

**Study on Pregnancy Discrimination
and Negative Perceptions Faced by
Pregnant Women and Working Mothers
in Small and Medium Enterprises**

Report

**This project is commissioned by
Equal Opportunities Commission**

to

Mercado Solutions Associates Ltd.

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EXECUTIVE SUMMARY

Introduction

1. The Equal Opportunities Commission (EOC) commissioned Mercado Solutions Associates Ltd. (MSA) to conduct a study in assessing types and degrees of pregnancy discrimination and negative perceptions faced by pregnant women and working mothers in Small and Medium Enterprises (SMEs), identifying the job nature and organizational factors that will influence the likelihood of unfair treatment of women during pregnancy and afterbirth, investigating the take-up of leave for taking care of young children among women having children less than 6 years old, and soliciting views on the general perceptions of unfavorable situations encountered by pregnant women from employers and employees. This summary highlighted the major findings of the study.

2. Fieldwork for the main study was undertaken in September 2015. The study involved two parts, namely employee survey and employer survey:

	Employee survey	Employer survey
Survey coverage & focuses	<ul style="list-style-type: none"> - <u>Face-to-face interviews</u> with women working in SMEs (with company size <50 employees) and were pregnant / gave birth / have young children - Aimed to assess the prevalence of pregnancy discrimination and negative perceptions faced by pregnant women and working mothers in SMEs and to find out the characteristics of establishments that have high incidence of perpetrating such situations 	<ul style="list-style-type: none"> - <u>Telephone interviews</u> with employers (person-in-charge / head of human resources department) of SMEs (with company size <50 employees) - Aimed to collect information with regard to employers' attitudes towards pregnant employees and working mothers, their views on employees in taking-up of leave for taking care of young children and family-friendly measures
Survey design	<ul style="list-style-type: none"> - Central location interviews at different maternal and child health centres and Obstetrics and Gynecology Department of hospitals in different districts for collecting quota samples - 1 500 successful interviews were conducted: <ul style="list-style-type: none"> ➤ 440 for pregnant women ➤ 724 for women who gave birth in the past 12 months ➤ 424 for women who have children less than 6 years old (excl. those who gave birth in the past 12 months) 	<ul style="list-style-type: none"> - Random sampling of business telephone numbers from the latest directory - 505 successful interviews were conducted

3. In Hong Kong, the Sex Discrimination Ordinance (SDO) protects a woman from pregnancy discrimination in the field of employment. Under the SDO, it is unlawful for an employer to subject a woman to a disadvantage or dismiss her on the ground of her pregnancy. The law protects women against unfair treatment or dismissal during pregnancy and maternity leave, provided that the unfair treatment including dismissal was made because of pregnancy. All types of employment (including contract work) are covered under the SDO. The Employment Ordinance also provides certain maternity protection to women.

4. In the employee survey of this study, respondents were asked whether they encountered a list of unfavorable situations in the SMEs they worked for during pregnancy and in the first 12 months after maternity leave. According to SDO, all these unfavorable situations are examples of pregnancy discrimination.

Key Findings – Employee Survey

During pregnancy

(Target: all respondents who worked in SMEs during pregnancy)

5. Of the respondents who worked in SMEs during pregnancy, 61% said that they could apply for sick leave if they need to conduct pre-natal check up on working days. On the other hand, 39% claimed that they could not apply for sick leave (with 30% have to apply for paid leave only, i.e. annual leave / compassionate leave / compensation leave; 6% have to apply for no pay leave only; and 3% have to apply for either paid leave or no pay leave). Such proportion was relatively higher among those who worked in the retail (60%) and restaurants and hotels (61%) industry sectors, those who worked in the companies with 1 – 5 persons (49%) and 6 – 9 persons (53%), those who worked as skilled and manual workers (58%) and service workers / shop sales workers (57%).

6. When asked whether they encountered unfavorable situations when they were working in SMEs during pregnancy, 21% of the respondents claimed “yes”. Such proportion was relatively higher among those who worked in the retail (33%) and restaurants and hotels (44%) industry sectors, those who worked in the companies with 1 – 5 (25%), 6 – 9 (25%) and 10 – 19 (24%) persons, and those who worked as service workers / shop sales workers (38%) and skilled and manual workers (42%).

7. Among these 21% of the respondents, many said that they encountered the unfavorable situations during the middle stage (around the 4th – 6th month) (75%) and/or later stage (around the 7th – 10th month) (72%) of their pregnancy. Some encountered so during the early stage (around the 1st – 3rd month) (31%) of their pregnancy.

8. The commonest experiences of the unfavorable situations were related to the absence from work for pre-natal check up not being counted as sick leave, which is followed by the impoliteness of employer / colleagues. The prevalence of unfavorable situations encountered by the respondents were listed below:

- Absence from work for pre-natal check up was not counted as sick leave (58%)
- Being treated impolitely by the employer / colleagues because of pregnancy (51%)
- Without getting their consent, the employer changed their employment package (e.g. salary, working hours) (12%)
- Being allocated additional works because of pregnancy (10%)
- Loss of promotion opportunity because of pregnancy (8%)
- Relegation / being transferred to a poorer working environment because of pregnancy (5%)
- Being laid off (1%)

Return to work after giving birth

(Target: all respondents who worked in SMEs during pregnancy and gave birth in the past 12 months before enumeration and/or had children aged below 6 at the time of enumeration (excl. those who were still on maternity leave at the time of enumeration))

9. Of the enumerated working mothers who gave birth in the past 12 months and/or had children aged below 6, most of them (79%) returned to their original work position after giving birth. Among the 21% who did not return, the majority (84%) resigned for personal reason. Yet, still some (16%) claimed that the reasons were related to treatment by employers (7% were transferred to a poorer working environment during maternity leave; 6% said the employers changed their employment package during maternity leave; and 4% were laid off during maternity leave).

