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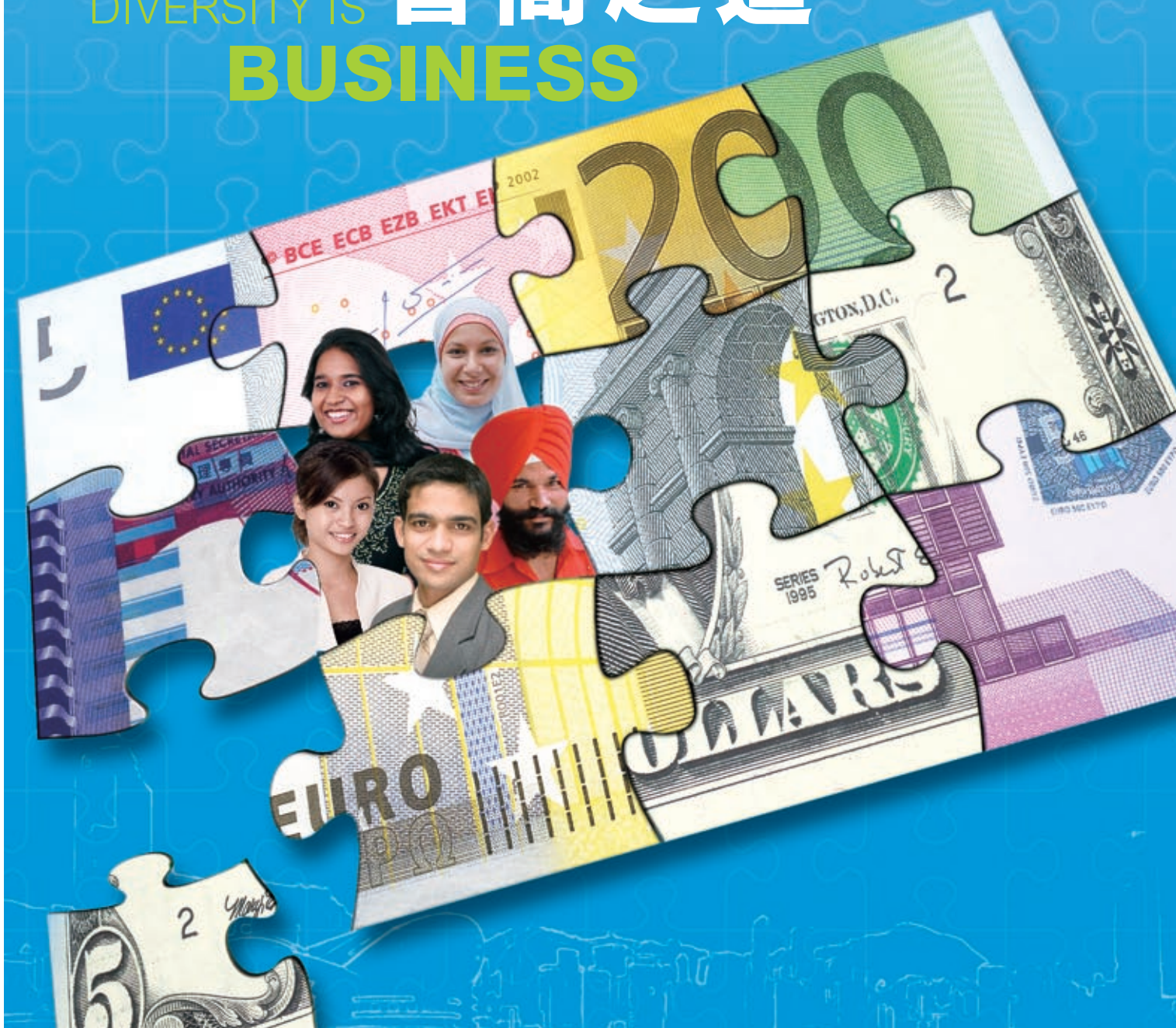
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# 光影裡學懂惜才

## Staff Engagement: Learning from the Movies

已故紅星柯德莉夏萍曾說：「所有我學到的東西，都從電影中領會。」我愛看電影，徜徉於光影裡令我對人與人之間的關係有新的體會——當中有些甚至可應用到工作裡。讓員工快樂、投入工作能帶來很多長遠好處，令公司在變幻莫測的市場中保持競爭力。就讓我和大家分享在四齣電影中得到的啟發。

### 正面經驗能留住優秀員工

第一齣是寇比力克1968年的經典之作《2001太空漫遊》。電影開頭集中在一群巨猿身上。

像巨猿一樣，人是群居動物。我們甘願為群體所帶來的好處而放棄一些個人自由，來換取他人的信任，並在艱難時候相互支持。我們渴望得到正面體驗（例如：讚賞、關愛和快樂）。群體生活需要我們相互溝通，而只有透過有效的溝通才能建立互信。

很明顯，機構必須能夠給予員工正面的情緒體驗，並鼓勵有效的溝通，才能招聘到和留住優秀的員工。

### 唯才是用

這齣電影也啟發了另一管理思維。在其中一幕，巨猿們被一塊突如其來的神秘金屬板弄醒了，雖然大家都很躁動，卻只有一隻巨猿膽敢先碰觸它。

The legendary actress Audrey Hepburn once said, "Everything I learned I learned from the movies." As a film lover, I often gain new insights on human relationships from going to the cinema – lessons which I find to be relevant in the workplace. Keeping employees happy and engaged does bring long-term benefits and help maintain a company's success in volatile markets. So I will share a number of lessons which I learned from four movies:

### Positive emotional experiences retain a worthy workforce

The first is Stanley Kubrick's 1968 classic, "2001: A Space Odyssey". The first section of the movie focuses on the great apes.

Humans, like the apes, are communal beings. We have given up some of our individual freedom for the community's greater good in return for trustful bonds among members and mutual support in difficult times. We long for positive emotional experiences, such as appreciation, love and joy. Being social also means we seek to be communicative, for trust can only be built through effective communication.

