***SPECIMEN***

**CONDITIONS OF SERVICE - TEACHERS IN PRIVATE SCHOOLS**

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| Probationary Period | : |  | | years with effect from |  |
| (if any) |  |  | | | |
| Date of Appointment | : |  | | | |
| Salary Scale (if any) | : |  | | | |
|  |  | [For caput schools :  The salary scale of a teacher is determined in accordance with the Rules Governing Per Caput Grant Schools including without limitation relevant government circulars as may be issued from time to time by the Government. The salary scale stated herein represents the preliminary assessment made by the school, and the decision of the Education Bureau shall be final. If at any time after a teacher is appointed, the Education Bureau shall determine that the salary scale was assessed incorrectly, a teacher shall, upon request, refund all sums, which have been overpaid arising out of the final assessment of the Education Bureau.] | | | |
| Payment of Salary | : | A teacher will receive each month the salary due to him/her without any deduction save, where appropriate, his/her own contributions to the school’s Mandatory Provident Fund Scheme under the Mandatory Provident Fund Schemes Ordinance. [Section 32(2)(g) of the Employment Ordinance states that wage deductions could be made at the request in writing of the employee in respect of contributions to be paid by him/her through the employer for the purpose of any retirement scheme, etc. lawfully established for the benefit of the employee. Under section 32(3) of the Employment Ordinance, except with the approval in writing of the Commissioner for Labour, the total of all deductions, except those for absence from work and outstanding maintenance payment, made in any one wage period shall not exceed one half of the wages payable in that period.] Salary shall be paid on or before the last day of the month in which it has been earned. Salary shall continue to be paid during school holidays subject to the conditions specified below for payment of salary on termination of service. | | | |
| Mandatory Provident Fund | : | For employees who should enroll in a registered Mandatory Provident Fund (MPF) Scheme according to the MPF Scheme Ordinance, schools, as an employer, should for each contribution period – | | | |
|  |  | (a) | make the employer’s mandatory contribution to the trustee of the Mandatory Provident Fund Scheme; and | | |
|  |  | (b) | deduct the employee’s mandatory contribution from the employee’s relevant income (and NOT to include the employer’s contribution in the employee’s relevant income). | | |
| Incremental Date | : |  | | | |
| (if any) |  |  | | | |
| Duties | : |  | | | |
| Annual Leave | : | (a) | For the sake of smooth operation and operational needs of a school, the annual leave of teachers is subsumed under the major school holidays, which are 90 days a year including public holidays; OR | | |
|  |  | (b) | Annual leave shall be granted in accordance with the Employment Ordinance. | | |
| Sick Leave | : | A teacher can accumulate 2 paid sickness days for each completed month of employment under a continuous contract during the first 12 months of employment, and 4 paid sickness days for each completed month’s employment thereafter in accordance with the Employment Ordinance. Paid sickness days may be accumulated up to a maximum of 120 days. But, in order to be eligible for sickness allowance, which is equivalent to four-fifths of normal wages, a teacher has to fulfil the following requirements: | | | |
|  |  | (a) | the teacher has accumulated the number of paid sickness days taken; | | |
|  |  | (b) | the sick leave taken is not less than 4 consecutive days; and | | |
|  |  | (c) | the sick leave is supported by an appropriate medical certificate. | | |
| Maternity Leave | : | (a) | Subject to the submission of an acceptable medical certificate, maternity leave with full pay or no pay may be granted in accordance with the maternity rules applicable to female teachers in aided schools as attached; OR | | |
|  |  | (b) | Maternity leave shall be granted in accordance with the Employment Ordinance. | | |
| Paternity Leave | : | (a) | Subject to the submission of a recognised documentary proof, paternity leave with full pay or no pay may be granted in accordance with the paternity rules applicable to male teachers in aided schools as attached; OR | | |
|  |  | (b) | Paternity leave shall be granted in accordance with the Employment Ordinance. | | |
| Termination of Appointment and Period of Notice | : | Either the employer or the teacher may terminate the appointment - | | | |
|  |  | (a) | at any time during the first month of the probationary period (if any) without notice or payment in lieu; | | |
|  |  | (b) | After the first month of the probationary period (if any) by giving to the other party one month’s notice; | | |
|  |  | (c) | After the probationary period (if any) by giving the other party three months’ notice. | | |
|  |  | Under section 7(1) of the Employment Ordinance, either party to a contract of employment may at any time terminate the contract without notice by agreeing to pay to the other party a sum equal to the amount of wages which would have accrued to the employee during the period of notice required by section 6 of the Employment Ordinance.  (Note for Employer : In this connection, please consult section 6 of the Employment Ordinance.) | | | |
| Conditions for Payment of Salary on Commencement or Termination of Appointment | : | Salary shall be paid from the date of assumption of full duties up to and including the last day of performance of full duties except as provided below.  A teacher with service of one academic year or more whose appointment is terminated with due notice at the end of a term shall be paid until the end of August if the appointment is terminated at the end of the summer term, or to the end of the school holidays following any other term. A teacher with less than one academic year’s service whose appointment is terminated with due notice at the end of a term shall be paid until the end of the month in which the term finishes or until the end of the school holidays following, whichever is the earlier.  (Note : A teacher employed for a full academic year should be paid for 12 calendar months, e.g. from September to August of the following year, both months inclusive.) | | | |
| Disclosure of Information | : | A teacher must report to the school immediately if he/she is involved in any ongoing criminal proceedings or investigations, including but not limited to arrest or apprehension by the police, or if he/she has become the subject of professional misconduct investigation undertaken by another school or the EDB. When criminal proceedings or investigations are instituted against a teacher, his/her duties will be reshuffled by the school taking into account the nature of the case as appropriate. If the case is of a serious nature, a teacher will be suspended from his/her normal duties subject to the provisions of the Employment Ordinance and the relevant Code of Aid. A teacher will be liable to disciplinary action if he/she is found to have intentionally provided false information to/ withheld any material information from the school. | | | |
| Other Conditions  (Other conditions, such as teacher registration status, teacher language requirement and certificate for principalship, may be added here provided that they are in conformity with the provisions of the Education Ordinance, the Employment Ordinance and their subsidiary legislations and the instructions as the Secretary for Education may from time to time issue.) | : | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | |

(revised in June 2020)

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To be completed by the teacher

I confirm that I have read and understood all the above conditions and hereby agree to abide by them.

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|  |  | Signature of Teacher : |  |
|  |  | Name in Block Letters : |  |
|  |  | Date : |  |