10. Among the 79% who returned to their original work position after giving birth, 11% claimed that they encountered unfavorable situations during the first 12 months after their return. Such proportion was relatively higher among those who worked in the restaurants and hotels industry (24%), those who worked as service workers / shop sales workers (19%) and skilled and manual workers (33%).

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11. The commonest experiences of the unfavorable situations were related to the absence from work for post maternity check up not being counted as sick leave, followed by impoliteness of employer / colleagues. The prevalence of unfavorable situations encountered by the respondents were listed below:

- Absence from work for post maternity check up was not counted as sick leave (38%)
- Being treated impolitely by the employer / colleagues (35%)
- Loss of promotion opportunity (15%)
- Being allocated additional works (14%)
- Without getting their consent, the employer changed their employment package (13%)
- Relegation / being transferred to a poorer working environment (7%)

Taking leave for taking care of young children

(Target: all respondents who worked in SMEs and had children aged below 6 at the time of enumeration (excl. those who were still on maternity leave at the time of enumeration))

12. Of the enumerated working mothers who had children aged below 6, 20% claimed that they encountered difficulties in applying for leave for taking care of young children. Such proportion was relatively higher among those who worked in the retail (28%) and restaurants and hotels (48%) industry sectors, those who worked as service workers / shop sales workers (32%) and skilled and manual workers (38%).

13. Among them, many said that they were not approved for taking leave which were not applied for in advance (66%). Some claimed that they were not approved for taking leave which were applied for in advance (23%) and/or encountered resentment amongst colleagues because of their leave (30%).

14. In addition, among these working mothers who encountered difficulties in applying for leave for taking care of young children, most of them claimed that they had taken leave of 1 – 2 days (42%) or 3 – 4 days (43%) at most in a month. Some had taken 5 – 6 days (12%) and a few said 7 – 10 days (3%).

General perceptions

(Target: all respondents)

15. Overall, about one-third of the respondents (33%) considered that it is common for pregnant women to encounter unfavorable situations in SMEs, whilst another one-third (35%) considered that it is not common. The remaining 32% said average. Further analysis showed that the proportion of considering common was relatively higher among

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those who worked in the retail (45%) and restaurants and hotels (51%) industry sectors, those who worked as service workers / shop sales workers (46%) and skilled and manual workers (48%), and those with monthly personal income of \$10,000 - \$14,999 (44%) and below \$10,000 (42%). On the contrary, the proportion of considering not common was relatively higher among those who worked in the wholesale, import / export trades (42%) and manufacturing / construction / other (45%) industry sectors, those who worked as managers and administrators / professionals / associate professionals (44%) and clerks (40%), and those with personal income of \$15,000 - \$19,999 (40%), \$20,000 - \$29,999 (43%) and \$30,000 or above (63%).

16. Among the 33% who considered common, the unfavorable situations which were considered commonly happened in SMEs were:

- Being treated impolitely by the employer / colleagues because of pregnancy (56%)
- Absence from work for pre-natal check up was not counted as sick leave (51%)
- Not being employed during pregnancy (42%)
- Loss of promotion opportunity because of pregnancy (41%)
- Relegation / being transferred to a poorer working environment because of pregnancy (22%)
- Being allocated additional works because of pregnancy (21%)
- Without getting their consent, the employer changed their employment package (21%)
- Being laid off (10%)

Moreover, their suggested improvement measures were:

- To raise penalty of the employers with misconducts (60%)
- To enhance public education (e.g. by means of TV, newspaper / magazine) (50%)
- To provide more talks / seminars for employers / human resources management staff (23%)
- To provide more relevant information via internet (11%)
- To provide more talks / seminars for employees (7%)

Overall picture of pregnancy discrimination

17. The findings reported above showed that, 22% of all respondents in the survey of employees in SMEs faced pregnancy discrimination during pregnancy, maternity leave and/or the first 12 months after returning to the original work position from giving birth. Also, 33% of the employee respondents perceived that it is common for pregnant women

working in SMEs to be discriminated on the ground of their pregnancy, while 35% reported uncommon and 32% said average.

Key Findings – Employer Survey

Attitude towards pregnant employees and working mothers

18. To gauge employers' attitude towards pregnant employees and female staff who have young children, employer respondents were asked about their level of agreement towards 8 statements. It was found that the majority of respondents demonstrated positive attitudes towards the following 4 statements:

- 92% agreed that “We expect female staff returning to work after giving birth, instead of planning to find replacement”;
- 90% agreed that “Working mothers constitute an important source of talents”;
- 73% disagreed that “Pregnant employees incur large additional cost burden to the organization”; and
- 72% agreed that “Working mothers are more stable at work. They will not easily resign because of difficulties”.

Nevertheless, for the following 4 statements, respondents generally demonstrated a lower level of positive attitudes:

- 63% disagreed that “Pregnant employees bring many troubles to colleagues (e.g. share-out of their works)”, while 35% agreed;
- 54% disagreed that “Female staff who have young children always take leave, which causes inconvenience to the organization”, while 42% agreed;
- 53% disagreed that “Normally, women are less concentrated and less committed at work after having babies”, while 42% agreed; and
- 47% disagreed that “When hiring new staff, we will not consider an applicant who declares herself being pregnant”, while 44% agreed.

19. When asked about their overall perception towards the impact of pregnant employees on the organization, most of them (72%) considered that there is no impact. A few employer respondents (9%) said that there are positive impacts. Yet, still some (15%) claimed that there are negative impacts. Such proportion was relatively higher among those who were engaged in the restaurants and hotels (32%) and community, social and personal services (29%) sectors, and those with employment size of 2 – 5 persons (25%).

