

CHAPTER 8

MARRIED FEMALE STAFF

Introduction

8.1 In our Report No. 1, we stated that representatives of female civil servants had urged that the principle of equal pay for men and women for equal work be extended to include eligibility for fringe benefits. In our Report No. 2 we indicated that we would consider the extension of fringe benefits to married women as part of a review of civil servants' conditions of service. However, in view of the fact that equal benefits can be considered in isolation from conditions of service generally, we have dealt with this issue separately.

8.2 To bring consideration of women's benefits within our Terms of Reference, the Staff Side of the Senior Civil Service Council has written to request this review, in accordance with our Term of Reference VI.

Background

8.3 Government pays male and female staff in the same ranks at the same rates. In addition, a wide range of benefits is provided for civil servants employed on pensionable and agreement terms. Apart from paid casual and vacation leave, these include the following :

- (a) Medical and dental treatment for staff and their families and hospitalisation at concessionary rates.
- (b) Quarters or housing allowances for staff engaged on overseas terms and for locally engaged staff eligible for them by virtue of seniority; a standard percentage deduction of salary is made for accommodation.
- (c) Paid maternity leave.
- (d) School passage and education allowances for dependent children in full time education in the United Kingdom or the officer's country of origin.
- (e) Education allowances for children educated in Hong Kong.
- (f) The cost of leave passages for officers on overseas terms and their families.

8.4 Unmarried, divorced or widowed female staff are eligible for the benefits described above. Married female

staff are entitled to medical and dental treatment for themselves and paid maternity leave. Medical treatment is provided for babies born in government hospitals up to the age of six months. Married female staff may also be provided with leave passages for themselves if these are not provided by the husband's employer. All other benefits are assumed to be provided by the husband, whether employed by Government or not.

Representations

8.5 The Association of Senior Female Government Officers has provided us with detailed representations, and their case is supported by the Staff Side of the Senior Civil Service Council. We have also had the opportunity to hear the views of the Government Doctors' Association and the Nurses Unit of the Hong Kong Chinese Civil Servants' Association.

8.6 The main point made in the representations is that the Government's stated policy of equal pay for equal work should be extended to include a married woman's eligibility for fringe benefits, because

- (a) hardship is caused by the application of the present policy in that, even though husbands may for reasons of ill health or unemployment be unable to provide benefits, a married female government servant remains ineligible to receive them from Government;
- (b) changes in the traditional community view of the respective roles of husband and wife are taking place, with husbands no longer automatically assumed to be the head of the household;
- (c) working married women make a significant and increasing economic and social contribution; and
- (d) Government should take the lead in the provision of benefits for married women rather than reflect private sector practice.

Government Policy

8.7 The arrangements described briefly in paras 8.3 and 8.4 above reflect the Government's current policy in this matter. However in January 1980 the Secretary for the Civil Service, in answering a question in the Legislative Council, said :

"Married women officers do not, as a general rule, receive the same fringe benefits as their male counterparts because it has been the Government's policy to adhere to the generally accepted community view in these matters, namely that the husband should be the provider.

However, this is an area where community attitudes are changing and a substantial proportion of private companies do now provide medical benefits for the children of married women employees. The Government is therefore now studying the implications of extending medical care to the estimated 28,000 children of its 14,000 married women officers.

I can assure Members that we are keeping this matter under close study. I might add that the fringe benefits offered by the Government to its married women officers are still thought to compare favourably with the private sector."

8.8 In addition to the study of medical benefits referred to, we have been informed that the Administration is also considering a scheme to assist eligible married women to purchase their own homes.

Recommendations

8.9 We have first considered whether or not this is a matter in which Government should continue to have regard to the practice in the private sector. A study of current private sector practice has shown that in general the benefits to married women at present provided by the Government are at least as generous as those provided in the private sector, although there are exceptions. We believe however that as was the case with equal pay for men and women, this is a social issue in which Government should take the lead.

8.10 We have also considered community views on the traditional role of women and the concept of the husband being the head of the household and therefore the principal family provider. In our view this concept does not justify reducing a married woman's eligibility for benefits, for the following reasons :

- (a) The notion that husbands are or should be the sole family provider is becoming increasingly out-moded, both here and abroad.
- (b) The evidence of the private sector suggests that women holding senior positions or women who have demonstrated their ability are frequently provided with the same scale of benefits as their male counterparts.
- (c) There is no evidence that married women staff are less satisfactory as employees than single women.
- (d) Cases of hardship have been caused by husbands becoming unable to work for reasons of ill health or other reasons.

8.11 We therefore recommend that as a matter of principle married female staff should have the same eligibility for fringe benefits as their male counterparts.

Implementation

8.12 We have noted the possibility that, under our proposed policy, civil servants could receive double provision of housing and other benefits. We consider this would be an unacceptable misuse of public funds. We have therefore consulted the Association of Female Senior Government Officers seeking their views on how such abuse might be prevented. We have accepted the Association's suggestions and propose that, in introducing equal eligibility for fringe benefits for married men and women, administrative arrangements should be made by Government to provide, among other things:

- (a) where both husband and wife work in Government, and both are entitled to a benefit in their own right, they be allowed to opt either for the husband's or the wife's entitlement (assuming that their entitlements are different);
- (b) where the officer's spouse is employed outside the civil service and receives a benefit, the officer should also be allowed to opt for the government entitlement. However, in such a case, the privately employed spouse should be required to obtain the employer's written confirmation that he or she has surrendered his or her right to the benefit concerned;
- (c) where the officer's spouse is employed outside the civil service and is not provided with a benefit, the officer should be entitled to the government benefit on production of a certificate from the spouse's employer that a similar benefit is not normally provided.

Date of Implementation

8.13 If our proposal for the introduction of equal eligibility for fringe benefits is accepted by Government we recommend that the necessary arrangements for its implementation be introduced as soon as possible and in any event not later than 1st April 1981.