

**Seminar on “Preventing Disability Harassment and
Handling Employees in Mental Distress”**



Expert speakers of the EO Club Seminar – (from left) Miss Karen Cheng, Mr. Polaris Puk, Dr. Lee Wing King and Miss Amy Lee

As an employer or a human resources practitioner, you may have encountered job-seekers with certain types of disabilities; in addition, you may have to handle complaints or stress problems of staff who have been discriminated or harassed. Do you know how to deal with such situations in a fair and non-discriminatory manner?

A seminar was held for EO Club Members on 29 April 2008 to address the above issues and to suggest best management practices in the workplace. It was also part of the EOC’s public education initiatives in memory of Miss Li Ching, who had hearing impairment and put an end to her life in March 2008 due to repeated discrimination in school and at work. (Articles about Li Ching: [Discrimination Hurts](#), [Ponder Before You Say No](#))

Several speakers in different fields shared their expertise and the gist of discussions is summarized below.

Helping Staff in Mental Distress

[by guest speaker Dr. Lee Wing-king, a specialist in psychiatry]

Depression and GAD

Everyone feel sad when bad things happen. However everyday “blues” or sadness is not depression. People with “blues” usually have a short-termed depressed mood, but they can manage to cope and soon recover without treatment. “Clinical Depression” lasts for at least 2 weeks and affects a person’s ability to carry out their work or to have satisfying personal relationships. They lose interest, energy, appetite and self-esteem. They could not sleep well and some have recurrent suicidal ideas or behaviour.

People with generalized anxiety disorder (GAD) generally have uncontrollable worries and feelings of apprehension about everyday events for a period of at least six months. They experience sweating, shaking, chest pain and etc.

Practical Tips for Helping Staff in Depression

Helping someone who are not ready to recognize that they need assistance may be an uphill battle. People with depression often do not see the point of doing anything and may think that no one can really help them. Consider the following tips:

1. Educate yourself about depression and understand the employee's needs. Beware of signs of mood disorders.
2. Encourage support from colleagues and accept the fact that the person has a legitimate illness, but not character flaws or weak personality. This would prevent the exclusion of the person and negative attitude of co-workers.
3. Listen to the employee without being judgmental. Do not deny but respond to his/her feelings, rather than to content of the conversation. Be respectful and calm. The key is to be empathetic.
4. Avoid patronizing behavior or over-protecting the employee which may lead to embarrassment or jealousy among colleagues.
5. Encourage and assist the person to seek professional help.
6. Monitor the health progress, and pay attention to warning signs of possible relapse or worsening of symptoms.

Case Study – Disability Harassment in the Workplace

[by EOC Speaker Miss Karen Cheng, Senior Equal Opportunities Officer (Operations)]

What is Disability Harassment under the Disability Discrimination Ordinance(DDO)?

Disability harassment means any unwelcome conduct towards a person in relation to his/her disability. A reasonable person, having regard to all circumstances, would have anticipated that the person with disability would be offended, humiliated or intimidated by that conduct. Examples of such acts could be insulting comments, offensive jokes, and unnecessary gestures mimicking someone's disability.

Over 70% of complaints under the DDO received by the EOC since 1996 are related to disability discrimination and harassment in employment field.

The DDO provides that, where the act of discrimination or harassment is done in the course of employment, whether with or without the employer's knowledge or approval, the employer is liable. The employer may be able to discharge its liability if it can show that it has taken reasonable practicable steps to prevent the unlawful acts, such as having equal opportunities policies and complaint handling procedures in place, or providing training and information to staff.

Case Study:

Mary was a Training Officer who had lost her hearing function of one ear. She did not need to use any hearing device in her daily life. The Training Manager, Kenny, sometimes teased Mary about her hearing loss, “Are you deaf? Left ear or right ear?” He even threw paper on her face. Mary could no longer bear Kenny’s behaviour and finally lodged a complaint of disability harassment with the EOC against Kenny and the company.

Kenny explained that he had no intention to offend Mary, and the comments were just for fun. The company argued that it had formulated an anti-discrimination policy since 2000, and the staff were given a copy of the policy. A non-compulsory training course on anti-discrimination laws was held in 2004.

Analysis of the Case

- Even if Kenny had no intention to harass Mary on the ground of her disability, it was inappropriate to make insulting comments in relation to her hearing impairment and throw paper to Mary. Disability harassment under the DDO is established by the “conduct” instead of a person’s “intention”.
- Although the employer formulated an anti-discrimination policy in 2000, it did not review or update the policy. Moreover, the training course on anti-discrimination laws was only arranged for interested staff, without keeping any record of attendance. The company should review the policy from time to time and to consider organizing compulsory training courses for all staff and keeping proper record of such training.

During investigation, the EOC would consider the context and the underlying meaning of the alleged harassing remarks. The EOC would also examine the available evidences, such as staff reports, witness notes, etc in order to find out if disability discrimination or harassment has taken place.

A Win-win Situation: Employing Persons with Disabilities – Sharing by an Employer **[by Mr. Polaris Puk, Managing Director of an Advertisement Company]**

Experience from Mr. Polaris Puk has proven that in employing persons with disabilities (PWDs), business operations are not affected; quite the contrary, it creates a win-win situation. PWDs are always eager to learn, diligent and focused. They value the opportunity given to them, and are very loyal.

“Because of our business nature, we often have to meet tight deadlines. One of our graphics designers who is a hearing impaired person, is able to meet every deadline without sacrificing the quality of work. With her excellent performance, she has even raised the overall standard of

森林是甚麼？
What is a Forest?

森林是一個棲息地
A forest is a habitat

[by Miss Amy Lee, the Centre-in-charge of the Employment Services Centre of the Hong Kong Society for the Deaf]

Employers are encouraged to accommodate staff with hearing impairment by different approaches, such as written communication cards or notebooks and amplified telephones.