20. Respondents were then asked about their perceived aspects of positive and negative impacts respectively. The top 3 commonest mentions include:

Positive:

- Having a pregnant staff in the company would create a joyful working environment (45%)
- Pregnant staff would become more mature and diligent at work (34%)
- Pregnant staff would not easily resign because of difficulties, as she bears a greater financial burden (30%)

Negative:

- The company would need to hire / re-allocate staff to handle the work of staff on maternity leave, which causes inconvenience (38%)
- Pregnant staff would bring many troubles to colleagues (36%)
- Pregnant staff would always take leave for pre-natal check up in early stage of pregnancy, which affects her work (23%)

21. In terms of their concerned aspects when hiring new staff, the survey revealed that most of the employer respondents would ask the age (74%) and marital status (68%) when interviewing applicants, or list such items on the application form. Yet, relatively fewer respondents would ask whether the applicants “have young children or not” (23%), “are pregnant or not” (12%) and “plan to have baby or not in the near future” (5%).

22. If their staff need to be on leave for taking care of young children, most of the employer respondents thought that leave of 1 – 2 days (34%) and 3 – 4 days (28%) at most in a month are acceptable. Some could accept more days of leave (6% for 5 – 6 days and 9% for 7 days or more). It is worth noting that 15% claimed that there is no upper limit for employees to take leave for taking care of young children.

Family-friendly measures

23. A majority of employer respondents (83%) reported that lactation break was allowed in their organizations. Conversely, 7% said that it was not allowed, and such proportion was relatively higher among those employer respondents who were engaged in the restaurants and hotels sector (20%).

24. Finally, 17% of the employer respondents claimed that family-friendly measures were implemented in their organization, which help employees balancing work and taking care of young children. Among them, the most common measure was “flexible working hours” (67%), followed by “re-allocation of working hours / location / job duties among staff” (16%).

Conclusion and Recommendations

25. Overall, 22% of all respondents in the survey of employees in SMEs faced pregnancy discrimination during pregnancy, maternity leave and/or the first 12 months after returning to the original work position from giving birth. In other words, discriminatory treatment towards female employees in SMEs because of their pregnancy is not uncommon in nowadays Hong Kong. Indeed, findings from the employee survey are consistent with those found in the employer survey with a significant minority of employers of SMEs viewing pregnant employees less desirable who posed different negative impacts on the organization.

26. Results from the employee survey revealed that whether absence from work for pregnancy related check-up being counted as sick leave generated dissatisfaction or concerns among employees. Among the respondents who encountered pregnancy discrimination when they were working in SMEs during pregnancy, 58% cited that their absence from work for pre-natal check up was not counted as sick leave (i.e. about 12% among all respondents who worked in SMEs during pregnancy). Also, among those who experienced pregnancy discrimination during the first 12 months after their return to work from childbirth, 38% reported that their post-maternity check-up was not counted as sick leave (i.e. about 4% of the respondents who returned to original work position after giving birth). In fact, it is clearly stated in Employment Ordinance that, employee's absence from work to attend medical examination related to her pregnancy or post confinement medical treatment, supported by an appropriate medical certificate, shall be counted as a sickness day (Cap 57 s 33 (3A (3B))). Labour Department may consider enhancing the education of both employees and employers about their rights and responsibilities concerning sick leave entitlement because of pregnancy.

27. As compared with other occupations and industry sectors, it was found that relatively higher proportions of the employee respondents who worked as service workers / shop sales workers, skilled and manual workers, and those who worked in the restaurants and hotels industry reported that they encountered pregnancy discrimination during pregnancy and during the first 12 months of returning to work after giving birth. Besides, relatively higher proportions of the employer respondents who were engaged in the restaurants and hotels and community, social and personal services industry sectors said that there are negative impacts of pregnant employees on the organization. Therefore, more education works on the definition of pregnancy discrimination could gear towards these occupations and industries.

28. To change employers' stereotyping towards pregnant employees and working mothers that they "bring troubles to colleagues", "always take leave which causes inconvenience to the organization" and "are less concentrated and less committed at work",

the EOC may make reference to the positive impacts of pregnant employees which were quoted by the employer respondents during advocacy and campaign, such as “having a pregnant staff in the company would create a joyful working environment”, pregnant staff “would become more mature and diligent at work” and “would not easily resign because of difficulties”. As suggested by the employee respondents, apart from promotion via mass media (e.g. TV, newspaper / magazine), the EOC may consider giving more talks / seminars for both employers and employees, as well as to provide more relevant information via internet. The EOC may also consider inviting good performing employers for sharing their case studies and best practices in order to promote the benefits of family-friendly employment practices.

29. From the employer respondents’ perspective, some considered that pregnant employees posed negative impact on the organization that they “would need to hire / re-allocate staff to handle the work of staff on maternity leave”. In fact, when comparing with large corporations, SMEs have less human resources and flexibility in handling the work of staff on maternity leave. In order to sooth the difficulty in handling the work of staff on maternity leave, part-timers and casual workers may be hired during this period. The government and relevant stakeholders may consider setting up a fund to subsidize SME employers for hiring part-timers and casual workers so as to ease the additional financial burden incurred to SMEs. Under this proposed fund, the government and relevant stakeholders may encourage employers to hire fresh graduates, who suffer from a relatively higher unemployment rate, for covering the maternity leaves of women as such they could be given short-term job opportunities and valuable working experiences which facilitate them to obtain gainful employment.

30. According to the report submitted by the Maternity Action of United Kingdom, a charity committed to ending inequality and improving the health and well-being of pregnant women, partners and young children, one of the measures for deterring pregnancy discrimination which may also be applied to Hong Kong was to establish a process for publicly “naming and shaming” employers found by a tribunal to have broken the law on pregnancy and maternity discrimination. Moreover, the Maternity Action suggested that the government should launch some information campaigns aiming to improve the awareness of both workers and employers of the law on pregnancy and maternity discrimination which is a fundamental measure to help improving pregnancy discrimination for UK as well as Hong Kong.

31. Currently, there is no protection for women in Hong Kong in terms of a right to return to their work positions after taking maternity leave, which can be contrasted with protections in similar international jurisdictions. Among those who gave responses on this issue in the consultation exercise of Discrimination Law Review carried out by EOC, 90% of organizations and 87% of individuals supported that there should be express reference to

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protection from discrimination during maternity leave. Also, based on the operational experiences of EOC, there is evidence that women continue to face significant discrimination on ground of pregnancy during pregnancy, maternity leave and after they return to work, including by being dismissed. As such, the government should consider accepting EOC's related recommendation to introduce a statutory right of women to return to their previous role after maternity leave, or if that position no longer exists, a suitable alternative position on similar terms and conditions.

