aware of situation where relationship between “related individuals” could give rise to potential conflict of interest in the workplace, should follow the guidelines below in the employment and management of “related individuals” in the workplace.

Employment of “Related Individuals”

6. As mentioned above, the University will not discriminate against “related individuals” in staff recruitment and employment. However, and as stipulated in the FSDO, in circumstances where the individual concerned is an immediate family member of an employee of the University or of an employee of another employer and there is a significant likelihood of collusion between the individual and that employee which would result in damage to the business of the University, the University may decide not to offer an employment or stipulate restrictive terms in a job offered or restrictive conditions on existing employment as appropriate.

7. Staff members involved in any part of an exercise of processing applications for employment at the University, such as shortlisting, interviewing, or final selection, or the review or promotion of staff should declare an interest if they have any personal relationship with any individual candidate which may influence their impartiality in the exercise. Such a declaration of interest should be filed with the immediate supervisor and the Director of Human Resources, and should normally lead to the exclusion of the staff member concerned from participating in the exercise. Processing of the human resources-related exercise/decision should normally be handled by one level above.

8. Occasions may arise, however, when such exclusion may not be practicable and in such a case, the unit concerned may approach the Human Resources Office for advice, and the Dean or Head of Department/Office and, as appropriate, President and Vice-Chancellor/Vice-President will be consulted to decide on the best course of action having regard to the circumstances in which the exercise is being conducted.

Management of “Related Individuals” in the Workplace

9. When a related individual is employed, or when two staff members become “related individuals” in the course of their employment with the University which could give rise to potential conflict of interest in the workplace, the supervisor is advised to work out, and to discuss and agree with the Head of the unit/office (i.e. Dean/Head of Department/Office or President and Vice-Chancellor/Vice-Presidents) a Management Plan relevant and appropriate to the operation of the office/unit concerned. This Plan should cover and state how each of the following considerations will be handled, and may include other measures helpful to build a positive workplace:

- (a) Related individuals should not and should not be asked to directly supervise nor mentor nor conduct any appraisal nor involve in assignment of work for one another. The supervisor of the related individuals should ensure that the above responsibilities are being handled impartially by himself/herself, or another appropriate colleague. When related individuals have a peer relationship, the supervisor should ensure adequate check and balance in their work to avoid conflict of interest;
- (b) Related individuals cannot propose or be part of a process that could lead to a direct benefit (e.g. re-appointment, promotion, substantiation, leave, special allowances, PhD quota, FRG decisions, etc.) for each other;
- (c) Unless considered necessary by the supervisor, related individual should not be given access to personal file/information of one another;
- (d) The voting rights of related individuals in any committee or specific decision making process within the unit should be specified; and
- (e) Any other measures as deemed appropriate and specific to the unit concerned to ensure objective and impartial management of the related individuals which is conducive to a positive workplace.

10. The agreed Management Plan should be signed by the Head of Unit, the supervisor and the related individuals, and placed in respective personnel files. The Plan should be reviewed periodically, modified and re-signed if necessary. A sample template of the Management Plan is attached for reference.

人力資源政策及程序／一般指引

聘任及管理工作間「有關係人士」的指引

1. 「有關係人士」是指大學教職員的家庭成員或與其有密切個人關係的人士。
2. 關於「家庭成員」的定義，將參照《家庭崗位歧視條例》所定之直系家庭成員一義，即指因血緣、婚姻、領養或姻親而與該人有關係的任何人。血緣關係類別可包括：父母、兄弟姊妹、兒女、(外)祖父母、(外)孫、姨母、姑母、叔伯、舅父及堂(表)兄弟姊妹、姪、姪女、甥及甥女等；婚姻關係指合法夫妻；而姻親關係則指因婚姻而產生的關係，例如包括家姑、家翁、岳母、岳父等。
3. 除了上述的「家庭成員」外，「有密切個人關係的人士」泛指大學職員與該人士的關係會合理地期望彼此會為對方負責或偏袒對方。
4. 大學作為平等機會僱主，不會在聘任、晉升及其他與人力資源有關的決定上歧視「有關係人士」。然而，大學作為公共機構，必須以公平、誠實及無私的態度處理事務，以確保不會受到偏私、裙帶關係、濫用權力或其他類似的情況而受不必要的批評。