It is clear that an organization must be able to offer positive emotional experiences and encourage effective communication in order to recruit and retain a worthy workforce.

### Focus on talent

There is another lesson we may learn from this movie. In a scene, a group of apes were awoken by the sudden appearance of a mysterious metallic slab, but, despite the excitement, only one dared to touch it first.





你就是希望招聘到這另類的「巨猿」，加入你的機構裡：這些人也許不隨俗、不按本子辦事，但他們機警敏銳、求知心強，敢作敢為。因此，別只選循規蹈矩的員工，相反要選擇一些願意有所作為的人。

發掘培養這類員工的不二法門是「唯才是用」。不要因為求職者的性別、家庭責任、膚色、語言能力、殘疾或性取向而剝奪他們的機會。讓定型觀念支配你的決定，你只會錯失上好的人才。

### 鼓勵坦誠溝通

人類花上超過二百萬年才從懂得使用簡單工具發展至太空年代，這正是第二齣電影《太陽神13號》的場景。

這齣電影在1995年攝製，故事以1970年太空船「太陽神13號」在外太空出現故障的真人真事為藍本。那是一次奇蹟般的拯救行動，三名太空人最終都能平安從太空歸來。

這個案其後被深入研究，不少管理人員認識到機構文化貴乎坦誠開放。鼓勵團隊內每個人(不論年資和經驗)都樂意講出自己的想法，方可取得非凡成果。

That is the kind of “ape” you want to recruit and keep in your organization: the type that may be unorthodox, but is always alert, curious, and has the courage to act. So, rather than choosing conformity, go for someone who can make a difference.

**To find and nurture such a team member, a rule of thumb: focus on talent. Avoid writing off candidates because of factors like their gender, family responsibilities, skin colour, language ability, disability, or sexual orientation. Letting stereotypes guide your decision will only cause you to miss out on the fine brain.**

### Encourage open dialogues

It has taken more than 2 million years for us to move from using hand tools to the space age, which is the setting for our second film, Apollo 13. This movie was made in 1995, based on the real 1970 accident on the spacecraft Apollo 13. It was a miraculous rescue operation, with all three astronauts safely returned home from outer space.

The case has since been exhaustively studied. Many managers learned that an open work culture that encourages every member of the team to speak their mind, irrespective of seniority and experience, can bring about extraordinary results.

During the Apollo 13's rescue mission, a junior member of the Mission Control Team alone noticed that the crew must cut down on their electricity use or they would die before they get home. The observation turned out to be vital to the entire rescue operation. But had the team not operated with organizational values that promote an open exchange of ideas and reward honesty rather than flattery, the major crisis may not have been averted.



在「太陽神13號」的拯救行動中，控制中心內只有一位初級職員留意到必需首先減低太空艙的耗電量，否則太空人未回到地球已經死亡。結果，他的觀察成為整項拯救行動的關鍵。若非機構的核心價值是鼓勵開心見誠地交流意見，而只喜歡阿諛奉承的話，一場巨災就在所難免。

### 擴大智囊團

緊接太空時代而來的是核子時代，也是下一齣於2000年攝製的電影《驚天13日》的主題。

整個冷戰時期，人類活在「自我滅絕」的核武威脅下。電影講述1962年古巴導彈危機的13天裡，美蘇劍拔弩張，緊緊盯住對方的一舉一動。任何一方在判斷上有些微差錯，都足以毀滅全人類。

究竟我們從這真實的特大危機中能夠學到什麼？關鍵在於甘迺迪總統處理危機的方式有別尋常。甘迺迪一則未能確定蘇聯的動機，二則顧慮先發制人的攻擊會引發更強烈的軍事衝突。基於歐洲列強於1914年驟然因捲入地區衝突而引發第一次世界大戰的前車可鑑，因此，他選擇全面考慮一切有可能解決危機的方案。

值得注意的是，甘迺迪刻意擴大他的智囊團，延攬不同背景的人才加入團隊；他又聽取那些被視為「位不高、權不重」，卻對蘇聯政府深入了解的人士的意見。

巨大危機和沉重責任當前，甘迺迪總統選擇擴大智囊團，以確保有多元的解決方案。這種情況只會在員工真誠地服務所屬

### Maximize Brainpower

With the space age also came the nuclear age, the subject of our next film, *Thirteen Days*, produced in 2000.

Throughout the Cold War, we lived under the threat of human extinction by our own acts. That scenario almost occurred in 1962 during the Cuban Missile Crisis. For thirteen days, the US and the Soviets stared each other down to see who might blink first. A single mistake in judgment on either side could have wiped out our entire civilization.

So what may we learn from this real “story”? One crucial thing is President John F. Kennedy’s unorthodox way of handling the crisis. Unsure of the Soviet’s motives, fearful that a pre-emptive strike would provoke an even bigger military response, and determined not to repeat the mistake made by European powers in 1914 which set off the First World War, Kennedy chose to keep all options open.

The key I would highlight here is that Kennedy had consciously chosen to enlarge his group of advisers to a more diverse team, and also took advice from those regarded as lightweight in terms of authority and status but did have the expert knowledge on the Soviet Government.



的機構及制度才會發生。事件再次證明，員工只有在無需奉承，及能夠無懼地表達意見的環境下，才能有效溝通。

### 珍惜關係

最後一齣電影是較近期上映的《127小時》。

影片講述一名美國攀山高手艾倫·羅斯頓攀登大峽谷時發生意外，其後用盡一切辦法掙扎求存的故事。最觸動我的是他那份努力求存的意志力——當他回想自己的一生時，才發現他對許多人來說還是挺重要的。

這呼應了上文提及我們都是群居的一族。人非孤島，可是群居不代表群體內每一個人的言行需要一模一樣。若真如此，只會窒礙想像力和創造力，對機構或個人而言都是自尋絕路。

成功的機構有如成功的社會，需要真正的共融。共融是指我們能顧及社群內少數分子的需要。我們當中，有些人生下來就與眾不同，有些則走上不是大多數人所選的路，更有些矢志為成就而打破成規——他們都應得到接納。共融，就是我今日想與大家分享的啟示和智慧。

平等機會委員會主席林煥光

In the face of major crisis and heavy responsibilities, the President chose maximum brainpower to ensure enough options. That could only happen in an organization that commands the genuine loyalty of its members. This again raises the importance of the staff's ability to communicate without fear and with no thought for flattery.