1 BACKGROUND & SURVEY OBJECTIVES

1.1 INTRODUCTION

The Equal Opportunities Commission (EOC) commissioned Mercado Solutions Associates Ltd. (MSA) to conduct a study in order to provide an overview on pregnancy discrimination and negative perceptions faced by pregnant women and working mothers in small and medium enterprises (SMEs).

Indeed, the impacts of pregnancy and maternity are substantially different in SMEs when compared to larger organizations. SMEs are likely to find it more difficult to cover absences and there is evidence to suggest that many SMEs hold very negative views about maternity. A report by the Equal Opportunities Commission in the UK found that 36% of SME employers (compared to 22% of large organizations) agreed that “pregnancy places an undue cost burden on the organization”, whereas 17% agreed that “there is often resentment amongst the wider team towards women who are pregnant or on maternity leave”.

In Hong Kong, the findings of a EOC’s study on discrimination in the workplace revealed that pregnancy discrimination in SMEs appeared to be rather serious. In recruitment, many SME employers expressed that they would prefer not to hire pregnant women, regardless of their qualifications and experiences. In the working environment, the common allegations of pregnancy discrimination are that the victim was forced to resign, face unreasonable hardship or be demoted when she told the employer of her pregnancy or after the maternity leave. The cause of such discriminations may be due to extra costs incurred in providing leave for medical check-ups and maternity leave as well as prejudicial assumptions that women are less committed to their careers due to childbearing.

As at June 2014, there were about 320,000 SMEs in Hong Kong. They accounted for over 98% of the total business units and provided job opportunities to nearly 1.3 million persons, about 47% of total employment (excluding civil service). It is obvious that SMEs are a significant part of the Hong Kong economy.

The key survey objectives are:

- (1) to investigate women’s experiences of pregnancy at work with a view to assessing levels and types of pregnancy discrimination encountered in SMEs, in relation to their occurrence: (i) during the period of pregnancy; and (ii) when transiting back into employment after childbirth;

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- (2) to examine job nature and organizational factors that will influence the likelihood of unfair treatment of women during pregnancy and afterbirth in SMEs;
- (3) to assess the take-up of leave for taking care of young children among women having children less than 6 years old: (i) how difficult it is to take such leave; and (ii) how SME employers look upon such leave; and
- (4) to find out if there are family-friendly measures which were implemented in SMEs in helping employees to balance work and take care of young children.

To obtain background information about the subject matter, a literature review of local and overseas policies, preventive measures and mitigating practices relating to pregnancy discrimination in employment will be presented in the following.

1.2 LITERATURE REVIEW

Maternity protection is a fundamental human rights and an indispensable element of comprehensive work-family policies. It is crucial to promoting maternal and child health and preventing discrimination against women in the workplace. In Hong Kong, under the Sex Discrimination Ordinance (SDO) and in the employment field, it is unlawful for an employer to subject a woman to a disadvantage or dismiss her on the ground of her pregnancy. All types of employment (including contract work) are covered under the SDO. Pregnancy discrimination is a civil offence under the law.

Similar to other discrimination ordinances, there are two kinds of discrimination on the ground of pregnancy: (1) direct discrimination and (2) indirect discrimination. The former one occurs when a person is treated less favorably than another person who is not pregnant. For example, pregnancy discrimination can occur when an employee is laid off on the basis of her pregnancy. Indirect discrimination occurs when a condition or requirement, which is not justifiable, is applied to everyone but in practice adversely affects persons who are pregnant. For instance, if an employer asks every employee of his company, including pregnant employees, to handle heavy materials which would be injurious to pregnancy and cannot justify his asking of pregnant employees to do such work like others, then it can be indirect discrimination.

Common examples of pregnancy discrimination in employment include: (1) not being hired for a job, (2) dismissal during pregnancy or upon return from maternity leave, (3) being bypassed for promotion or favorable transfer, (4) subjected to demotion or unfavorable transfer, (5) being refused a training opportunity, (6) not being offered a pay rise or bonus consistent with that other employees receive, (7) changes to working hours, roles and duties without just causes and (8) positions filled by substituting or existing employees. In brief, the SDO protects pregnant women applying for jobs and pregnant workers from discriminatory or less favorable treatment.

According to records of complaints under investigation, EOC commonly receives a significant number of employment-related complaints involving pregnancy discrimination under the SDO. In 2011/2012, the EOC investigated a total of 329 employment-related SDO cases. Among them, 177 cases (54%) involved pregnancy discrimination. In 2012/2013, the EOC investigated 309 employment-related SDO cases. Out of these, 124 cases (40%) involved pregnancy discrimination. These figures illustrated the prevalence of pregnancy discrimination in Hong Kong.

The related situation in Australia is more pervasive, as reported in a National Review commissioned by the Australian Human Rights Commission. The survey revealed that one in two mothers (49%) reported experiencing discrimination in the workplace at some

point. Whereas in UK, one in nine mothers (11%) reported that they were either dismissed; made compulsorily redundant, where others in their workplace were not; or treated so poorly they felt they had to leave their job. Moreover, as reported by the U.S. Equal Employment Opportunity Commission (EEOC), the number of pregnancy-related discrimination charges jumped by 35% in the past decade; 1 in 5 discrimination charges leveled by women was associated with pregnancy.

Furthermore, the New York City Human Rights Law not only prohibits pregnancy-related discrimination, but also requires employers to provide written notice to employees of the prohibition against pregnancy-related discrimination and to make broad pregnancy-related reasonable accommodations. These potential accommodations would include: water and bathroom breaks; leave for any pregnancy-related disability; periodic rest for workers who stand; and assistance with manual labour. However, some workers are afraid of requesting accommodations for fear they would be placed on leave.

