

香港浸會大學教職員工會

Hong Kong Baptist University Faculty and Staff Union

團結 · Solidarity

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工會通訊（三十九）

十問吳清輝校長

有關新薪酬架構與現職教學人員轉制過渡安排的問題（之三）

七、對余若薇議員的疑問左閃右避？ 吳校長回覆余若薇議員的三項查詢（附件四），不過是避重就輕，實質上並沒有面對問題所在，更遑論給大家釋疑的解答。

1. 實任教職員轉制後提前解約的條款和有關程序與現時有何不同？ 余議員要求校長澄清，現任的實任教職員轉制後不獲續聘或提前解約的條款和有關程序，與現時有何不同之處。校長在回函中表示沒有改變，會保留現時有關實任的條款和程序。但校長所說的“保留”是永久的還是暫時的？現任的實任教職員轉到新制後，現時仍沿用舊有有關實任的條款和程序，去處理解約問題，但不少同事關心的是，校董會日後會否改變主意，將新薪酬福利架構的一切服務條件，包括校方可以財政困難為由解僱實任教職員的條款，加諸於轉入新制後的現任實任同事？究竟校董會有沒有權這樣做？若有的話，校董會會否向現任同工承諾，現時保留有關實任的條款和程序，將會永久不變，而非權宜之計，即校董會日後若認為有需要便可隨時改變呢？除非校董會清楚聲明永不將新架構的新服務條件加諸現任員工，我們無法確保日後校方會否以財政緊絀為由，跟實任教職員解約。校方去年十一月所發的《新薪酬福利架構》文件，不但沒有釋除員工疑慮，文件的中英文版本存在的重大分歧，更引起新的不安。文件的中文版本將“財政緊絀”列為教授職級實任同事解約的理由之一。但此點並沒有見諸於英文版本。奇怪的是，校方對中英文版本有如此重大差異，由十二月有同事公開質疑以來，至今竟然諱莫如深，不作公開解釋，實在令人費解。
2. 校方會否加強與員工溝通，發放更多資訊？ 余議員又詢問校方會否加強與員工溝通，發放更多資訊，清楚解釋過渡至新架構的安排，澄清報章的報道，以釋除教職員的疑慮。遺憾的是，校長只拘泥於報章報道的字眼，對員工憂慮的關節點卻視而不見。如《星島日報》去年十二月四日報道，「只要大學面臨財政困難或需要裁員的情況，就可依據程序與現任同事終止聘約」，校長看見報道指校方可以終止「現任同事」的聘約，而不是有關文件中所指的「實任同事」，便急於指出報道不確，以便校方與此說劃清界線，卻不用心細究，現任同事當然是指實任同事，這點實在明顯不過，因為合約同事受聘時，他們的薪酬待遇早已納入校方的財政預算之中，不可能在聘約期間因財政緊絀而突然終止合約，相信了解校政者都明白此點。問題的關鍵是，當現任的實任同事轉入新制後，他們日後會否被視為新聘任的實任同事，因此與其他新制內的實任同事一樣，在大學面臨財政困難時，可跟他們解約呢？這也是上述第（1）點的疑問，校長表示會保留現時有關實任的條款和程序，是陳述現時的政策，但校方會否保證未來絕對不會這樣做，是校長至今未有澄清、尚待跟進的疑團。不過，校長雖然向余議員表明會發放更多正確資訊，釋除教職員疑慮，本會在二月二日及二月十七日的公開信中一而再要求校方回應以上疑問（附件五、附件六及附件七），校長至今全無回音，甚至簡單如校方文件出現中英文版本的重大分歧，正如上述，校長亦置若罔聞，不置一辭。難道這就是校長口中『校方必定會發放更多正確資訊，加強雙方溝通』的應有做法？難道校方任讓問題拖延下去，便能消除員工的困擾和不安嗎？

香港浸會大學教職員工會理事會
二零零五年二月二十五日

附件四：余若薇議員致吳清輝校長之函件

附件五：Hong Kong Baptist University Faculty and Staff Union, Newsletter 33: Say “No” to the Re-titling Exercise, “No” to the New Pay Structure.

附件六：Hong Kong Baptist University Faculty and Staff Union, Newsletter 36: Defensive Action against the Re-titling Exercise.