### Cherish relationships

Finally, we come to our last film and lesson: the more recent movie "127 Hours".

It is the story of Aron Ralston, an American mountain climber, and his desperate struggle for survival after a canyoneering accident. What struck me was his sheer determination to live on, only because he reflected on his whole life and realized how he mattered to so many others.

This brings us back to our earlier point about us being communal. No man is an island. But being communal does not mean demanding conformity in everyone's behavior. To do that would be to stifle imagination and creativity, which would be suicidal both to the organization and the individuals.

Here lies this final wisdom I would like to share with you: that a great organization, like a great community, would be one that is truly inclusive. Being inclusive means that there will always be room to cater for the minority, for those of us who are born or choose to be different, and for those of us who want to make a difference.

LAM Woon-kwong  
Chairperson, Equal Opportunities Commission





# 敢・創・成就

## Dare to Achieve



Sharmila GURUNG

工業家及福特汽車公司創辦人亨利·福特曾說：「成功秘訣在於找到自己最想達到的目標，然後實踐」。為了啟發青少年踏上成功之路，平機會舉辦了師友計劃，邀請來自不同界別的嘉賓導師，與年輕人分享他們對成功的看法及實現理想的寶貴經驗。

"The whole secret of a successful life," the industrialist and founder of Ford Motor Company, Henry Ford, once said, "is to find out what is one's destiny to do, and then do it." To help inspire Hong Kong's young people to find their own path to success, the EOC organizes a number of youth mentorship programmes, in which a diverse group of guest mentors are invited to share with the students their thoughts on success and experience in "making it" in their own way.

## 「堅毅不懈」：創意設計師麥雅端 “Be resilient”: Prudence MAK – the Creative Designer



Chocolate Rain 創辦人及創作總監麥雅端女士兒時的夢想就是藝術和設計。然而，任職公務員的麥爸爸當時只希望女兒也當公務員。創立自己品牌之初，麥雅端經歷了重重困難——合作伙伴突然無聲告退、朋友知道她有財政困難便和她疏遠、對她的產品感興趣的人寥寥可數。然而，憑著毅力，她終於建立了自己的品牌，取得成功。對麥雅端來說，人生就好比「朱古力雨」(Chocolate Rain) 一樣，少不免遇上雨天的憂愁，但偶爾也會嘗到朱古力的甜美。麥小姐鼓勵青少年積極裝備自己，遇上困難不能輕言放棄。她說：「機會，只會留給有準備的人。」

Art and design was the childhood dream of Prudence Mak, Founder and Creative Director of Chocolate Rain. But her father, who worked for the government, only wanted her to become a civil servant. When she first started her own brand, she encountered many obstacles. Her business partner pulled out of their venture without discussion, her friends distanced themselves from her when they knew of her financial difficulties, and few people showed interest in her product. But with perseverance, she was able to build her brand and gain success. Life, said Prudence, “is like Chocolate Rain. Although gloomy, rainy days are inevitable, people will somehow get to savor the sweet taste of chocolate once in a while.” Prudence encouraged young people to equip themselves with useful skills and not give up when they encounter setbacks. “Opportunities,” said Prudence, “are only for people who are prepared.”



Prudence MAK



Jaspal Singh BINDRA



Freddy LAW

問：你在海外留學時，有沒有因種族而受到不平等對待？  
答：我在倫敦就讀的設計學院裡，任何熱愛設計和藝術的人都會得到別人的欣賞。你是甚麼種族一點也不重要。

Question: Were you subjected to differential treatment because of your ethnicity when you studied overseas?

Answer: I studied in a design school in London. There, anyone with a passion in design and art were treated with appreciation. Ethnicity is not an issue.

平機會請來的嘉賓導師來自各行各業，背景也大有不同，但無獨有偶，他們分享的共通訊息是——跨越重重障礙，努力踏出自己的成功路。他們也不約而同勉勵年輕人要按自己的興趣發展。他們的經驗大大啟發參與的學生，其中一位便提到：「此活動非常實用及有意義，擴闊了我的視野，讓我瞭解到，事業路上可以有各式各樣的選擇和可能性。」

**Coming from different sectors and backgrounds, the mentors shared one similar point: they overcame barriers and forged their own road to success, and they urged the young people to do what they love. Their experiences also inspired the participants. One wrote, “The activity is very useful and meaningful. It has broadened my horizons about the possibilities of different career choices.”**



## 「活出真我」：商界領袖**白承睿**先生 “Be yourself”: **Jaspal Singh BINDRA** – the Business Leader



渣打銀行集團亞洲區行政總裁白承睿分享他的成功秘訣：「你可向別人多多學習，但要表現得最好仍是要活出真我。」他告訴同學，他的父母原本不喜歡他投身銀行業，但他的堅持最終贏得父母的認同。白先生加入銀行業後，曾被調職到三藩市，他的上司建議他改一個較為「美國化」的名字，又叫他剃去臉上那基於錫克教傳統而留的鬍鬚。然而，他認為與別不同的外貌根本無損他的工作表現和事業前途。他對同學說：「歧視潛藏在我們的思想裡，但千萬不要讓任何個人的差異阻礙你前進，相反，可把那差異視作助你步向成功的工具。」

傑出的領袖除了善於溝通，及懂得從四方八面取得助力之外，更重要的是尊重差異和思想開明。白先生勉勵同學，不要只憑職銜和物質條件來定義「領導才能」。他說：「不管你是誰，只要有追隨者敬重你，你已是一位領袖。」

Mr. Bindra, the Chief Executive Officer, Asia of Standard Chartered Bank, discussed the secret to his success: “Be yourself. Learn from others, but you will be best as yourself.” Banking, he told the students, was not his parents’ preferred career option for him. He persisted and eventually won them over. After Mr. Bindra joined a bank and was transferred to San Francisco, his superior advised him to Americanize his name and shave off his beard, which he maintains due to his Sikh heritage. However, he felt that his different appearance did not adversely affect his performance and career. “Discrimination,” he told the students, “is in the mind. Don’t let any difference come in the way of your success. Rather, view your differentiation as your tools for success.”

