

# **Study on Discrimination in the Hong Kong Workplace**

## **Executive Summary**

### **Introduction**

1. The Equal Opportunities Commission (EOC) commissioned Mercado Solutions Associates Ltd. (MSA) to conduct a study in accessing types and degrees of discrimination in the workplace, identifying common stereotyping, and soliciting views from the employers and employees on efficient ways of redressing discrimination in the workplace as well as promoting the concept of equal opportunity. This summary highlighted the major findings of the study.

2. Fieldwork for the main study was undertaken from January to April 2014. The study involved two parts, namely quantitative telephone survey and qualitative survey involving focus groups and one-to-one in-depth interviews (IDIs). For telephone survey, a random sampling of 2,008 successful household interviews over the territory was conducted. Regarding qualitative survey on employees, 18 IDIs with victims having encountered one of the 9 types of discrimination / harassment were conducted. For qualitative survey on employers, 2 focus groups of employers / human resources (HR) practitioners separately from small-and-medium enterprises (SMEs, company size of <50 employees) and larger companies (from 50 to <500 employees) were undertaken. Furthermore, IDIs were conducted with HR practitioners in 4 multi-national / listed corporations (company size of ≥500 employees).

### **Key Findings – Telephone Survey on Working Population in Hong Kong**

#### **Prevalence and Severity of Discrimination in the Workplace**

3. Of all the respondents (including persons who were working or job-seeking at enumeration), 18% claimed that they had experienced discrimination or harassment when seeking a job or during their work. Among these victims, 19% said that the incidents happened in the past 12 months before enumeration; 27% said 1–2 years ago; 34% said 3–5 years ago; 18% said 6–10 years ago and 20% said more than 10 years ago.

4. Among the victims (18% of all the respondents), the most common type of discrimination was age discrimination (64%), where 49% claimed that they encountered age discrimination when seeking a job and 22% said it happened during their work. Their median age was in a range of 40–49. The proportions of encountering other types of discrimination / harassment were listed in descending order below:

- Sex (21%)
- Sexual harassment (17%)
- Family status (14%)
- New immigration status (11%)
- Pregnancy (10%)
- Marital status (9%)
- Disability (4%)
- Race (3%)
- Sexual orientation (0.2%)

5. Relatively more of those who experienced discrimination claimed that their experiences were relating to inequity of job opportunity when seeking a job (62%). For those who experienced discrimination during work (55%), slightly more claimed that their cases were relating to inequity of work allocation (16%) and impoliteness (15%). In addition, some mentioned “inequity of promotion opportunity” (11%), “inequity of employment package (e.g. salary, working hours, working environment)” (8%), “inequity of approval of leave application” (5%) and “laid off” (2%).

6. Relatively a higher percentage of those who encountered discrimination claimed that they were engaged in wholesale and import/export trades (19%) at the time of the incident. The corresponding percentages for other industry sectors were listed in descending order below:

- Retail (16%)
- Finance, insurance, real estate and business services (16%)
- Community, social and personal services (16%)
- Manufacturing (14%)
- Restaurants and hotels (12%)
- Transport and storage (7%)
- Construction (5%)
- Communications (1%)
- Government departments (1%)
- Electricity and gas (<1%)

7. Furthermore, a higher percentage of the victims claimed that they were engaged in company sizes of 10-49 employees (40%) at the time of the incident. The corresponding percentages for other company sizes were: 17% for 1–9 employees; 14% for 50–99 employees; 20% for 100–299 employees; 4% for 300–499 employees and 14% for 500 employees or above.

8. Relatively more victims claimed that they worked as clerks (29%) at the time of the incident, followed by elementary occupations (19%), service workers (16%) and shop sales workers (12%). Comparatively speaking, lower percentages were found for managers and administrators (7%), associate professionals (6%) and professionals (7%).

9. Most of those who encountered discrimination during work claimed that the persons who discriminated against them were their superiors (75%), or were working in the position of managers / administrators (70%).

10. For those who experienced sexual harassment, relatively more worked in the industries of restaurants and hotels (22%), and community, social and personal services (20%). They were followed by finance, insurance, real estate and business services (18%), wholesale and import/export trades (15%) and manufacturing (13%). Besides, the cases of sexual harassment mostly happened in offices (62%), followed by shops (20%).

11. Of the victims, about a half (51%) did not talk with anyone about the incident. Particularly, such proportion was relatively higher among those who encountered discrimination on the grounds of disability (65%), new immigration status (57%) and age (56%).