附件七：香港浸會大學教職員工會，“為甚麼要堅決反對新薪酬福利方案？”

未完（待續）

余若薇立法會議員辦事處

Office of Audrey Eu, Legislative Council Member

九龍塘
香港浸會大學
吳清輝校長

吳校長：

現職教學人員過渡安排

香港浸會大學最近就落實新薪酬及福利架構，向教職員發放諮詢文件。我在十二月九日應邀出席浸會大學教職員工會主辦的論壇。

論壇的宣傳通訊引述十二月四日《星島日報》一篇報道，其中提及「只要大學面臨財政困難或需要裁員的情況，就可依據程序與現任同事終止聘約」。其後，我接獲貴校人事部主任陳羅潔湘女士十二月七日的來信，表示「這段引述並非星島日報原文，大學並沒有發表有關言論，而人事部所發出的文件，亦沒有有關條文」。

翻查資料，該篇報道確實有教職員工會引述的說法，文中另一處則指，「在面臨財政困難、裁員的情況，大學可依據有關程序而與責任同事終止聘約」。當日論壇上，發言人士大都表示不清楚新制對現任各類職員有何影響。

就此，懇請閣下回覆：

（一）過渡到新薪酬及福利架構之後，現任的實任教職員在甚麼情況下將不獲續聘？轉制後，現任的實任教職員不獲續聘或提前解約的條款和有關程序，與現時有甚麼不同？

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ARTICLE 45 CONCERN GROUP IN LEGCO

余若薇立法會議員辦事處

Office of Audrey Eu, Legislative Council Member

(二) 校方會否向員工發信澄清有關的報道？會否發放更多資訊，清楚解釋過渡至新架構的安排，以加強雙方的溝通，釋除教職員工的疑慮？

(三) 「浸會大學教職員工會」是已登記的職工會。該會採用現有名稱，只是反映其會員均為浸會大學員工此一事實。校方會否考慮不反對該會採用「浸會大學」的名稱？校方會否與該會商討是次落實新薪酬及福利架構的各項安排？

立法會議員 余若薇

二〇〇四年十二月十日

副本抄送：

浸會大學校董會主席鄭慕智先生

浸會大學教職員工會主席杜耀明先生

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Newsletter 33

February 2, 2005

Dear colleagues,

Re: Say “No” to the Re-titling Exercise, “No” to the New Pay Structure

We strongly advise you to reject the re-titling exercise as part of the conversion arrangements for the new pay and reward structure (hereafter referred to as “the new structure”).

The Personnel Office has written to all academic staff, proposing that they be re-titled to a certain rank under the new structure. We understand that some colleagues have received an additional letter from their seniors who ask for their consent to the re-titling. Staff may opt out of the re-titling exercise. However, they will still be assumed to agree to switching to the new structure. Although we have been given a form to declare our pick, we indeed have no choice in not agreeing to join the new structure.

We object to this misleading personnel practice that conveys the wrong impression that conversion arrangements for the new structure do not require the consent of staff members concerned. It is particularly unacceptable when the conversion exercise is questionable and the new structure totally disagreeable. One major concern is job security, which is shaken by proposed new terms for terminating substantiated / continuous appointments. Under the new terms, academic staff members on substantive appointment may be terminated on grounds of “financial stringency.”

Although the President reportedly told the press that the new terms would apply only to new employees who joined after September 2004, it is not clear whether we would be defined as new employees once we join the new structure.¹ The CPRO subsequently clarified that the new terms would apply to newly appointed teaching staff from 1 July 2004, and to non-teaching staff from 1 January 2006.² But University authorities have made no guarantee that the so-called conversion arrangements would be permanent rather than transient. We are concerned that in case the University Council decides any “new terms” under the new structure to be applicable to serving staff, our terms of appointment may need to be adjusted accordingly.

In short, someday after conversion, we may be subject to the new terms if the Council deems it necessary. Unless and until the Council declares that it will never apply the “new terms” under the new structure to serving staff (substantiated and contract staff members included), the danger of being laid off on grounds of financial stringency can hardly be excluded.

¹ “BU Staff Unhappy with the New Employment Mechanism, New Terms Will Enable BU to Terminate Employment on the Basis of Financial Conditions”, *Wen Wei Po*, 8 December 2004, A30.

² CPRO, “Clarification to newspaper report”, 8 December 2004.