Respecting differences and being open-minded is a key attribute of a good leader, alongside communication skills and the ability to draw strength from different sources. Mr. Bindra also urged the students not to define “leadership” based on status or material accomplishments. “Leadership,” he said, “is about having followers. No matter who you are, you are a leader if you have followers who respect you.”

問：你對那些重視教育，卻缺乏金錢晉升大學的年輕人有甚麼忠告？

答：若有經濟困難，就要更努力，希望可獲取獎學金。不過，教育雖然重要，然而光靠它是不夠的。一方面我們應當竭盡所能追求知識，但那並不保證必定成功。當你獲聘後，個人的工作表現才最重要，只要有決心，定能找到出路。

Question: What advice do you have for young people who value education but lack the financial resource to attend university?

Answer: Students who lack financial resources will have to work harder in order to get a scholarship. However, while education is important, it is alone not sufficient. One must certainly aspire to educate themselves as much as possible, but being educated does not guarantee success. Once you start your job, what will matter is your performance. If there is determination, you will find a way.







## 「變革在乎你」：社區倡導者**古龍沙美娜**醫生 “Be the change”: **Dr. Sharmila GURUNG** – the Community Advocate

基督教聯合那打素社康服務南亞裔人士健康支援計劃的項目經理古龍沙美娜醫生與同學分享印度聖雄甘地的話：「想改變世界，你須帶動變革。」

古龍醫生說，必先有知識，才可帶動變革。故此她鼓勵同學珍惜受教育的機會。她的父母沒有受過甚麼正規教育，而她讀高中時全級也只有五位女生。為了學習，古龍醫生克服了很多困難，包括多年不能與家人相見，並要適應異國生活。她勉勵同學，即使別人反對，也不要放棄理想。「在人生路途上你可能會遇到你想做但旁人不看好的事，但只要有信心和勇氣，就必能做到。」

Dr. Gurung, the Project Manager of the South Asian Health Support Programme of United Christian Nethersole Community Health Service, shared with the students a quote from the leader of Indian independence Mohandas Gandhi, “You must be the change you wish to see in the world.”

In order to effect changes, Dr. Gurung said, one needs knowledge. She encouraged the students to value their education opportunity. Her parents did not have much formal education, and she was one of only five female students in her high school. Dr. Gurung overcame many challenges in order to study, including not seeing her family for many years and adjusting to new countries. She urged the students not to give up on their dreams even if others oppose them. “You may face a situation in your life when people discourage you from doing what you want, but if you have the confidence and courage, you can do it.”

問：你追尋夢想時有沒有受到掣肘？

答：當然有遇到困難，而且頗為棘手。求學時我常要為語言問題而費勁，但我透過報讀語文班和廣交朋友來衝破難關。挑戰從不會間斷，關鍵在於你如何面對它。

Question: Did you face limitations when you were searching for your dream?

Answer: There were limitations, and it was often difficult. During my studies, I often struggled with a language gap. But I took classes and tried to make friends in order to overcome my limitation. Challenges always exist, but it is how you face them that matters.



## 「盡世界公民之責」：社會企業家羅偉鴻 “Be a global citizen”: **Freddy LAW** – the Social Entrepreneur



贏得獎項的社會企業Inter Cultural Education (ICE) 創辦人及行政總監羅偉鴻先生與大家分享他的「香港夢」時說：「希望大家有世界視野，彼此尊重。」羅偉鴻在印度谷歌公司工作的時候，受出身不同、背景各異的同事啟發，希望可以在香港也能創出一個類似的全球化學習環境，特別是幫助一些較少接觸不同文化的貧窮社區，於是他創立了ICE。他說：「我希望香港人知道，面對全球問題不能獨善其身，我們應具備國際視野，為世界作出貢獻。當你回望一生時，最重要的不是你賺了多少錢，而是你有否活得精彩。」

羅先生鼓勵青少年要有勇氣追求自己的夢想。「別人說甚麼並不重要，盡情讓自己抱夢飛翔吧！」他說。

Freddy, the Founder and Director of Inter Cultural Education (ICE), an award-winning social enterprise, shared with the youths his dream for Hong Kong. “I want people to have a global perspective and respect each other.” While working at Google India, Freddy was inspired by his diverse group of colleagues. Wanting to recreate such a global learning environment back in Hong Kong, particularly in poorer districts with fewer opportunities for exposure to different cultures, Freddy founded ICE. “I want people to understand that they’re connected with global issues and they should have a global perspective to contribute,” said Freddy. “At the end of your life, what will matter will not be how much money you made, but why you are not the best version of yourself.”

Freddy urged the youths to always have the courage to pursue their dreams. “It does not matter what other people say. Give yourself permission to dream.”

問：你遇到無法解決的問題時會怎樣做？

答：當你覺得前無去路時，試想像若你只餘下一年壽命，你會怎樣做，那就去做吧。

Question: What if you face a situation that you felt that there is no way out?

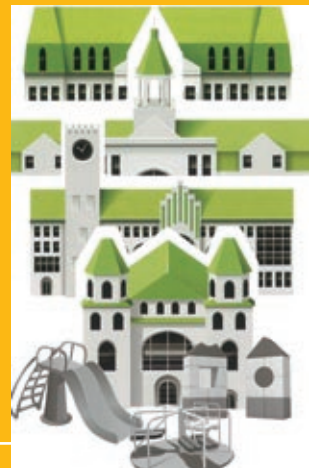
Answer: When you feel that there is no way out, think about how you would spend your life if you only have one year left to live, and go out and do it.

