



強制性公積金計劃管理局
MANDATORY PROVIDENT FUND
SCHEMES AUTHORITY

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SS/CTR/2001/004

8 February 2001

To: All approved trustees of registered MPF schemes

Dear Sirs,

Retirement Schemes with Different Retirement Ages for Different Sexes

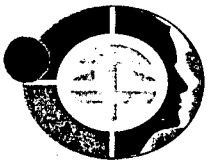
At the time of processing the MPF exemption applications, it came to the attention of the Authority that certain occupational retirement schemes imposed different retirement ages for men and women. The Equal Opportunities Commission (“EOC”) has raised concern on this and in January 2001 issued the “EOC Circular for Employers Who Impose Different Retirement Ages for Employees of Different Sexes” (the “Circular”) for our dissemination to the employers of these schemes. Besides addressing the concerns of the EOC, the Circular also serves to draw the attention of these employers to their possible contravention of the Sex Discrimination Ordinance (Cap. 480). As governing rules relating to voluntary contribution arrangements may also impose a retirement age as part of the eligibility requirement for withdrawal of accrued benefits derived from voluntary contributions, a copy of the Circular is enclosed herewith for your information.

If you have any questions, please feel free to contact your case officer or the EOC at 2511 8211.

Yours faithfully,

(Raymond Tam)
Executive Director
Services Supervision

Encl.



**EOC Circular for Employers Who Impose
Different Retirement Ages for Employees of Different Sexes**

It has been brought to the attention of the Equal Opportunities Commission (EOC) that there are a number of employers with retirement schemes that impose different retirement ages for men and women. Such retirement schemes are contrary to the Sex Discrimination Ordinance, Cap. 480 (SDO) and employers may find themselves liable for unlawful acts under the law.

Section 11(4) of the SDO provides that, where employees have entered into such schemes prior to 15 October 1997, and continue in such schemes thereafter, discrimination in terms of the amount of benefits payable to men and women, eligibility to enter the schemes, and the like, is exempt. However, pursuant to section 11(5), the stipulation of one retirement age for women and another for men is not exempt and is unlawful.

Compulsory retirement amounts to dismissal under the law. If a retirement scheme provides that a man is to retire at the age of (say) 60 years and a woman is to retire at the age of (say) 55 years, this may amount to less favourable treatment of one sex compared against the other and is unlawful discrimination under the SDO.

Employers should also note that, where an employee enters into a retirement scheme after 15 October 1997, there is no exemption at all in respect of discriminatory benefits, eligibility, and the like. Any form of discrimination under the SDO in such case is unlawful.

Employees who are the subject of discrimination in respect of retirement schemes have the right to lodge complaints with the EOC for the purposes of investigation and conciliation. Where the matter is not successfully resolved between the employer and employee, the employee may apply for legal assistance from the EOC to bring civil proceedings in the District Court.

The EOC urges all employers to ensure that their retirement schemes comply with the SDO and that they are not in breach of the law.

Equal Opportunities Commission

January 2001