Adding fuel to this anxiety is the important discrepancy between the Chinese and English versions of the New Pay and Reward Structure document. The Chinese version has listed “financial stringency” as one possible cause for terminating academic staff members on substantive appointment.³ This is not in the English version, which the Council apparently approved at its June 2004 meeting. Naturally, such a discrepancy has caused remarkable distress among colleagues. But the University authorities have so far remained tight-lipped on this point.

For the re-titling exercise, greater transparency and consensus is badly needed. While the conversion proposal suggests that re-titling and promotion are conditional upon ‘good and excellent’ performance, these are vague adjectives open to different interpretation. Since many departments have yet to develop a transparent system for the appraisal of teaching, research and service, we are concerned that such standards could be easily manipulated in a discretionary manner. Approval for this proposal would be analogous to signing a blank check, authorizing the administration to intensify teaching, research and service workload on staff.

The University authorities should also provide adequate background information for colleagues to make a well-informed decision. However, the re-titling proposal makes no mention of any strings attached to the proposed conversion and promotion exercise, i.e., quota, financial constraints. In the past, a number of colleagues have experienced much frustration when the administration failed to deliver its promises. For instance, some colleagues

who applied for substantiation were honored with the label of substantiable but not substantiated; others recommended for promotion were classified as “promotable” but not promoted in the end.

In the absence of Council’s commitment of never applying the new terms to serving staff, and in the absence of such basic information as quotas and eligibility of substantiated appointment as well as sufficient criteria for promotion, the proposed re-titling is inadvisable at best. It is an irreversible path leading to frustration and loss of security.

We hereby call on colleagues to say “No” to the re-titling proposal. Let’s first wait for the President or his delegate to summon enough courage to come out and answer our legitimate concern.

Executive Committee,
Hong Kong Baptist University Faculty and Staff Union

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³ Academic Staff Grade (*New Pay and Reward Structure*, p.3):

Staff members on substantive appointment may be terminated on grounds of (a) poor performance, (b) redundancy, (c) misconduct and/or other good causes as determined by the University and in accordance with the established procedures.

(Chinese version p.3):

服務條件：

同事入職時將先以合約形式聘用（一般一至三年）。大學或同事如要終止聘約，雙方可以提前三個月通知，或以三個月薪金代替通知期。

經過觀察期後（一般為期最少六年），大學可考慮基於同事的工作表現而給予實任。在合理情況下，倘若實任的同事工作表現欠佳，或行為不當，又或大學面臨財政困難，裁員的情況，大學可依據有關程序而與實任同事終止聘約。

香港浸會大學教職員工會

Hong Kong Baptist University Faculty and Staff Union

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Newsletter (36)

17th February, 2005

Dear colleagues,

Defensive Action against the Re-titling Exercise

You are strongly advised to take defensive action as suggested below in responding to the re-titling exercise, which the university administration offers as part of the conversion arrangements for the new pay and reward structure.

In the Union's Newsletter 33, we advised you not to join the re-titling exercise due to uncertainty in various issues and wait for our President to summon enough courage to come out and answer our legitimate concern. Since then, Mr President has chosen to remain silent, while Faculty / School deans moved ahead and set deadlines for faculty members to reply whether to join the re-titling exercise. We find it bizarre that one dean would assume faculty members who do not reply before the deadline not to join the exercise, while another may interpret lack of response as a sign of agreeing to join the exercise. More bizarre is the fact that some deans simply take for granted, without asking for consent, that you agree to join the new pay and reward structure even if you choose to reject the re-titling exercise.

We condemn such personnel practice as irresponsible, if not dishonest, to say the least. Faculty members badly need an informed understanding of what re-titling means to them before they can decide whether to choose re-titling. **What we need is a guarantee that the Council would never terminate their appointment because of financial stringency, which is listed as one possible cause for terminating academic staff members on substantive appointment in the Chinese version of the New Pay and Reward Structure document but not the English one. We want the University to explain why there is such an important discrepancy between the two versions of the same document. For the re-titling exercise, we also need to build a fair and transparent system for the appraisal of teaching, research and service.** To all these legitimate concern, the University administration has failed to respond, not to say giving an acceptable reply.

Added to this list of uncertainties is lack of details of the new pay and reward structure that the administration is forcing us to join. The new structure will reportedly be based on a flexible adjustment mechanism that would substitute the system of automatic annual increment. Details for the operation of this flexible adjustment mechanism, however, are all lacking. **We have the right to know the following details: if annual increment is performance-based, how will performance be appraised in a transparent, fair and just way? How are performance results related to whether annual increments are given to the faculty members concerned, and if yes, how much? Will performance appraisal be conducted not only for frontline teaching staff but also for the**

management including our President and Vice-Presidents? Without providing answers for the above questions, the University administration, and in particular the Personnel Office, has failed in their duties in serving the interests of faculty members.

