

THE CHINESE UNIVERSITY OF HONG KONG

Outsourcing Policy in CUHK

1. The Chinese University of Hong Kong (CUHK), as a publicly-funded institution and a good and responsible employer, strives to provide a safe and healthy working environment to its employees. In some circumstances where outsourcing of services may be necessary, the University commits to exercising due care in considering the outsourcing proposals and putting in place proper mechanism to select and monitor the performance of the contractors, whose workers also deserve fair compensation and treatment.

2. This paper presents the guiding principles governing outsourcing of services at the University, the criteria for considering outsourcing proposals, the monitoring mechanism, and the criteria for selection of contractors, having regard to the discussions of the Working Group on CUHK Outsourcing Matters (Working Group). References have also been made to submissions from members of the Working Group, relevant practices from the HKSAR government as well as local and overseas institutions.

1) Guiding principles governing outsourcing of services

3. The following are some general principles guiding outsourcing of services:

- (i) The University attaches great importance to social justice and social responsibility, and outsourcing of services will be considered in those lights and attempt will be made to keep outsourcing to a minimum as far as possible, especially if such will jeopardize existing staff employed in a certain position.
- (ii) In order for the University to focus on its core mission of education and research, and to be accountable for the use of public money, it will not be entirely practicable for the University not to *consider* outsourcing certain supporting activities or services, especially a) those requiring access to special expertise, skills, facilities and technology, or b) those requiring flexibility in service delivery.
- (iii) The University endeavours to exercise due care in considering outsourcing of services, especially for cleaning and security services involving non-skilled labour, and will explore measures to facilitate the engagement of social enterprises where appropriate for the provision of such services.
- (iv) It is necessary to maintain a balance between upholding social justice and public accountability, with cost-effectiveness in service delivery being one of the considerations. Cost reduction and efficiency, however, should not be the sole reasons for considering outsourcing. It should be noted that in some cases, direct employment may be a more cost-effective form of engagement of services than outsourcing.

4. The above guiding principles should be communicated to all Faculty Deans, College Heads/Masters, Department Chairmen and Unit Heads, as well as staff and students of the University community for information. It is however acknowledged that the considerations for outsourcing vary across Departments/Units, and the ultimate decision of whether to outsource or not has to be made on a case-by-case basis by the University taking into account all relevant factors.

II) Criteria for considering outsourcing proposals

5. In view of the large quantity and various types of services procured by the University each year, and the difficulty in clearly defining “outsourced services” comprehensively, the University should focus on monitoring high-risk areas/cases of outsourcing, such as long-term contracts and those involving cleaning or security services, or other industries known to have employment models where employees are more susceptible to exploitative treatments. To streamline arrangements and having regard to the guiding principles under I(3) above, the following service contracts will be processed in accordance with the purchasing procedures and guidelines of the University, without the need to be submitted for prior review:

- (i) non-cleaning and non-security service contracts; or
- (ii) one-off contracts on a non-recurring basis of not more than one year; or
- (iii) contracts with a sum of not more than HK\$150,000; or
- (iv) services provided outside the main campus which cannot practically be supported by the relevant units on the campus.

Contracts other than the above-mentioned will normally be presented/circulated to a Monitoring Group (to be established) for input before the University makes a final decision on the outsourcing proposal.

III) Monitoring mechanism for outsourced services

6. While the contractor acts as the agent for delivering services in accordance with the contract terms, and is responsible for compliance with legislation and for remunerating its staff, the University is ultimately responsible to stakeholders for ensuring that the services are delivered in accordance with the statutory and contractual requirements including the quality and standard of services. The University should always establish sufficient control over the outsourced activities by putting in place appropriate measures to manage the regulatory and reputational risks to safeguard stakeholders’ interests. In this connection, it is resolved that:

- (i) To ensure the sustainability and implementation of the guiding principles governing outsourcing, a Monitoring Group will be established to monitor outsourcing matters and make recommendations for improvement for the University’s consideration on a regular basis. It is hoped that through continuous exchange and discussion, transparency on outsourcing matters can be enhanced and mutual trust within the University community can be built up over time. Specifically, the Monitoring Group may take up the following roles:

- (a) Provide input on outsourcing proposals, in accordance with the criteria stated in paragraph 5 above.
 - (b) Review annual statistics/summary report compiled by the Business Unit on University outsourced services (based on service contracts approved by the Tender Board), which will cover cases not reviewed by the Monitoring Group under (a) above, with data such as the types of service, contract duration, suppliers, and consider cases requiring attention. Annual teaching/non-teaching staff and student figures will also be presented as an additional reference on the staffing situation.
 - (c) Make recommendations for improvement on the monitoring mechanism of outsourced services and the criteria for selection of contractors as appropriate, having regard also to (b) above and other specific cases brought up for discussion.
- (ii) To facilitate communication with outsourced workers where necessary, particularly in cases of serious labour disputes/conflicts/complaints and work safety matters, the Human Resources Office will serve as the designated office/co-ordinating point (with a hotline). In case of request for assistance, the Human Resources Office will liaise with the relevant persons, units and contractors, with a view to channeling the workers' concerns for better communication and facilitating problem resolution. Cases received will be reported to the Monitoring Group.

IV) Criteria for selection of contractors

7. The procedures for selection of contractors should be open, fair and transparent, so as to allow the participation of any interested service providers. Apart from considering the usual criteria such as meeting the specified service requirements, and reasonable costs as determined through the quotation/tendering procedures, the following criteria be taken into account and where applicable, appropriately reflected in the tendering/contractual documents:

- (i) The contractors should provide fair compensation package to the workers which reflects market value, and with proper terms and conditions meeting statutory requirements. For example, caterers should include meal time and statutory rest days for their employees as paid working hours. Preference may be given to those who provide better terms and conditions exceeding baseline requirements, and contractors which uphold their social responsibility in their business practices.
- (ii) The contractors should endeavour to maintain a harmonious labour relation and safeguard labour rights of the outsourced workers.
- (iii) Proven track record of the contractors (e.g. reputation in the business, labour relations, past conviction records) should be properly declared and made available upon request.

- (iv) The contractors should commit to the sustainable development at CUHK and adopt the policies and practices listed in:

<https://srsdo.cuhk.edu.hk/home/guide-to-srsd/>

- (v) With commitment to the following code of conduct:
- (a) The contractors should commit to conducting their businesses in an ethical manner, and be accountable, transparent and reputable in the business practices.
 - (b) The contractors should observe the fundamental principles of human rights and equal opportunities, and not be involved in any form of discrimination in hiring and employment practices.
 - (c) The contractors should provide a safe and healthy working environment to the employees with appropriate training.
 - (d) The contractors should treat employees with respect and not engage in any form of exploitation of employees.
 - (e) The contractors should affirm freedom of expression and association by employees, and provide communication channels to engage their views appropriately.
 - (f) The contractors should hold subcontractors responsible for the same code of conduct.

8. While the University will explore the possibility of heightening awareness from staff and students on the role and functions of social enterprises, and facilitating their engagement where appropriate, it should be cautioned that the quality of social enterprises varies and they should also be carefully evaluated against the above-mentioned selection criteria.

Approved by AAPC at its 4th (2014) meeting

Updated in October 2021

香港中文大學

香港中文大學外判政策

1. 香港中文大學(下稱「大學」)作為一個政府資助機構及負責任的僱主，致力為僱員提供一個安全及健康的工作環境。在有需要外判的情況下，大學會審慎考慮外判方案，並訂立適當機制以遴選及監察承辦商的服務表現。承辦商的員工亦應獲得合理薪酬和待遇。

2. 大學的外判工作小組就着校內外判事宜作出多次討論，參考了小組成員的意見、香港政府以及本地和海外機構的做法，制訂了以下外判指導原則、考慮外判方案的準則、監察機制和承辦商遴選準則。

I) 外判的指導原則

3. 下列為外判指導原則：

- (i) 大學重視社會公義及責任，會審慎考慮應否外判，並盡量將外判減至最少，特別是有關外判對現職僱員聘任的影響。
- (ii) 大學核心使命為教育和研究，有責任適當地運用公帑。如要大學完全不考慮外判某些支援服務實際上並不可行，尤其是 a) 涉及專門知識、技能、設備和技術的服務；或 b) 需要彈性提供的服務。
- (iii) 大學會小心考慮外判，尤其是清潔及保安等涉及非技術勞工的服務。大學亦會探討促進社會企業提供相關服務的措施。
- (iv) 大學必須在維持社會公義與公共責任之間取得平衡，而提供服務的成本效益為其中的考慮。然而，減省成本和增加效率不應是大學考慮外判的唯一因素。在某些情況下，直接聘用員工可能比外判更具成本效益。