The International Labour Organisation (ILO) has adopted three maternity protection Conventions: in 1919, 1952 and the most recent in 2000. They stipulate protective measures for pregnant women and for women who have recently given birth, including the prevention of exposure to health and safety hazards during and after pregnancy, entitlement to paid maternity leave, maternal and child health care and breastfeeding breaks, protection against discrimination and dismissal in relation to maternity, and a guaranteed right to return to work after maternity leave.

The most recent ILO standard on duration of maternity leave mandates a minimum leave period of 14 weeks, up from 12 weeks in the previous Conventions. It was also recommended that ILO member States to increase the period of maternity leave to “at least 18 weeks”. As reported by ILO, legislation exists in 145 of the 165 countries with available information that prohibits discrimination on the ground of maternity. There are also various measures to strengthen this protection against discrimination which include:

- The guaranteed right to return to work to “the same position or an equivalent position paid at same rate” is an essential protective measure.
- Protection during a period following a woman’s return to work after maternity leave but leaves it to national laws or regulations to define that duration.
- Burden to proof is another protective measure, i.e. the burden for proving that reasons for dismissal are unrelated to pregnancy, childbirth or nursing “shall rest on the employer”.
- Non-discrimination in relation to maternity refers to the right of all women not to be treated less favorably in a work situation – including access to employment – because of their sex, or due to circumstances arising from their reproductive function.

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- Prohibition of requiring women to take pregnancy tests at the time they apply for employment, with few exceptions related to work-based risks to health.

One factor that may attribute to pregnancy discrimination is the dispute between employers and pregnant women on the maternity leave. While the length of leave is critical in enabling mothers to recover from childbirth and return to work and at the same time provide adequate care to their children, it is a burden to the employers as they still need to pay the wage to the mothers during their leave.

Indeed, maternity leave pay varies by countries. As in Singapore, working mothers are entitled to either 16 weeks of Government-Paid Maternity Leave or 12 weeks of maternity leave, depending on whether the child is a Singaporean citizen and other criteria. Whereas in Australia, employers are responsible for the financial support for up to 18 weeks to help eligible parents take time off to care for a newborn or recently adopted child. Based on a report published by ILO, the most common sources of funding for maternity leave cash benefits are: employment-related social insurance (contributory scheme), the employer – through the direct payment of maternity benefits (so-called “employer liability”), or some mix of the two. Among the 185 countries and territories surveyed:

- 58% (107 countries) provide cash benefits through national social security schemes;
- 25% (47 countries) pay the benefits solely by employers;
- 16% (29 countries) share the cost of maternity cash benefits by employers and social security systems; and
- 1% (2 countries) have no paid benefits.

As stated in ILO report, 88% of the developed economies rely entirely on social security systems. Moreover, research shows that employer liability schemes work against the interests of women workers by placing the financial burden on employers and creating a possible source of discrimination against women.

In Hong Kong, under the Employment Ordinance, female employees employed under a continuous contract immediately before the commencement of her maternity leave and having given notice of pregnancy and her intention to take maternity leave to the employer are entitled to the following periods of leave:

- a continuous period of 10 weeks’ maternity leave;
- if confinement occurs later than the expected date of confinement, a further period equal to the number of days from the day after the expected date of confinement to the actual date of confinement;
- the employee may enjoy an additional period of leave for not more than four weeks

on the grounds of illness or disability due to the pregnancy or confinement.

The Employment Ordinance also states that an employee is eligible for maternity leave pay if:

- she has been employed under a continuous contract for not less than 40 weeks immediately before the commencement of scheduled maternity leave;
- she has given notice of pregnancy and her intention to take maternity leave to her employer after the pregnancy has been confirmed. For example, the presentation of a medical certificate confirming her pregnancy to the employer; and
- she has produced a medical certificate specifying the expected date of confinement if so required by her employer.

Maternity leave should be paid for a period of 10 weeks and it should be paid on the normal pay day of the employee. The daily rate of maternity leave pay is a sum equivalent to four-fifths of the average daily wages earned by an employee in the 12-month period preceding the first day of the maternity leave. If an employee is employed for less than 12 months, the calculation shall be based on the shorter period.

The Employment Ordinance also states that when the employee's absence from work to attend medical examination in relation to her pregnancy, post confinement medical treatment or miscarriage is supported by an appropriate medical certificate, any such day on which she is absent shall be counted as a sickness day.¹ The daily rate of sickness allowance is a sum equivalent to four-fifths of the average day wages earned by an employee in the 12-month period preceding the sickness day / the first sickness day. If an employee is employed for less than 12 months, the calculation shall be based on the shorter period.

It can be seen that, in Hong Kong, given the financial burden solely borne by the employers, employers may be reluctant to hire, retain or promote pregnant workers or women with family responsibilities, or may find reasons to discharge pregnant employees to avoid paying the costs of wage replacement during maternity leave resulting pregnancy discrimination against women.

Determining the extent of dismissals and pregnancy discrimination on the basis of pregnancy is very difficult. Systematic research on the matter is rare, particularly in Hong

¹ A point to note is that, the eligibility for sickness allowance of female employees for pre-natal, post-natal and pregnancy-related check-ups and medical treatment is different from that of non-pregnant employees. According to the Employment Ordinance, the main difference is that, while the former employees are eligible for sickness allowance for any such day of sick leave, the latter ones are eligible if the sick leave taken is not less than four consecutive days.

Kong. However, information from court cases, equal opportunity bodies, trade unions and other sources indicate that discrimination is a continuing problem throughout the world. Tactics to pressure pregnant workers and new mothers to resign, such as harassment, were commonly reported. In some European countries, such as Croatia, Greece, Italy and Portugal, there were reports of widespread use of “blank resignations” – undated resignation letters that workers are forced to sign upon hiring, then used to dismiss them if they become pregnant, have a long-term illness or family responsibilities. These tactics were intensified especially during global economic crisis.