12. The majority of those who encountered discrimination (94%) did not take any action after the incident. The most frequently mentioned reasons were “did not think it could help” (42%) and “it is common in the workplace, will not take it serious” (41%). On the other hand, among the 6% who had taken action, most of them appealed to the organization’s person-in-charge (70%) about the discriminatory incident.

### **Stereotyping relating to Employment / Work Performance of Persons of Different Background**

13. To estimate the overall extent of anti-discrimination attitude towards persons of different background in the workplace, respondents were asked about their level of agreement towards 10 statements. The majority of respondents demonstrated positive attitudes. The top 3 statements that the respondents showed positive attitudes were:

- 89% disagreed “Middle-aged persons work less efficiently than younger persons” (*age discrimination – older persons*);
- 86% disagreed “People with disabilities can only pick up junior works” (*disability discrimination*); and
- 80% disagreed “Normally, women do not pour heart into work after having baby” (*pregnancy discrimination*).

On the other hand, the bottom 3 statements were:

- 68% disagreed “Young people are not patient enough to learn, and thus it will waste company’s resources on their training” (*age discrimination – young adults*);
- 71% disagreed “The working attitude for most of the new immigrants from the Mainland is perfunctory” (*new immigration status discrimination*); and
- 72% disagreed “Staff who have young children always take leave, which causes inconvenience to the company” (*family status discrimination*).

14. An overall index was computed based on the results of these 10 statements, and presented in a scale of 0–100, where 0 denotes low tendency of anti-discrimination attitude and 100 denotes high tendency. The index was 66, illustrating a direction towards high tendency of anti-discrimination attitude.

15. When asked about the overall impression about severity of discrimination in the workplace, expressed in a scale of 0–10 (where 0 denotes “not at all” and 10 denotes “very serious”), the average score obtained was 4.0, which was below the mid-point value of 5, indicating that respondents generally considered that perhaps the discrimination might not be serious.

### **Measures for Preventing Discrimination / Harassment in the Workplace**

16. Respondents were asked to comment on the helpfulness of different measures in preventing discrimination / harassment in the workplace. Most of them ( $\geq 75\%$ ) considered the various measures very / quite helpful. The details were listed in descending order below:

- Government to enhance the publicity and public education (82%)
- Assurance to the staff – ensure confidentiality and no punitive treatment for lodging a complaint (78%)
- Provide training about discrimination ordinances for management and HR staff (76%)
- Post on the notice board – ways and channels of making complaints (76%)
- Set out the compliance for services industries – separate private changing room (75%)
- State in the employment contract – disciplinary action resulting from discriminating / harassing other people (75%)
- State in the staff handbook – guidelines for prevention of discrimination (75%)

## **Views on Equality of Job Opportunities for Disadvantaged People**

17. The survey revealed that the perceived levels of adequacy for persons of different background in receiving equal job opportunities in Hong Kong were not high (ranging from 19% to 57%). For a number of aspects, the proportions of considering “very / quite inadequate” were higher than those of “very / quite adequate” (including women with young children, single parents, pregnant women, South Asians, people with physical disabilities and those who have ever had mental illness).

18. Respondents were also asked about their perceived helpfulness of the practices / measures for promoting equality of job opportunities for disadvantaged people. The majority considered the following practices / measures very / quite helpful:

- Encourage private organizations to offer internship programmes to disabled or ethnic minority students (82%)
- Invite relevant organizations to share their good experience of employing people with disabilities (82%)
- Tax relief for organizations employing people with disabilities (81%)
- Praise the employers who implemented “family-friendly” policies by giving them awards (78%)

## **Key Findings – In-depth Interviews with Individual Employees**

### **Experiences of Discrimination / Harassment in the Workplace**

19. As minority groups occupy a small proportion of local population, the rates of encountering discrimination by ethnic minorities, persons with disabilities, new immigrants and sexual minorities in the questionnaire survey are relatively low. To supplement the information, employees who had encountered discrimination / harassment were interviewed individually and the key points mentioned by the 18 respondents relating to their experiences of discrimination / harassment were summarized in the table below.