4. 上述指導原則供各學院院長、書院院長、學系系主任、部門主管、全體教職員和同學參考，惟外判的最終決定會因應各學系/部門不同的考慮，由大學按個別情況及所有相關因素決定。

II) 考慮外判方案的準則

5. 鑒於大學每年採購的服務數量及種類繁多，要全面及明確地界定「外判服務」有一定困難。大學應集中監察高風險外判項目，例如長期外判合約、清潔或保安服務以及僱用模式較易出現剝削情況的行業。根據上述原則 I(3)，下列外判合約將會經由一般大學採購程序和指引處理，而毋需預先審查以簡化安排：

- (i) 非清潔和非保安服務合約；或
- (ii) 不超過一年的一次性合約；或
- (iii) 不超過 15 萬港元的合約；或
- (iv) 因服務範圍不在大學主校園而未能由校內相關單位提供支援服務。

除上述外判合約外，其他合約一般會先交由將成立的外判監察小組提出意見，再由大學作出最終決定。

III) 監察外判服務機制

6. 作為服務供應商，承辦商有責任根據合約條款提供服務，並遵守法例及支付員工薪酬。大學亦有責任確保承辦商的服務質素和水平符合法定及合約要求，以維護持份者的利益。就此，大學應制訂適當措施以作監管及避免聲譽上所承擔的風險。

- (i) 為確保可持續及有效地執行外判指導原則，大學將設立外判監察小組，負責定期監察外判事宜並向大學提出改善建議，以期透過恆常交流和討論，提升透明度及建立互信。外判監察小組的角色如下：
 - (a) 按照上述第 5 段的準則，就外判方案向大學提供建議。
 - (b) 檢閱由商務組編制的外判服務統計報告(即經投標委員會審批的服務合約)，當中包括上述(a)毋需監察小組檢閱的外判合約。報告會列出合約種類、期限、供應商等，小組亦可考慮其他需要注意的個案。另教職員及學生數目年度概況亦會提供作參考資料。

- (c) 參考上述(b)及其他經討論的具體個案，就大學監察外判服務的機制及遴選承辦商的準則提出改善建議。
- (ii) 大學指定人力資源處為主要聯絡單位(設有熱線電話)方便外判工人求助，尤其是面對嚴重勞資糾紛/衝突/投訴或勞工安全的問題。如收到求助個案，人力資源處會聯絡有關人士、單位與承辦商，以助溝通及解決問題。人力資源處會向監察小組報告收到的求助個案。

IV) 遴選承辦商準則

7. 大學遴選承辦商的過程秉持公平、公正、公開之原則，任何有興趣的承辦商均可參與。投標過程除考慮服務條款及收費外，招標/合約文件亦要適當反映下列準則：

- (i) 承辦商應提供反映市場情況的合理薪酬以及符合法例規定的勞工福利予其員工。例如飯堂承辦商應安排僱員獲得有薪用膳時間和法定休息日。履行社會責任及能夠提供更完善僱員福利的承辦商可獲優先考慮。
- (ii) 承辦商應致力維持和諧的勞資關係和保障其僱員的勞工權益。
- (iii) 承辦商應正確申報和因應要求提供過往的表現紀錄（例如營商信譽、勞資關係及以往定罪紀錄）。
- (iv) 承辦商應致力支持大學的可持續發展及遵守大學採納的相關政策和措施，表列於以下網址：

<https://srsdo.cuhk.edu.hk/home/guide-to-srsd/>

- (v) 致力遵守以下行為守則：
 - (a) 承辦商應致力秉持商業操守及採取負責、公開和具良好聲譽的經營手法。
 - (b) 承辦商應遵守基本人權及平等機會的原則，並在招聘和僱傭安排上避免涉及任何形式的歧視。

- (c) 承辦商應提供一個安全和健康的工作環境予其僱員，並安排適當的培訓。
- (d) 承辦商應尊重及保障僱員不被剝削。
- (e) 承辦商應確保僱員有言論自由和成立員工組織的權利，並提供適當的溝通渠道以便僱員表達意見。
- (f) 由承辦商委任的分判商亦應致力遵守此行為守則。

8. 大學將探討如何提高教職員及學生對社會企業的角色和功能的關注，並會考慮促進社會企業參與外判服務的可能性。由於社會企業的服務質素不盡相同，考慮時亦應審慎評估是否符合上述的遴選準則。

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