In Chapter 2, methodology and research design adopted in this study will be illustrated. Findings from Employee Survey and Employer Survey will be given in Chapter 3 and Chapter 4 respectively. Conclusion and recommendations will be made in Chapter 5.

2 METHODOLOGY

The study involved two parts, namely Employee Survey and Employer Survey.

2.1 SURVEY COVERAGE AND FOCUSES

2.1.1 Employee Survey

The target respondents covered the following target segments:

- women who were working in SMEs (with company size of <50 employees) and were pregnant at the time of enumeration;
- women who were working in SMEs (with company size of <50 employees) and gave birth in the past 12 months before enumeration; and
- women who were working in SMEs (with company size of <50 employees) and had children aged below 6 at the time of enumeration.

This part of the study aimed to assess the prevalence of pregnancy discrimination and other difficulties encountered by pregnant women and working mothers in SMEs and to find out the characteristics of establishments that have high incidence of perpetrating such situations. Findings are based on pregnant women and working mothers' perspective of whether the unfavorable situations occurred because of their pregnancy, maternity or role of taking care of young children.

2.1.2 Employer Survey

The target respondents covered employers (person-in-charge / head of human resources department) of SMEs (with company size of <50 employees).

This part of the study aimed to collect information with regard to employers' attitudes towards pregnant employees and working mothers, their views on employees in taking-up of leave for taking care of young children and family-friendly measures. Unlike the Employee Survey, assessing the prevalence of unfavorable situations / unfair treatments encountered by pregnant employees and working mothers in the Employer Survey is not appropriate. Therefore, this part of the study focused on examining the attitudes towards and perceptions of pregnant employees and working mothers held by SME employers.

2.2 SURVEY DESIGN

2.2.1 Employee Survey

The survey was conducted by means of central location face-to-face interviewing method. Interviewers were deployed to station at different maternal and child health centres and Obstetrics and Gynecology Department of hospitals in different districts to screen and interview the target respondents for collecting quota samples.

2.2.2 Employer Survey

The survey was conducted by means of telephone interviewing method. A random sample of business telephone numbers was drawn from the latest business telephone directory of Hong Kong.

2.3 QUESTIONNAIRE DESIGN

Based on the requirements and objectives of the survey, MSA designed the questionnaires for the Employee Survey and Employer Survey in consultation with the EOC. 5 in-depth interviews were conducted with employers for gaining more insights for the questionnaire design.

2.4 PILOT SURVEY

A pilot survey of 30 successful interviews was conducted for both Employee Survey and Employer Survey during 24 to 26 August 2015 before the actual execution of the fieldwork. The pilot survey tested the logistics and the applicability, and no major difficulty was encountered. The enumerated respondents in the pilot survey were not counted in the main survey.

2.5 ENUMERATION RESULT AND FIELDWORK PERIOD

2.5.1 Employee Survey

Fieldwork of the main survey was undertaken in September 2015. In total, 1 500 individuals were successfully interviewed, including:

- 440 pregnant women;
- 724 women who gave birth in the past 12 months; and
- 424 women who had children aged below 6 (excluding those who gave birth in the past 12 months).

2.5.2 Employer Survey

Fieldwork of the main survey was undertaken in September 2015. In total, 505 establishments were successfully interviewed, constituting an overall response rate of 27%. The enumeration results were summarized in Table 2.5.2.

Table 2.5.2: Enumeration results of the Employer Survey

(A) Total no. of telephone numbers attempted	2 200
(B) No. of invalid cases (e.g. not operating numbers, fax numbers, non-target cases, etc.)	357
(C) No. of valid cases (A - B)	1 843
(D) No. of successful interviews	505
(E) No. of refusal cases	799
(F) No. of non-contact cases	539
Response rate [D / C * 100%]	27%

2.6 RELIABILITY OF THE ESTIMATES

The margin of error at 95% confidence level of the estimates of key variables in this report are given as below.

2.6.1 Employee Survey

Variables	Sample estimate	Margin of error at 95% confidence level
Of the 1 473 respondents who worked in SMEs during pregnancy, the proportion of those who encountered pregnancy discrimination during pregnancy	21%	± 2.1%
Of the 778 respondents who worked in SMEs during pregnancy, and returned to original work position after giving birth, the proportion of those who encountered pregnancy discrimination during the first 12 months after returning to work	11%	± 2.2%
Of the 837 respondents who worked in SMEs and had children aged below 6 (excluding those who were still on maternity leave at the time of enumeration), the proportion of those who encountered difficulties in applying for leave for taking care of young children	20%	± 2.7%
Of the 1 473 respondents who worked in SMEs during pregnancy, the proportion of those who encountered pregnancy discrimination during pregnancy, maternity leave, and/or after returning to the original position after giving birth	22%	± 2.1%

2.6.2 Employer Survey

Variables	Sample estimate	Margin of error at 95% confidence level
Of the 505 respondents, the proportion of those who considered that there are negative impacts of pregnant employees on the organization	15%	± 3.1%
Of the 505 respondents, the proportion of those who claimed that family-friendly measures were implemented in their organization, which help employees balancing work and taking care of young children	17%	± 3.3%

2.7 ANALYSIS OF SURVEY FINDINGS

Chi-Square Test was employed to test whether there is a statistically significant difference between the opinions of respondents in different sub-groups. A p-value <0.05 was taken to indicate a level of statistical significance. When conducting the statistical tests, those who declared “refused to answer” and/or “don’t know / no comment / hard to say” were excluded.

2.8 POINTS TO NOTE

- All descriptive statistics were reported in numbers / percentages.
- Some of descriptive percentages might not add up to 100% due to rounding of figures.
- Respondents might give multiple responses in a number of questions and therefore the sum of individual responses (numbers / percentages) would probably not add up to the total / subtotal.
- Samples of the questionnaire of employee and employer surveys are in Appendices A and B respectively.