| Discrimination / Harassment          | Details  |
|--------------------------------------|--|
| <p><b>Age (older persons)</b></p>    | <p>At the age of 40s, the respondent was given hardship at work for a period of time, and was offered the redundancy package finally.</p> <p>At the middle-age, the other respondent was firstly headed by a younger superior with less experience, and was laid off finally, giving the reason of downsizing the company.</p>   |
| <p><b>Age (younger persons)</b></p>  | <p>At the age of early 20s, the respondent was qualified for an administrative job in a trading company. However, the manager told her that the company needed a more mature staff.</p> <p>Also at the age of early 20s, the other respondent worked in a supermarket as a cashier. Since the first day that her supervisor knew her age, she was criticized about her work performance. The supervisor further said that people at her age were not serious at work.</p>  |
| <p><b>Sexual harassment</b></p>      | <p>During daily operation in the office, the expatriate business partner of the company put the hand on the respondent's shoulder and kept brushing it. He told sexual innuendo jokes and showed some lewd hand gestures.</p> <p>The superior who occasionally stationed in Hong Kong asked some embarrassing questions if the other respondent had ever visited hourly hotels (nicknamed love hotels) in Kowloon Tong. Furthermore, he required her to help checking emails in his hotel room and leaned towards her when she was reading the emails.</p>   |
| <p><b>Family status</b></p>          | <p>The respondent was applying for the position of an administrative officer. Despite she repeatedly reassured that it was fine for her to work overtime, the staff took back the contract on the table.</p> <p>The other respondent applied for a janitor work in a cleansing service company. When meeting the employer, she was asked if she had any children and family obligations. She was finally turned down.</p>  |
| <p><b>New immigration status</b></p> | <p>The respondent earned a lower salary as compared to other cleaning workers at the kindergarten in spite of the same duties.</p> <p>The other respondent who worked as a dishware cleaning worker in a restaurant was demanded to work for long hours by the employer, who claimed that the dish washing job was the kind of job that new immigrants from the Mainland deserved to work on and were capable of doing.</p>  |
| <p><b>Pregnancy</b></p>              | <p>The respondent was applying for the position of salesperson in a jewelry shop when she was pregnant for 2 months. After telling the personnel staff that she was already pregnant, the staff asked her to leave and wait for further notice. Finally, she was not hired.</p> <p>The other respondent had been working in a financial securities company as an editor for 2 years. She was employed as a permanent staff. In an incident that when she informed the company about her pregnancy, she was asked to sign a letter of acceptance for changing her status to a contract staff, or the company would give her a termination letter.</p> |
| <p><b>Disability</b></p>             | <p>When applying a job in a charity organization, once the supervisor observed that the respondent was limp, the supervisor just chatted with him casually without talking about his relevant job experiences, and then asked him to wait for further notice.</p> <p>The other respondent had chronic illness and worked as a laundry worker with entitled sick leave. She was forced to take annual leave when feeling sick.</p>  |
| <p><b>Race</b></p>                   | <p>The Pakistani respondent possessed an advanced diploma in information technology. When seeking for relevant jobs, he always found that though he was able to meet the job requirements, he was offered a lower salary.</p> <p>The Indian respondent was working as a tutor in a private tutorial school. She was asked to perform extra duties, such as dispatching leaflets in the street, looking after the boss's kids, which were not her responsibilities as a tutor, while other Chinese tutors of the same rank were not necessary to do so.</p>   |
| <p><b>Sexual orientation</b></p>     | <p>Working in a tertiary educational institution as a curriculum planner, the respondent was once seen by the principal to openly walk along hand-in-hand with his boyfriend. Afterwards, he was notified that his promotion was voided.</p> <p>The other respondent worked in a TV broadcast company as a programme designer that he sometimes needed to attend external meetings. Upon the awareness of his sexual orientation, the Chief Executive Officer (CEO) stopped all his external works, and warned him not to tell the business partners and colleagues about his sexual orientation.</p>  |

## **Similarities of the Experiences of Discrimination / Harassment**

20. Some similarities were observed for the above cases. They were summarized below:

- The companies for which they experienced discrimination / harassment were locally based companies, or subsidiaries of foreign companies that adopted local company policies.
- Although the cases involved different establishment sizes, ranging from 5–10 employees to 400–500 employees, there was no written guideline or company policy in the concerned companies for protecting employees from being discriminated / harassed.
- A majority of the victims did not make an appeal to the management board of the company, and had no intention to lodge a complaint to any government department or the EOC. They considered that such actions were not helpful for redressing their situations. Moreover, some of them said they did not want to be labeled as trouble-makers.
- Most victims did not know in what ways the EOC can help if they lodge a complaint to the Commission.