### 立法會有關少數族裔教育的議案

平機會歡迎立法會議員於2012年2月通過議案，促請政府採取切實步驟處理少數族裔兒童的教育問題，並跟進平機會在少數族裔教育工作小組報告內所提出的建議。議案指出，「…讓少數族裔學生享有平等機會接受對他們升學及就業，以至對香港維持競爭力至為關鍵的優質教育」。

#### LegCo's Motion on Education for Ethnic Minorities

The EOC welcomes the Motion by Members of the Legislative Council in February 2012 urging the Government to take concrete steps to address the issue of education for ethnic minority children and follow up on the EOC's recommendations from the Report of the Working Group on Education for Ethnic Minorities. The Motion notes that “Equal access to quality education...is pivotal not only to such students' pursuit of further education and employment, but also to Hong Kong maintaining its competitiveness.”



詳情請參閱平機會就少數族裔兒童的教育問題向立法會提交的意見書

For more details, please refer to EOC's submission to LegCo concerning education for ethnic minority children  
<http://www.eoc.org.hk/eoc/graphicsfolder/inforcenter/papers/legcolist.aspx>



# 「平等共融新視野」攝影比賽得獎公告

"My Vision of Equal Opportunities" Photo Competition Winners Announced



評判團從超過250幅攝影作品中揀選了20幅得獎佳作，鏡頭下展現了日常生活中的多元共融。

From over 250 submissions, 20 photos were selected for their demonstration of the beauty of diversity and inclusion in everyday life.

平機會於2012年1月20日頒獎予得獎者…恭喜恭喜！  
Congratulations to all! The prize presentation was held at the EOC office on 20 January 2012.



公開組  
Open Division



種族共融 Unity in Diversity

冠軍  
Champion :  
廖卓恒  
Liu Cheuk Hang



香港是我家，不分你我他  
Hong Kong is Our Homeland

青少年組  
Youth Division



少數族裔的節慶  
Festive Seasons for Ethnic Minorities

冠軍  
Champion :  
Ahmed Syed Shakeel

亞軍  
First runner-up :  
張偉權  
Cheung Wai Kuen



平等共「柱」  
"Upright" for Equality

亞軍  
First runner-up :  
陳正苗  
Chan Ching Miu

# 最新法庭裁決—— 對性騷擾零容忍

Latest Court Ruling on  
Sexual Harassment — Zero Tolerance

## 法庭判詞

區域法院於2011年12月23日裁定案中原告人獲賠償港幣60,000元(包括感情損害賠償港幣50,000元和懲罰性損害賠償港幣10,000元)。原告人是一位女職員，受同事性騷擾。她獲平等機會委員會(平機會)給予法律協助，提出訴訟。

## The Judgment

The District Court ruled on 23 December 2011 to award HK\$60,000 in compensation for injury to feelings (HK\$50,000) and punitive damages (HK\$10,000) to the Plaintiff, a female employee who was sexually harassed by her colleague. The Plaintiff received legal assistance from the EOC.



## 投訴

原告人P女士在某政府部門擔任助理主任。2005年P被調派某單位與X共事。之後，X經常對P作出挑逗性的言論，包括向P說一些猥褻的話、做出涉及性的表情、盯著她的胸部、對她評頭品足，更要求P吻他。P盡量保持冷靜，並在自己的工作簿內記下了事件細節。

對於X的行為，P感到受辱及受威嚇，每次受騷擾，她都會警告他；又曾告訴X若不停止這些行為，便會投訴他性騷擾。可是X不理會P，仍繼續作出不受歡迎的性騷擾行為。P感到很大壓力，經常發惡夢及失眠。2007年3月X竟間接要求P與他發生性關係，P再不能容忍，正式向僱主投訴X性騷擾她。在她作出書面投訴後，X停止了所有騷擾行為。

## The Complaint

"P", the Plaintiff, is an Assistant Officer of a government department. In 2005, P began her new posting in the same unit as "X". Thereafter, X often made P the target of sexual innuendos, including making lewd remarks and facial expressions of a sexual nature to P, staring and commenting about P's breasts, and asking P to give him a kiss. She tried to remain calm and recorded some of the details of the incidents in her work notebook.

P felt humiliated and intimidated by X's behavior and admonished him at each incident. She also warned him to stop or she would file a sexual harassment complaint against him. However, the unwelcome conduct from X continued. She felt extremely stressed and experienced nightmares as well as insomnia. In March 2007, after another incident in which X indirectly suggested P to have sex with him, P could no longer tolerate it and filed a formal complaint against X for sexual harassment with their employer. After she filed the written complaint against him, X ceased all the harassing acts.



X和P的僱主之前已制定處理性騷擾投訴的程序，而且有關文件亦定期向員工傳閱。但由於證人口供模糊，而僱主在調查性騷擾案件時，對證據採取了較嚴格的準則（即：無合理疑點），因此認為投訴缺乏實質。P之後再向平機會提出投訴。

經調查後，平機會嘗試透過調解來解決問題。P要求X道歉，但X否認所有過錯，調解不成功。P之後向平機會申請法律協助，並獲批准。

法庭的裁決表明，工作時任何涉及性的行為，包括與性有關的言論，都是不可接受的。此案法官指出，若不是P的勇氣和堅持，這類案件便不會見於法庭，受害者不會受到法例的保障，侵害他人者更可逃諸法外。

The employer of X and P had in place procedures for handling sexual harassment complaints, which were regularly circulated to the staff. However, because witness statements on the case were vague and the employer uses a more stringent standard of proof (i.e. beyond all reasonable doubt) when handling sexual harassment cases, the complaint was found to be lacking in substance. P then decided to lodge a complaint to the EOC.

After investigation, the EOC attempted to effect a settlement through conciliation. P demanded an apology from X. However, X denied all wrongdoing, and no agreement was reached. P then applied for legal assistance from the EOC to take X to court, which was granted.