2.9 PROFILE OF RESPONDENTS

2.9.1 Employee Survey

Of all enumerated employees, close to three-fifths aged 30 – 39 (59%), about three-tenths aged 25 – 29 (32%), and the remaining minority aged 24 or below (5%) and 40 or above (4%) respectively. Many of the respondents attained secondary / matriculation educational level (64%), and more than one-third attained tertiary educational level or above (36%). The median monthly personal income was in the range of \$15,000 - \$19,999.

Of the respondents who worked in SMEs during pregnancy, relatively more were engaged in the wholesale, import/export trades (24%) and retail (19%) industry sectors. Similar proportions were working in the SMEs with employment sizes of 1 – 9 (35%; with 14% for 1 – 5 and 21% for 6 – 9), 10 – 19 (34%) and 20 – 49 (31%). In terms of occupation, most of the respondents were working as clerk (40%) and service worker and shop sales worker (34%).

Of the respondents who worked in SMEs and had children aged below 6 at the time of enumeration (excluding those who were still on maternity leave at the time of enumeration), the profile was quite similar to the respondents who worked in SMEs during pregnancy.

(Ref.: Table 2.9.1)

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Table 2.9.1: Respondents' profile of the Employee Survey

	%		%
All respondents			
Age		Monthly personal income	
24 or below	5	Below \$10,000	11
25 – 29	32	\$10,000 - \$14,999	34
30 – 39	59	\$15,000 - \$19,999	28
40 or above	4	\$20,000 - \$29,999	18
Educational attainment		\$30,000 or above	7
Primary or below	<1	Refused to answer	2
Secondary / matriculation	64		
Tertiary or above	36		
Base: All respondents (n = 1 500) [Ref.: X1, X2 & X4]			
All respondents who worked in SMEs during pregnancy			
Industry of the SMEs in which they were working during pregnancy		Employment size of the SMEs in which they were working during pregnancy	
Wholesale, import/export trades	24	1 – 5	14
Retail	19	6 – 9	21
Restaurants & hotels	12	10 – 19	34
Transport, storage, logistics & courier services	10	20 – 49	31
Finance, insurance, real estate, professional & business services / information & communications	11	Refused to answer	<1
Community, social & personal services	10	Occupation at the time of pregnancy	
Manufacturing / construction / others	14	Manager & administrator / professional / associate professional	25
		Clerk	40
		Service worker & shop sales worker	34
		Skilled & manual worker	1
Base: All respondents who worked in SMEs during pregnancy (n = 1 473) [Ref.: Q1, Q2 & Q3]			
All respondents who worked in SMEs and had children aged below 6 (excluding those who were still on maternity leave at the time of enumeration)			
Industry of the SMEs in which they were working at the time of enumeration		Employment size of the SMEs in which they were working at the time of enumeration	
Wholesale, import/export trades	25	1 – 5	13
Retail	18	6 – 9	20
Restaurants & hotels	11	10 – 19	34
Transport, storage, logistics & courier services	10	20 – 49	33
Finance, insurance, real estate, professional & business services / information & communications	12	Refused to answer	<1
Community, social & personal services	10	Occupation at the time of enumeration	
Manufacturing / construction / others	14	Manager & administrator / professional / associate professional	26
		Clerk	41
		Service worker & shop sales worker	31
		Skilled & manual worker	2
Base: All respondents who worked in SMEs and had children aged below 6 (excl. those who were still on maternity leave at the time of enumeration) (n = 837) [Ref.: Q1/Q11, Q2/Q12 & Q3/Q13]			

2.9.2 Employer Survey

Of all enumerated SMEs employers, relatively more were engaged in the wholesale, import/export trades (27%) and finance, insurance, real estate, professional and business services / information and communications (17%) industry sectors. Most of the SMEs fell into the sub-group of employment size 2 – 9 (62%; with 42% for 2 – 5 and 20% for 6 – 9). One-fifth of the SMEs had pregnant employees in the past 2 years before enumeration (20%).

(Ref.: Table 2.9.2)

Table 2.9.2: Company profile of the Employer Survey

	%		%
Industry		Employment size	
Wholesale, import/export trades	27	2 – 5	42
Retail	12	6 – 9	20
Restaurants & hotels	10	10 – 19	21
Transport, storage, logistics & courier services	11	20 – 49	17
Finance, insurance, real estate, professional & business services / information & communications	17	Whether had pregnant employee in the past 2 years before enumeration	
Community, social & personal services	11	Yes	20
Manufacturing / construction / others	12	No	79
		Refused to answer	1
Base: All enumerated SMEs employers (n = 505) [Ref.: S1, X1 & X2]			