申報利益

5. 職位申請人必須於職位申請表上填寫他們是否與大學教職員有任何密切關係。同事亦須按照「申報利益」的條例，盡力避免或申報任何與另一位教職員因第2及第3段所述的關係而有可能發生或已發生的利益衝突。上司在收到此類申報時，或得悉工作間存在彼此有關係人士，而該關係可能會引致在工作上出現利益衝突的情況時，便需依照以下指引聘任和管理「有關係人士」。

聘任「有關係人士」

6. 如前所述，大學不會在招聘和聘任時歧視「有關係人士」。然而，在《家庭崗位歧視條例》中訂明，如應徵者為大學僱員的直系親屬，或是另一個機構受僱人士的直系親屬，而應徵者有可能與其直系親屬串通而損害大學的業務時，大學可以決定不作出聘任，或在聘任該職位時擬訂有限制的條款，或在現有的聘約中增加有限制的條件。

7. 有需要處理職位申請（例如負責篩選、面試或作出聘任建議等），或需參與工作表現評估或審核晉升事宜的同事，如與職位應徵者或被評估人士因個人關係而有可能影響其公平處理該程序時，必須作出申報，以供直屬上司及人事處處長存檔。一般處理方法是豁免該同事參與有關程序，交由上一級的同事處理。
8. 在某些情況下如未能豁免該同事參與有關程序，部門可與人力資源處商議，人力資源處會視乎情況諮詢有關學院院長或系主任／部門主管，或校長／副校長的意見，以決定應該如何處理該程序。

在工作間管理「有關係人士」

9. 如聘任了「有關係人士」，或兩位同事在受僱過程中成為了「有關係人士」，而有可能引致利益衝突，上司與主管（即學院院長／系主任／部門主管，或校長／副校長）商議後，宜為他們訂立一個管理計劃。此計劃應包括以下各項的安排，亦可以按實際情況加入其他的安排，以避免發生利益衝突的情況，建立正向的工作間：
 - (a) 兩名有關係的職員不應擔任直接監督或指導對方、需就對方工作表現作評估或需指派工作予對方的工作崗位。「有關係人士」的上司應確保以上的工作由他／她自己或其他合適的同事，以公平公正的方式處理。如兩名有關係的職員屬同級的同事，上司應確保工作上有適當的制衡，以防止發生利益衝突的情況；
 - (b) 「有關係人士」不能互相建議或參與任何會為對方提供直接利益的程序（例如續約、晉升、實任、申請假期、特別津貼、博士學位限額、批核 FRG 等）；
 - (c) 除非上司確定有需要，否則「有關係人士」不能查閱對方的個人資料；
 - (d) 須明確界定和說明「有關係人士」於有關委員會或個別單位中特定的決議程序上之投票權；
 - (e) 採取任何適用於個別部門的合理措施，以確保公平和無私管理有關係的同事，從而建立一個正向的工作間。
10. 上司及部門主管與有關係的職員應在商議好的管理計劃上簽署核實，並存檔於人事紀錄中。這個計劃應按需要定期檢討、修改和再簽署。管理計劃的範本可參閱附頁。

Management Plan Template for
Related Individuals Working in the Same or Related Unit
有關係人士在同一個或相關部門工作的管理計劃

	Related Individual 1 (RI 1) 有關係人士 1	Related Individual 2(RI 2) 有關係人士 2
Name and rank of colleague 姓名及職位		
Unit of employment 受聘部門		
Supervisor/Line management arrangements 上司/組別管理的安排		
Arrangements for processes connected to human resources-related decisions and resource allocation 人力資源有關的決定及資源分配的 安排		
Arrangements for process for making workload assignments/decisions 分派工作/決策的安排		
Other arrangements (e.g. Committee adjustments) 其他安排 (例如: 委員會的調動)		

Note: Colleagues are required to make declaration should conflict of interest situation arise in the course of employment.

註: 同事如在受僱過程中出現利益衝突的情況, 必須作出申報。

Signature of Head of Unit 部門主管簽署* _____ Date 日期_____

Signature of Supervisor 上司簽署 _____ Date 日期_____

Signature of RI 1 有關係人士 1 簽署_____Date 日期_____

Signature of RI 2 有關係人士 2 簽署_____Date 日期_____

* Depending on the unit in which the related individuals are employed, Head of Unit refers to Dean/Head of Department/Office, and if the related individuals are at the level of Dean/Head of Office, then the reporting Vice-President or President and Vice-Chancellor. 部門主管需視乎有關係人士所屬的部門而定, 可以為學院院長/部門主任。如有關係人士為學院院長/部門主任, 則由直屬副校長/校長簽署。