The Court's ruling shows that conduct of a sexual nature, such as verbal remarks with a sexual overtone, are unacceptable at work. As the judge on this case mentioned, had it not been for P's courage and persistence, the case would have never been taken to court, and justice would not have been done.

## 注意要點

由於性騷擾行為經常在沒有證人的情況下發生，有些受害者因為沒有目擊證人或確鑿證據，而不願意站出來，這可能令他們被迫啞忍性騷擾。

值得注意的是：區域法院採用「相對可能性的衡量」方式處理性騷擾申索。即使沒有確實的證據，法庭也可能裁定騷擾行為成立。在本案件中，法庭考慮到證人陳述書內事件的時序與投訴人申索書的一致性，同時也接受P被騷擾的記錄為證供。平機會呼籲遇到性騷擾的人士要作出反抗。受害人應盡量記下每件事的細節，以支持他們的指稱，並且向信任的人尋求協助。

很多時候，無傷大雅的笑話有助營造輕鬆愉快的工作氣氛，但切記要避免說到一些涉及性和可能冒犯別人的言論，因這類言論可能會構成性騷擾。僱主應制定清晰具體的政策，包括處理投訴與調查申索的機制，對性騷擾零容忍。

## Points to Note

As sexual harassment acts often happen in isolation, some victims may feel reluctant to come forward without an eyewitness statement or concrete evidence. In effect, this may make them feel pressured to suffer the sexual harassment in silence.

It is important to note that the District Court employs a "balance of probability" approach when handling sexual harassment claims. A harassment act may be established

even in the absence of corroborative evidence. In this case, the Court considered the consistency of the timeline of events from witness statements in connection to the complainant's claims, and also took as evidence the notes P made of the acts. The EOC urges those who face sexual harassment to stand up against their harasser. To help support their allegations, they should write down as much detail of each incident as possible and speak to someone they trust for assistance.

Furthermore, while friendly jokes can help create a relaxing and pleasant work atmosphere, it is important to be mindful and avoid potentially offensive comments of a sexual nature. Such remarks may constitute sexual harassment. Employers are encouraged to have a clear and concrete policy against sexual harassment in place, including mechanisms for complaints handling and claims investigation, to foster a zero-tolerance culture for such behaviour.

如欲多認識反歧視法例，請參加由平機會舉辦的培訓課程。

To learn more about the anti-discrimination ordinances please check out our latest training calendar

<http://www.eoc.org.hk>

# 文化觸覺足夠嗎？ Culturally Sensitive Enough?

X女士是來自巴基斯坦的伊斯蘭教徒。她喜歡到住所附近的泳池游泳。因為宗教習俗的緣故，X女士不想別人見到她的身段。於是，她進泳池時，除穿上泳衣外，還會穿上一件清潔的白恤衫和一條及膝褲。她經常這樣穿著，從沒遇到問題，直至有一天，泳池職員不准她這身打扮進入池邊。她指出曾見到其他華人婦女穿類似衣服進入泳池，X覺得自己受到不公平對待，於是向平等機會委員會投訴泳池管理人員基於她的種族而歧視她。

泳池管理人員否認種族歧視，並解釋根據他們的政策，泳客可穿這類服飾游泳。泳池經理稱事件可能是X與泳池職員之間就X有否穿著泳衣而產生的誤會。雙方及後同意透過調解去解決問題。對於引起不愉快，有關職員同意向X道歉。泳池管理層亦確認，容許泳客在泳衣外加穿鬆身恤衫和鬆身及膝褲。

Ms X is a Muslim originally from Pakistan. She enjoys swimming in her neighbourhood pool. Due to her religious customs, X prefers to cover up the curves of her body. Therefore, she wore a white and clean T-shirt and long pants (covering the knees) on top of her swimsuit when entering the swimming pool. She had always worn such an outfit at her local pool without a problem. However, one day, she was stopped by a pool staff member for her attire. She alleged that she has seen other Chinese women in a very similar type of outfit using the facility. X felt she was unfairly treated and decided to lodge a complaint of race discrimination with the Equal Opportunities Commission (EOC) against the facility management.

The facility management denied the allegation of race discrimination and explained that this type of clothing for swimming was allowed according to their policy. The facility manager claimed the incident might have arisen from the misunderstanding between X and the swimming pool staff about whether X had worn a swimsuit underneath her T-shirt. Both parties agreed to settle the matter through conciliation. The concerned staff agreed to apologize to X for creating unpleasant sentiments. Confirmation was also given by the swimming pool's management that persons wearing a loose T-shirt and loose pants (covering the knees) over their swimsuit are permitted to use the swimming pool.



## 法理依據

根據《種族歧視條例》第27條，若基於某人的種族，在提供貨品、設施及服務時作出歧視，即屬違法。雖然《種族歧視條例》不適用於宗教範疇的歧視，但對於一些與宗教有關的規定或條件，可能會對某種族群體構成間接歧視，在這情況下，《種族歧視條例》便可適用。本個案中，由於宗教習俗，很多女伊斯蘭教徒的衣著都較保守謹慎，因此，X女士希望於泳衣外再加穿恤衫和及膝褲。若泳池的政策不容許這服飾的安排，便可能歧視伊斯蘭教徒，同時間接歧視了大部分為伊斯蘭教徒的巴基斯坦人，因而違反《種族歧視條例》。此外，平機會鼓勵貨品、設施及服務提供者配合不同顧客的需要，這樣做不但有助促進種族融和，亦有利開拓更大商機。

## What the law says

Under Section 27 of the Race Discrimination Ordinance (RDO), it is unlawful to discriminate against a person on the ground of race in providing goods, facilities and services. While the RDO does not apply to discrimination on the ground of religion, some requirements or conditions relating to religion may result in indirect discrimination against certain racial groups, in which case the RDO may apply. In this case, many female Muslims dress modestly according to their religious customs, which was the reason Ms X wished to wear a T-shirt and pants over her swimsuit. If the swimming pool had a policy against wearing such attire, it may be discriminatory against Muslims and indirectly against Pakistanis, most of whom are Muslim, and the RDO would be applicable. Furthermore, the EOC encourages providers of goods, facilities and services to cater to a diverse range of customers, as this not only promotes racial harmony, but also broadens business opportunities.