## **Key Findings – Focus Groups and In-depth Interviews with Employers / HR Practitioners**

21. Opinions and attitudes on dealing with discrimination / harassment in the workplace were quite different between SMEs, larger companies and multi-national / listed corporations in various aspects. The differences were summarized in the table below.

| <b>Area</b>   | <b>SMEs</b>  | <b>Larger Companies</b>   | <b>Multi-national / Listed Corporations</b>  |
|---|--|---|--|
| <b>Awareness and knowledge of the legislation against discrimination</b>                      | Only had some basic ideas but did not appear to have a good understanding  | Were well aware of the 4 discrimination ordinances  |  |
| <b>Attitudes towards the occurrence of discrimination / harassment in the workplace</b>       | They believed that they could solve the problem if there was a conflict between employees, and thus considered that the situation was generally not serious in the Hong Kong workplace.  | They would obtain relevant knowledge from the EOC. Yet they considered that it was difficult to eliminate discrimination / harassment in the workplace. | They strived to avoid occurrence of such discriminatory acts in the company. They required their HR personnel to have proper training about the legislation, and would include the issue in their regular training workshops for staff.  |
| <b>Policy / guidelines against discrimination</b>   | No policy / guidelines against discrimination  | They would more likely to provide briefing but not written policy / guidelines, depending on HR personnel's own practices.                              | They always followed the relevant policy / guidelines of their headquarters in foreign countries, while local listed corporations had set up their own policy/ guidelines since the introduction of discrimination ordinances in Hong Kong.  |
| <b>In the process of recruiting new staff</b>   | They admitted that it was unavoidable to have biased preference when selecting the candidates. For example, many of them would not hire pregnant women, regardless of their qualifications and experiences.  |   | They believed that candidates should be selected based on their abilities and experiences meeting the requirements for the position.   |
| <b>Initiatives for promoting inclusion and equality of disadvantaged people in employment</b> | They considered that the incentive programmes were not feasible in small businesses.   | A few of them had already offered internship programmes to ethnic minority students and administered family-friendly practices.                         | They had more resources to carry out the measures in building up an inclusive working environment, such as assuring barrier-free accessibility in the office.<br><br>In fact, some of them claimed that candidates should have equal opportunities for working in their corporations, no matter whether they were disadvantaged people or not. |
|   | They claimed that hiring persons with disabilities involved resources in altering office settings and acquiring special facilities / equipment. Instead of providing profits tax relief as incentive, they would prefer practical support from the Government, such as subsidy of wages, providing necessary facilities / equipment and professional advice. |   |  |

## **Conclusion and Recommendations**

22. About 18% of the respondents claimed that they had experienced discrimination or harassment when seeking a job or at work. Relatively more of those who experienced discrimination claimed that their experiences were relating to inequity of job opportunity when seeking a job (62%). For those who experienced discrimination during work (55%), slightly more claimed that their cases were relating to inequity of work allocation (16%) and impoliteness (15%).

23. Among the victims, the most common type of discrimination was age discrimination (64%). Given the trend of population ageing in Hong Kong, it is suggested that the EOC should consider setting its work priority on public education of promoting an age-inclusive environment and redressing age discrimination in the workplace.

24. As sexual harassment was fairly common in the workplace, the EOC has conducted surveys on sexual harassment for flight attendants and workers of service industries, with a view to urging the Government to amend the Sex Discrimination Ordinance (SDO) to protect providers of goods, services and facilities against sexual harassment by customers. The amendment helps company management personnel realize the serious nature of the problem so that the management of business organizations should take all practicable and reasonable steps to prevent sexual harassment before it occurs. It is recommended that the EOC should join hands with relevant stakeholders or trade unions to provide anti-sexual harassment training for employers and employees in the service sector.

25. The findings revealed that a relatively higher percentage of workplace discrimination occurred in company sizes of 10-49 employees (40%). Moreover, findings from the focus group discussion also revealed that employers of SMEs did not appear to have a good understanding of the 4 discrimination ordinances. In this regard, the EOC may consider allocating more resources or collaborating with relevant stakeholders in organizing more seminars, talks and company visits for the SMEs so as to combat discrimination in the workplace and promote an inclusive working environment. In particular, these training provisions should target more at the supervisory levels so as to initiate an overview of the working culture as well as formulate necessary changes to redress the issue of discrimination.

26. The findings also revealed that the majority of the victims (94%) did not take any action after the incident. The victims from the in-depth interviews generally did not want to be labeled as trouble-makers. Therefore, the publicity works could gear towards changing the misconception that “making a complaint will create troubles” in the workplace. In this respect, the EOC is recommended to provide more information about informal and formal

complaint-handling processes such that the public will have a more positive attitude and constructive approach towards lodging the complaints if such cases of discrimination did happen, and employers can accept those complaints as opportunities to improve the qualities of their employees.

27. The findings from the in-depth interviews revealed that the discrimination on the grounds of race, disability, new immigration status and sexual orientation in SMEs appeared to be rather serious. The EOC and relevant stakeholders are recommended to work closely with the SMEs or related associations in assisting SMEs in formulating policy and guidelines against discrimination in the workplace.