

Medical Examination and Health Condition of Staff

(1) To maintain a healthy school environment, Supervisors/Heads of schools have to pay attention to the health condition of their staff. In this connection, they are advised to require each staff member, before appointment, to undergo a medical examination including a chest X-ray examination by a registered medical practitioner. The findings of such examinations may help Supervisors/Heads of schools in identifying any assistance or reasonable accommodation an employee with a disability may require and; where an infectious disease is involved, any measures which are reasonably necessary to protect public health and the health of the employee concerned.

(2) X-ray examination may however be exempted for the following employees:

- (a) Staff members who can show that they have undergone a chest X-ray examination not more than twelve months before their dates of appointment. The X-ray should not show signs of active tuberculosis.
- (b) Staff members in possession of a certificate from a registered medical practitioner, confirming that they are pregnant. Exemption granted to staff in this category will continue until the end of their subsequent maternity leave, at which time they should be instructed to make their own arrangements for X-ray examination.

(3) It should be noted that the purpose of the above examinations is not to discriminate against any employee or job applicant with a disability, unless where the employee or job applicant is unable to carry out the inherent requirements of the job in question with or without reasonable accommodation. In this regard, employers are advised to note the provisions in paragraphs 12.10 - 12.15 of the Code of Practice on Employment issued by the Equal Opportunities Commission at the Annex.

(4) Supervisors/Heads of schools are also reminded to advise staff to consult doctors promptly if they have symptoms suggestive of infectious diseases for example, in the case of tuberculosis: cough over three to four weeks, blood in sputum, loss of weight, fever and night sweating. In the interest of the health of colleagues and students, staff with infectious diseases should be encouraged to inform the school management of their condition. Where necessary, medical officer of schools from

Regional Offices of the Department of Health will conduct follow up action to prevent the spread of the disease in school. Most infectious diseases are treatable. With appropriate treatment, staff with these diseases would not pose a hazard to their colleagues or students and can return to work on the advice of the attending doctor.

(5) To maintain good body resistance, staff members are encouraged to lead a healthy life-style including balanced diet, adequate rest and avoidance of overwork and stress. They should also maintain good ventilation both in school and at home.

Extracted from Disability Discrimination Ordinance :
Code of Practice on Employment

- **Requests for information including medical information**

12.10. Under the DDO, it is unlawful for employers to request information from persons, which persons without a disability would not ordinarily be requested to provide, for the purpose of discriminating on the basis of a disability.

12.11. It is also unlawful for an employer to request medical information for the purpose of discriminating against applicants for a job on the basis of disability.

12.12. However, it is not unlawful for employers to request medical information where such information is necessary to determine:

- (i) whether an applicant is able to carry out the ***inherent requirements*** of the job;
or
- (ii) whether an applicant would require services or facilities not required by a person without a disability.

12.13. Where medical information is required by an employer, the employer should:

12.13.1. remember that, in most cases, having a disability does not adversely affect a person's general ability;

12.13.2. avoid asking (either in application forms, interviews or through other means) questions of a medical nature, unless directly relevant to the performance of the ***inherent requirements of the job; and***

12.13.3. ensure that any decision based on such information relates too a person's ability to do the work.

12.14. In respect of pre-employment medical examinations required by an employer, the employer should also ensure that:

12.14.1. the medical information is relevant to the particular duties and responsibilities of the job;

12.14.2. where the applicant is not hired or offered the job after the medical examination reveals a disability, the decision not to employ is based on the person's inability to perform the ***inherent requirements*** of the job; and

12.14.3. no ***reasonable accommodation*** was available to enable the applicant to perform the ***inherent requirements*** of the job, or that accommodation would impose an ***unjustifiable hardship***.

12.15. Under the DDO, it is not unlawful to discriminate against a person who has an infectious disease and the discrimination is reasonably necessary to protect public health. ³ Infectious diseases are set out in the First Schedule to the Quarantine and Prevention of Disease Ordinance, and also include any communicable disease specified by the Director of Health. For the avoidance of doubt, HIV infection is not an infectious disease for the purposes of section 61 of the DDO.