## Events Calendar 社區活動巡禮

1. 2/2012-6/2012

思覺健康計劃醫學講座 -  
**「思覺失調之謎 - 科學角度的探索」**  
**Mental Health Talk -**  
**The Myth of Early Psychosis: a Scientific View**  
 香港心理衛生會  
 The Mental Health Association of Hong Kong  
 2651 8132  
<http://www.mhahk.org.hk/>

4. 16/4/2012

**「開心減壓」工作坊**  
**Workshop on Stress Management**  
 香港社會工作人員協會  
 Hong Kong Social Workers Association  
 2528 1802  
<http://www.hkswa.org.hk/>

2. 1/3/2012-31/3/2012

關注婦女性暴力協會  
 Association Concerning Sexual Violence Against Women  
**「性別平等」ICON 設計創作大賽**  
**"Gender Equality" Icon Design Competition**  
<http://www.anti480.org.hk/>

5. 4/2012-9/2012

**「好袖首」婦女領袖訓練計劃**  
**Women Leadership Training Program**  
 婦女服務聯會  
 Women Service Association  
 2449 0818  
<http://www.wsa.org.hk/>

3. 4/14/2012-12/5/2012

家長支援小組 Parents Support Team  
**專注不足/過度活躍症(香港)協會**  
**Hong Kong Association for AD/HD**  
 2389 4242  
<http://www.adhd.org.hk/>

6. 逢星期一至五及星期六上午 Mon to Fri, Sat morning

**讀寫訓練學習小組**  
**Learning Group of Reading and Writing for**  
**Students with Special Learning Needs**  
 香港扶幼會  
 Society of Boys' Centres  
 8200 3522  
<http://www.sbclds.org.hk/>

# 平機會2011年的工作獲得肯定

## The EOC Wins Recognition for Our Work in 2011



2011年對平機會來說是充實的一年，我們在推廣平等機會的多方面工作都得到本地和國際的認同。2011 was an eventful and productive year for the EOC, with various aspects of our work to promote equal opportunities being acknowledged both locally and internationally.

平機會在11月獲得法定/非分配利潤組織類別下的「傑出董事獎」。這個年度獎項是由香港董事學會舉辦，是對平機會管治委員會的優秀管治及專業精神給予肯定，有賴他們的努力和貢獻，平等機會觀念在日常生活中日益受重視。



In November, the EOC received the Directors of The Year Awards in the category of Statutory/Non-profit-distributing Organizations Boards. The annual award, organized by the Hong Kong Institute of Directors, recognizes excellence in corporate governance and professionalism of the Board of Directors, which has contributed to the gradual improvement in equal opportunities in everyday life.

在12月，平機會以「多元・共融」為題的《平等機會委員會年報2009/10》獲得了國際年報大獎(ARC)「非牟利機構」類別的「榮譽獎」。國際年報大獎是一個獨立的獎項組織，其宗旨是嘉許在傳訊方面具新穎創意的出品。今年比賽有超過31個國家及地區的21,000份作品參加，而每個類別只設金、銀、銅和榮譽獎各一個。這次已是《平等機會委員會年報2009/10》二度獲獎。



During the following month, the EOC's 2009/10 Annual Report, with the theme, "We as ONE", was named an Honors Award recipient at the ARC Awards. The ARC ("Annual Report Competition") Awards is an international, independent awards organization dedicated to honoring innovation and creativity in the communications fields. In 2011, there were 21,000 entries from 31 countries, with only one recipient each of a Gold, Silver, Bronze, and Honors Award per category. This is the second international award the EOC has received for its 2009/10 Annual Report.





同樣在12月，平機會的YouTube短片「聽不到與聽不到之間」獲選於紐約舉行的聯合國殘疾人電影節2011中放映。這個電影節是國際復康日(每年的12月3日)其中一項慶祝活動。這套紀錄片講述聽障人士的故事，並鼓勵觀眾思考社會如何消除歧視，令殘疾人士可以無障礙地參與社會。平機會的紀錄片是世界各地共七齣獲選放映的影片之一。



Also in December, the EOC's YouTube documentary, *Between Hearing and Not Hearing*, was selected for screening at the United Nations Enable Film Festival in New York. The festival is a commemorative activity for the International Day for Persons with Disabilities, observed annually on 3 December. The film tells the stories of people whose lives have been influenced by hearing impairment, and encourages viewers to consider what it would take for society to free itself from discrimination and enable people with disabilities to participate in all aspects of society without any barriers. The EOC's documentary was one of seven films selected from around the world for screening.



最近，平機會的網頁亦榮獲2011年度香港十大.hk網站選舉的中小企組優異獎。這項選舉是由香港互聯網註冊管理有限公司舉辦，分為企業組和中小企組，兩組的四類獎項共有11個。除了整體的美觀和創意外，今年新增了「網絡無障礙」作為評審準則，以表揚能切合殘疾人士需要，方便他們瀏覽網頁及獲取網上資訊的網站。

對於平機會的工作獲得肯定，我們深受鼓舞。這些成績顯示我們在消除歧視方面取得進展。我們承諾將鍥而不捨，致力建構一個平等共融的社會。

And finally, the EOC's website was recently awarded a Merit Prize in the 2011 Top 10 .hk Website Competition for the category of SME Group. Organized by the Hong Kong Internet Registration Corporation Limited, the competition was divided into two groups, Corporates and SMEs, with a total of 11 awards across four categories. Aside from overall aesthetic and innovation, one of the judging criteria this year is the new 'Web Care' element, which commends websites catering to the needs of people with disabilities by facilitating barrier-free access to the Internet and online information.

The EOC is encouraged by the just recognition of our work. These achievements are testament to the EOC's dedication to fighting discrimination and promoting an inclusive society for all. We pledge to continue our efforts in the times ahead.