Also unclear are the criteria by which the Council determines whether the University would reduce its superannuation contribution and, if the contribution be reduced, the amount of reduction. The new structure document proposes that under circumstances that funding is cut, the university with the approval of the Council could reduce its superannuation contribution from 15% to 10%. But we think the Council should also consider the overall financial situation of the University before making such a decision. In 2003/04, for instance, we ended the financial year with a surplus of 400 million. Given such a surplus, we doubt that it is decent to reduce the University's contribution simply due to funding cut by the government. We understand that faculty members as well as administrative staff have been working harder and taking up more courses for both government-funded and self-financed programs. They have contributed to the financial health of the university. But whether the Council would take this into consideration is an unsettled question that may require deeper thought.

In the absence of such basic information as mentioned above, and despite repeated requests for clarification, the University administration remains tight-lipped but continues to force us to join the new structure by taking the re-titling exercise. That is highly unethical and irresponsible. We are left in the dark, not knowing how the new system will work, while we are forced to accept something with unknown implications. From job security to annual increment, from superannuation contribution to an important discrepancy in the Chinese and English versions of the new structure document, the University administration refuses to give any explanation even in the midst of strong calls for clarification since December last year. We wonder how this irresponsible attitude of the senior management could persist without undermining its authority and betraying taxpayers' trust.

In response, we must protect our interests by expressly stating the principle that **we are not prepared to declare whether to switch to the new pay and reward structure; our service will continue to be governed by the existing terms, unless and until the University authorities provide information and assurances sufficient to allay our anxieties mentioned above.** Given such an express reservation, re-titling exercise is divorced from the commitment of joining the new pay structure. Accordingly, you may opt for re-titling or not. Enclosed please find the wordings you may use to safeguard your interest in accordance with the above principle when you render your reply to the authorities concerned.

Yours sincerely,

Executive Committee
Hong Kong Baptist University Faculty and Staff Union

Appendix: Wordings you may add in your reply regarding re-titling

1. I am not prepared to declare whether to switch to the new pay and reward structure; our service will continue to be governed by the existing terms, unless and until the University authorities provide information and assurances sufficient to allay our anxieties. Our opting for re-titling or not re-titling in no way expresses our commitment in joining the new pay structure. OR
2. I opt for re-titling but I am not prepared to declare whether to switch to the new pay and reward structure; our service will continue to be governed by the existing terms, unless and until the University authorities provide information and assurances sufficient to allay our anxieties. OR
3. I opt for re-titling on the following understanding: (1) the University would never apply the new terms such as termination of service as a result of financial stringency of the University; (2) the University should seek my consent on the criteria by which it may reduce its superannuation contribution; (3) the future flexible adjustment mechanism for annual increment should be fair, just and transparent; and (4) the University must clarify the important discrepancy between the Chinese and English versions of the *New Pay and Reward Structure* document.

為甚麼要堅決反對新薪酬福利方案？

近月來，校方推出自動離職計劃建議，又就新薪酬及福利方案進行諮詢。不過，諮詢過程中，基於校方未提供市場薪酬水平數據，也不交代日後訂定薪酬的辦法和程序，加上表現評核制度的內容和方法欠缺具體建議，目下的諮詢根本就是原地踏步，毫無寸進。再由於校方未有公開應有的資料，也不清楚明示員工不參加新制的後果，加上資訊混亂，前言不對後語，員工根本無所適從，也難作理性的選擇。擺在眼前的新薪酬方案，不考慮政通人和，不尊重員工意願，因此必須反對到底。說到底，新薪酬及福利方案根本不可行。有關之具體問題如下：

