

EO Files (July 2009)

“THINGS WE DO, PEOPLE WE MEET - Reflections in Brief”

Making a Difference

The Equal Opportunities Commission (EOC) is a statutory body established to administer all anti-discrimination legislation of Hong Kong. We strive to ensure redress to the people aggrieved by unlawful discriminatory acts or acts of harassment.

Whenever we receive complaints, we try our best to settle a dispute through conciliation, a process in which the two parties are brought together to negotiate and explore ways to resolve the dispute. At times the conciliation effort fails, in which case the complainant can apply to the EOC for legal assistance.

The EOC has handled about 160,000 enquires and around 10,000 complaints on matters related to equal opportunities since its inception in 1996. We have helped many people to obtain redress for their cases through conciliation and legal assistance. To date we have managed to secure monetary compensation of \$32 million through conciliation and an additional amount of \$25 million through legal assistanceⁱ for the victims of discrimination on the grounds of sex, disability and family status.

We feel that our efforts in helping people to obtain redress for their cases through conciliation and legal assistance has paid off.

Take for instance the case of an accounts clerk who was dismissed from her job upon returning from her maternity leave with the excuse that the company was facing financial difficulties. However, they retained the two clerks who were employed to take over her work during her maternity leave. The EOC conciliated the case and she received HK\$100,000, approximately 7 months' salary as a monetary compensation and a reference letter.

In another instance, a man, who was a wheelchair user, had to queue up to update his passbook because the passbook update machine of his bank in his locality was placed in an area which was inaccessible by

wheelchair. He authorised a rehab organisation to lodge a complaint at the EOC. When the bank was notified of the complaint, it opted for early conciliation and agreed to move the passbook update machine to the ATM area and modify the passage leading to it to make it wheelchair accessible. The bank also issued a letter of apology to the complainant.

Likewise, we have also assisted aggrieved parties get redress through legal assistance. For instance a man, who worked as a server at a restaurant, was dismissed by his employer after he injured his wrist, even though he reported to work upon recovery. The EOC investigated the case and granted him legal assistance. The District Court awarded him \$94,544 as compensation in March 2008. In another instance, a secretary was dismissed a few days after her return from maternity leave. The EOC provided her with legal assistance and she was awarded \$163,500 by the District Court as compensation in December 2005.

Besides monetary compensation, the EOC has also assisted in bringing about policy changes. When we received a complaint from a mother against a school for not providing assistance to her child who had dyslexia, we helped the parties reach conciliation, and the school agreed to provide extra assistance to the child and offered to pay for the therapist's fees.

While we generally work on complaints lodged by aggrieved parties, we have also initiated formal investigations on issues of gender equality in education and accessibility for people with disabilities, and proactively launched various programmes to promote equal opportunities and inclusion. We believe that in the 13 years of existence, the EOC has made a difference for victims of discrimination.

ⁱ Including damages awarded by the court and out of court settlements

Statistics on complaint conciliations and legal assistance

(9/1996 – 6/2009)

Complaint conciliations

• Enquiries received	158,692
• Complaints received	8,854
• Cases initiated by the EOC	1,101
• Investigation concluded	8,526
• Conciliation attempted	3,593
• Conciliation successful (success rate: 63%)	2,274
• Total monetary compensation settled for complaints	HK\$32 million

Legal Assistance

• Number of applications for legal assistance	472
• Legal assistance granted	199
Settlement before commencement of proceedings	61
Settlement after commencement of proceedings	42
Trials of EOC assisted court cases	16
Others	80
• Total settlement (including damages awarded by the courts and out-of-court settlements):	HK\$25 million