## 國際網絡 Around the World

### 全民電影欣賞 Films for All

「口述影像」藉對話描述不同的視像元素，例如：場景、佈景、動作和服裝等，以協助視障人士或長者，在聽對白之餘更容易明白和欣賞不同的視訊娛樂（例如：電視節目、電影或現場表演等）。香港盲人輔導會已在香港推廣口述影像服務，並且舉辦了多場配上現場口述影像服務的電影會。他們亦為三齣受歡迎的粵語電影光碟配上廣東話口述影像聲帶。

(內容由香港盲人輔導會提供)



"Audio description" is the verbal narration of visual representations such as television programmes, films, and live performances. It provides description of visual elements such as scenes, settings, actions, and costumes in between dialogues. It is designed to help people with visual impairment and elderly people to better comprehend and enjoy these visual programmes. Recently, the Hong Kong Society for the Blind (HKSb) started the initiative to promote audio descriptions in Hong Kong and organized numerous film shows with live audio descriptions. They have also produced Cantonese audio description soundtrack to three popular Chinese movie DVDs.

(Content contributed by the Hong Kong Society for the Blind)

### 電話服務熱線助殘疾及有醫療需要的旅客

### Helpline for Travelers with Disabilities and Medical Needs



美國運輸安全管理局推出全新的「TSA免費關懷熱線」服務，為殘疾及有醫療需要的旅客提供協助。有特別需要的旅客可在到達機場前致電熱線，瞭解更多關於檢查程序、政策及安檢站的實際情況。當局表示，希望透過此項行動，增加更多個人層面的溝通，並確保所有旅客都熟知安檢政策。

The Transportation Security Administration (TSA) of the USA launched "the TSA Cares Toll Free Helpline," a new service to assist travelers with disabilities and medical conditions. Travelers with special needs can call TSA Cares before they get to the airport and understand more about the screening procedures, policies, and what will actually happen at the security checkpoint. TSA said that, through this initiative, they aim to add a more personal level of communication and ensure that all travelers will be well aware of their screening policies.

資料來源 Information source:  
<http://travel.usatoday.com/flights/post/2011/12/tsa-helpline-/591096/1>



## Menards 向少數族裔僱員支付一百萬美元以解決歧視索償 Menards Pays Minority Employees US\$1M to Settle Discrimination Claim

總部設於美國的家居裝修連鎖店Menards同意支付100萬美元，作為解決一宗種族歧視集體訴訟的賠償。該公司三名美籍非洲裔前僱員於2004年向專門處理工作間歧視的聯邦機構「平等就業機會委員會」入稟，指稱基於他們的種族，他們與其他數百人一樣不獲晉升。雖然Menards否認有錯，但他們的和解條款之一是同意採取行動(包括：為管理人員提供有關平等就業機會的培訓)，確保在考慮晉升時，種族不是考慮因素之一。約700名僱員及前僱員合資格獲取賠償。



Menards, a US-based home improvement chain store, has agreed to settle a race discrimination class-action lawsuit for US\$1 million. The case began in 2004 when three African-American former employees filed a claim with the Equal Employment Opportunity Commission, the federal agency in charge of dealing with workplace discrimination, alleging that they, along with hundreds others, were passed over for promotion due to their race. Although Menards denied wrongdoing, they also agreed as part of the settlement to take steps to ensure race is not a factor in considering promotions, including providing training on equal employment opportunity to its managers. Approximately 700 employees and former employees are eligible for payment.

資料來源：Information source:

<http://www.jsonline.com/business/menard-to-pay-1-million-to-settle-discrimination-claim-2s43r0l-138874579.html>

## 世界銀行推出免費應用程式帶出婦女問題 The World Bank Launches Free App to Highlight Women's Issues



2012年2月，世界銀行推出名為「世界女性」的iPhone 和iPad免費應用程式，點出世界各地婦女的問題。該應用程式展出數百張由攝影師Olivier Martel 於75個國家攝得的婦女照片，備有英文、中文、法文、德文、日文、韓文以及西班牙文七種語文版本。該應用程式是世界銀行與網上相片庫Fotopedia合作發展，提供每星期更新的相片故事、社交媒體分享功能、搜尋功能、以及互動地圖。此計劃也是世界銀行#thinkEQUAL 計劃的一部分，希望提高世人對性別平等議題的關注。

In February 2012, the World Bank launched a free application for iPhones and iPads to highlight women's issues around the world. The app, entitled "Women of the World", features hundreds of images of photographer Olivier Martel, who travelled to more than 75 countries to assemble them, and is available in 7 languages: English, Chinese, French, German, Japanese, Korean, and Spanish. Developed in collaboration with Fotopedia, the online photo encyclopedia site, the app also includes visual stories that will be updated weekly, social media sharing tools, search functions, and interactive maps. The project is a part of the World Bank's #thinkEQUAL campaign to raise awareness about gender equality issues around the globe.

資料來源 Information source:

<http://au.news.yahoo.com/tech-news/a/-/technology/12850331/world-bank-s-free-app-puts-women-on-global-view/> (法新社) (APF)



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逢星期五 Every Friday

# 奇人歧事週報

ANTI-DISCRIMINATION NEWS WEEKLY

巴巴開 AFTERNOON D

Va Va Afternoon D



殘疾歧視條例  
Disability Discrimination Ordinance



種族歧視條例  
Racial Discrimination Ordinance



家庭崗位歧視條例  
Family Status Discrimination Ordinance



性別歧視條例  
Sex Discrimination Ordinance

雷霆881商業一台 Commercial Radio 1 (FM88.1-89.5)

《奇人歧視週報》由2012年3月23日起，逢星期五下午3時至5時在「巴巴開Afternoon D」節目時段內播出，每集三分鐘。  
Starting 23 March 2012, tune in to this 3-minute radio segment on "Va Va Afternoon D", to be broadcast every Friday between 3pm-5pm.



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