- (1) **薪酬水平市場調查數據欠公信力** 新薪酬方案以薪酬水平的市場調查為依據，訂出同事之薪酬。遺憾的是，校方並沒有徇眾要求，公開有關市場調查之內容及方法，讓同事深入了解，從而判斷其做法及結論是否公道。沒有這些資料，校方重訂員工的薪酬水平，不僅欠缺科學根據，亦毫無道德基礎可言。因為新訂的薪酬水平直接影響員工生計，員工是權益受損的一方，在情在理，有權知道校方的決策根據。
- (2) **沒有交代日後釐訂薪酬的方法** 十一月的諮詢文件並沒有交代日後薪酬水平訂定的方法。若根據市場調查評定薪酬水平，應否仿效政府公務員事務局的做法，讓員工代表參與，並提高整個過程的透明度？確定薪酬水平時，應否以經濟周期而非個別年份為分析對象，以避免個別年份因特殊情況（如發生非典型肺炎）而產生誤導的結果？校方竟然對此不予回答。
- (3) **設立表現評核制度毫無寸進** 對於員工表現評核的內容和程序，十一月的諮詢文件並無任何提議。評核內容應包含哪些項目、評核成績如何確定、被評核者有何上訴機制、評核如何進行、多久進行一次評核、評核對象是否包括部門主管、如何評核管理階層（如部門主管、院長、副校長及校長）、評核成績又如何與薪酬掛？等等，很抱歉，人事部的諮詢文件，完全交了白卷。
- (4) **不及格的諮詢** 校方由去年推出新制度的建議以來，並未有認真諮詢員工，大量浪費員工的時間及善意，不但由始至今漠視本會的提議，也忽視員工的主流意見，就是要求校方審視改革建議的法理依據及財政影響，探討新制度對浸大競爭力的影響，論證新舊制度的利弊得失，提供更多渠道讓師生及員工參與。相反，校方對法理問題視而不見，對財政問題堅拒交代，對員工的參與充耳不聞，對競爭力的影響置若罔聞。

- (5) **破壞合約精神** 改變合約內容，需要僱傭雙方同意。校方今次提出改制，等於改變現正生效的合約內容，倘若員工不同意，究竟是現行合約繼續有效，還是另有安排？校方究竟是已有腹稿但故意不公開，還是仍未有定論？合約精神在於根據共識達成協議，校方單方面改變聘用條件，亦不願意討論不同意新安排會有何後果，是一而再地罔顧合約精神。
- (6) **資訊混亂，校方出爾反爾** 有些同事接到人事部信件，才發現管方沒有遵守上次諮詢期間所作的承諾，將他們再次降級了。又比如公積金，校方一向表示會削減其供款至同事薪金的 10-15%，但去年十一月所發之文件，則訂明某部分員工所得的校方供款只有其基本薪金的 10% 甚至更低。奇怪的是，人事部給這些員工的函件卻依然重申，校方削減供款的幅度只有薪金的 0-5%。再如減薪幅度，部分同事的減薪幅度高達 18%（人工減 10%，公積金減 5%，隨公務員減薪 3%），與校方向外界宣稱最多只減薪 10%，有天壤之別。其實人事部給個別同事的函件，言辭每多含糊不清，甚至連員工是否減薪也說不明白，資訊如此混亂，不論是否刻意誤導，確實令人大惑不解，更遑論要員工同意了。
- (7) **拒絕溝通，管理層走向單邊主義** 上一輪諮詢後，校方除了修改實施日期，最後通過的薪酬及福利方案內容不變，根本是假諮詢、真獨裁。今輪諮詢，連公開的諮詢大會也不搞了，實行單幹到底。管方以本會名字未獲校董會確認為由，不與本會溝通，實屬荒誕之舉。本會的名字，校董會就算有不同意見，也絲毫無損工會的存在及其代表性，管方不能掩耳盜鈴，只管由上而下強行政策，不問員工由下而上的反對。本會自三月成立以來，多次提出對新薪酬方案的批評和建議，管方實行駝鳥政策，從不回應，也不答辯。完全違背標榜全人教育、基督精神的教育機構所應有的規範。
- (8) **肥上瘦下，員工普遍瀰漫不滿情緒** 校方推出自動離職計劃，以為可為不滿新薪酬結構的同事提供出路，同樣是不理解員工感受的管理層一廂情願的做法。本會的調查發現，約 75% 同事認為校方並沒有盡其道德責任，更有八成人表示，他日留在浸大工作，不等於接受新薪酬架構是合理的。此外，72% 員工認為該計劃不合理，只有 3.49% 表示會參加。值得注意的是，除了該離職計劃不受歡迎外，員工之間對管理層通過新薪酬福利結構，實行肥上瘦下的政策，瀰漫著極度不滿的情緒。若情況不予改善，員工士氣當然有損，大學管治亦必受影響。