

NEWS BITS



Britain's female managers earn 22 per cent less

LONDON — When the pay of female managers is compared to that of male counterparts, women are shown to earn 22 per cent less — meaning they effectively go unpaid for one hour and 40 minutes per day, according to the Chartered Management Institute (CMI).

A CMI survey also reveals that women make up 43 per cent of the workforce at senior management level, with only 29 per cent at director level.

Female managers are also losing out on bonuses, with the average male manager's bonus almost double that of the average for woman. *Reuters*



American Airlines workers say they face racial discrimination WASHINGTON — Black American Airlines employees at Reagan National and Philadelphia International airports say they have been subjected to racial taunts and are routinely assigned unsafe equipment and the most difficult tasks.

There have been at least two recent occasions when airline workers took legal action, alleging discrimination by their employer. United Airlines was sued in 2012 by 24 black employees, 22 of them pilots, who said they were illegally denied opportunities for advancement. Washington Post



Working lots of overtime? Your risk of stroke may increase LONDON – In a meta-analysis of 17 studies that involved approximately 530,000 men and women from Europe,

530,000 men and women from Europe the United States and Australia, researchers from University College London found that the more hours people work, the higher their risk of stroke.

The researchers found that people working between 41 and 48 hours had a risk of stroke 10 per cent higher than those working a normal schedule of 35 to 40 hours a week. *Washington Post*

Photos: AFP, EPA

CASE STUDY

Is Hong Kong doing enough for whistleblowers?

The status quo in Hong Kong

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There is currently no specific statutory
legislation offering protection from
retaliation for whistleblowers in the
workplace in Hong Kong. Protections are
not far reaching, and not purposedesigned to deal with whistleblowing in
this era of heightened scrutiny over
corporate behaviour. However, there is
limited protection extended to workers
who raise concerns in the public interest
— in certain circumstances.

For instance, under the Employment Ordinance, employers are prohibited from dismissing an employee if they have given evidence under the Factories and Industrial Undertaking Ordinance, or if the employee has given evidence



concerning the enforcement of the Employment Ordinance or in cooperation with any investigation of an employer. This could cover a wide range of scenarios, including disclosures regarding failure to comply with factory standards, failure to provide staff with requisite protections or entitlements under the ordinance.

Protection is afforded to individuals who speak out against acts of discrimination in the workplace or who assist such investigations. The discrimination ordinances (including the Race Discrimination Ordinance, Sex Discrimination Ordinance, Family Status Discrimination Ordinance and Disability Discrimination Ordinance) also protect individuals from discrimination by way of victimisation.

Victimisation can arise where an individual is treated less favourably because they have, or are suspected of having, given information or evidence in connection with proceedings against the

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Protection for whistleblowers in the SAR is limited to piecemeal rights under different laws

discriminator under one of the discrimination ordinances.

Employees are also protected from allegations of breach of confidentiality if they disclose information when making a whistleblowing complaint if:

- it is in the public interest to make the complaint;
- the disclosure is made according to official directives, such as a court order, or under the directive of a statutory inspector or the Independent
- Commission Against Corruption (ICAC);

 the disclosure is made in accordance with a law (which includes disclosure of suspected money laundering and other offences, including corruption and bribery); and
- the disclosure is made in accordance with foreign legislation which has effect in Hong Kong, such as the US Foreign Corrupt Practices Act and UK Bribery Act.

What should employers do?Whistleblowing is crucial for businesses

when uncovering and deterring illicit activities. It increases accountability and reduces corruption and mismanagement.

While protection for whistleblowers is limited to piecemeal rights under different laws, it is good practice for employers to have a whistleblowing or complaint reporting policy.

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The employer should also provide assurance that if employees make a report based on a reasonable belief held in good faith regarding any fraud, misconduct or wrongdoing in the public

report based on a reasonable belief held in good faith regarding any fraud, misconduct or wrongdoing in the public interest, they will not be penalised for making the report — even if it is later discovered that their belief is incorrect. This is essential to ensure that employees are not discouraged from voicing legitimate concerns due to the fear of retaliation and stigmatisation.

Some companies may choose to set up a telephonic or electronic reporting hotline, which allows employees to report their concerns confidentially and anonymously. Tight controls are essential to ensuring compliance with local laws, including data privacy and electronic communications, so legal advice should be sought before taking these measures.

It is essential that any complaints are investigated appropriately, and training should be provided to staff to raise awareness of the employer's position.

The impact of any complaint reporting policy will also be influenced by different cultural and legal approaches to whistleblowing across the globe. For instance, employees in Hong Kong tend to be reluctant to make formal complaints as they worry that they will be viewed as a troublemaker and that the disclosure will have a negative impact on their career.

The preferred approach involves resolving problems privately, without raising a formal complaint. Employers should therefore localise any complaint reporting practices, so that they achieve effective results.

The information contained in this article should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases. If advice concerning individual problems or other expert assistance is required, the service of a competent professional adviser should be sought.

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