3 SURVEY FINDINGS – EMPLOYEE SURVEY

3.1 DURING PREGNANCY

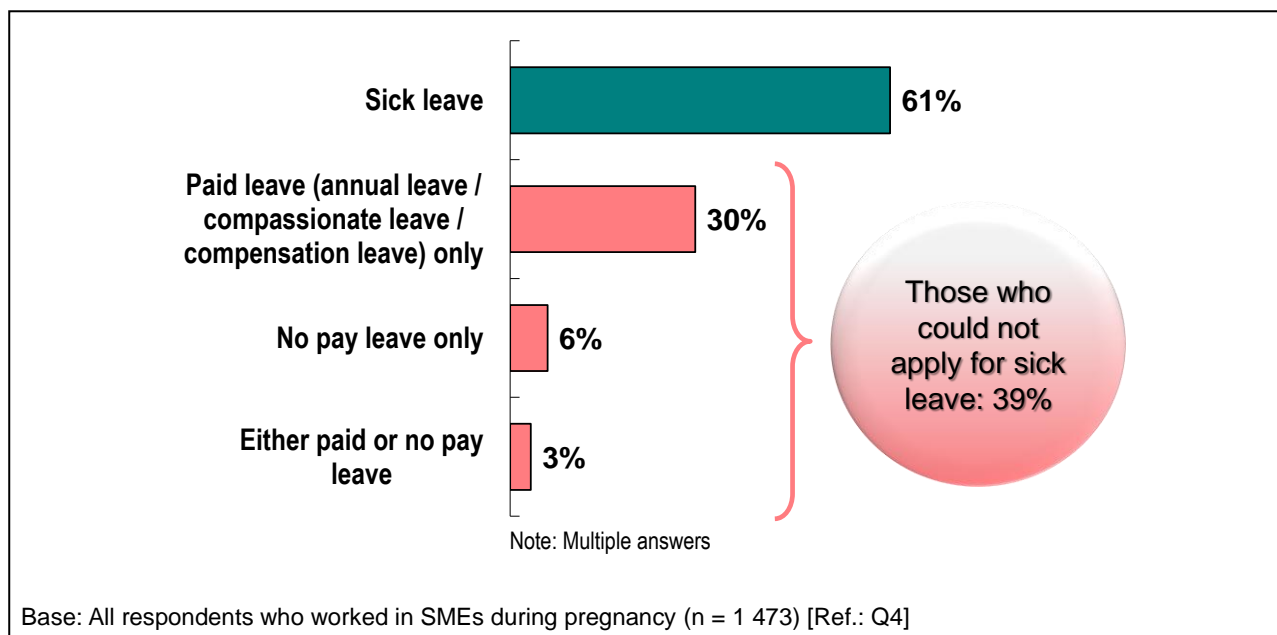
3.1.1 Type of Leave for Conducting Pre-natal Check up on Working Days

Overall analysis

Of the respondents who worked in SMEs during pregnancy, 61% said that they could apply for sick leave if they need to conduct pre-natal check up on working days. On the other hand, 39% claimed that they could not apply for sick leave (with 30% have to apply for paid leave only, i.e. annual leave / compassionate leave / compensation leave; 6% have to apply for no pay leave only; and 3% have to apply for either paid leave or no pay leave).

(Ref.: Chart 3.1.1)

Chart 3.1.1: Type of leave for conducting pre-natal check up on working days



Sub-group analysis

When analyzed by the industry and employment size of the SMEs in which the respondents were working during pregnancy, it was observed that relatively higher proportions of those who worked in the retail (60%) and restaurants and hotels (61%) industry sectors, and in companies with 1 – 5 persons (49%) and 6 – 9 persons (53%) claimed that they could not apply for sick leave.

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Moreover, the lower the occupational status, the higher were the proportions of respondents who claimed that they could not apply for sick leave for conducting pre-natal check up on working days (ranged from 19% for those who worked as managers and administrators / professionals / associate professionals to 35% for clerks, 57% for service workers and shop sales workers and 58% for skilled and manual workers).

(Ref.: Tables 3.1.1a & b)

Table 3.1.1a: Type of leave for conducting pre-natal check up on working days – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
Could apply for sick leave	72	40	39	74	78	61	67	61
Could not apply for sick leave	28	60	61	26	22	39	33	39
Base (n):	355	283	171	143	157	155	209	1 473

Base: All respondents who worked in SMEs during pregnancy [Ref.: Q4]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

Table 3.1.1b: Type of leave for conducting pre-natal check up on working days – analyzed by size of establishments & occupation

(%)	Size of establishments**				Occupation**				Overall
	1 – 5	6 – 9	10 – 19	20 – 49	Managers & administrators / professionals / associate professionals	Clerks	Service workers & shop sales workers	Skilled & manual workers	
Could apply for sick leave	51	47	60	76	81	65	43	42	61
Could not apply for sick leave	49	53	40	24	19	35	57	58	39
Base (n):	212	310	497	450	360	592	502	19*	1 473

Base: All respondents who worked in SMEs during pregnancy [Ref.: Q4]

Note: Those who refused to answer the size of establishment (n = 4) were not shown.

* Caution: small base

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

3.1.2 Experiences of Encountering Unfavorable Situations During Pregnancy

In the survey, respondents were also asked if they encountered any of the following situations in the SMEs they were working at because of their pregnancy:

- (1) Absence from work for pre-natal check up was not counted as sick leave (e.g. they have to apply for annual leave);
- (2) Being treated impolitely by the employer / colleagues because of their pregnancy;
- (3) Without getting their consent, the employer changed their employment package (e.g. salary, working hours);
- (4) Being allocated additional works because of pregnancy;
- (5) Loss of promotion opportunity because of pregnancy;
- (6) Relegation / being transferred to a poorer working environment because of pregnancy; and/or
- (7) Being laid off.

According to SDO, situations (3) to (7) are obvious examples of pregnancy discrimination. Regarding the situation which absence from work for pre-natal check up not being counted as sick leave (situation (1)), as stated in Chapter 1, under the Employment Ordinance, employee's absence from work to attend medical examination related to her pregnancy, supported by an appropriate certificate, shall be counted as a sickness day. Therefore, it is pregnancy discrimination if any leave for pregnancy related check-up is not counted as sick leave, whereas sick leave similarly provided to non-pregnant employees under the Employment Ordinance is granted. Impolite treatment towards an employee / a co-worker because of her pregnancy (situation (2)) can also be pregnancy discrimination, as injury to feelings is a form of detriment which is prohibited under the employment provision of the SDO.

Overall analysis

Of the respondents who worked in SMEs during pregnancy, when asked whether they encountered unfavorable situations when they were working in SMEs during pregnancy, 21% of the respondents claimed "yes".

Among these 21% of the respondents, many said that they encountered the unfavorable situations during the middle stage (around the 4th – 6th month) (75%) and/or later stage (around the 7th – 10th month) (72%) of their pregnancy. Some encountered so during the early stage (around the 1st – 3rd month) (31%) of their pregnancy.

The commonest experiences of the unfavorable situations were related to the absence from work for pre-natal check up not being counted as sick leave (58%), followed by

impoliteness of employer / colleagues (51%).

(Ref.: Charts 3.1.2a & b)

Chart 3.1.2a: Whether encountered unfavorable situations during pregnancy

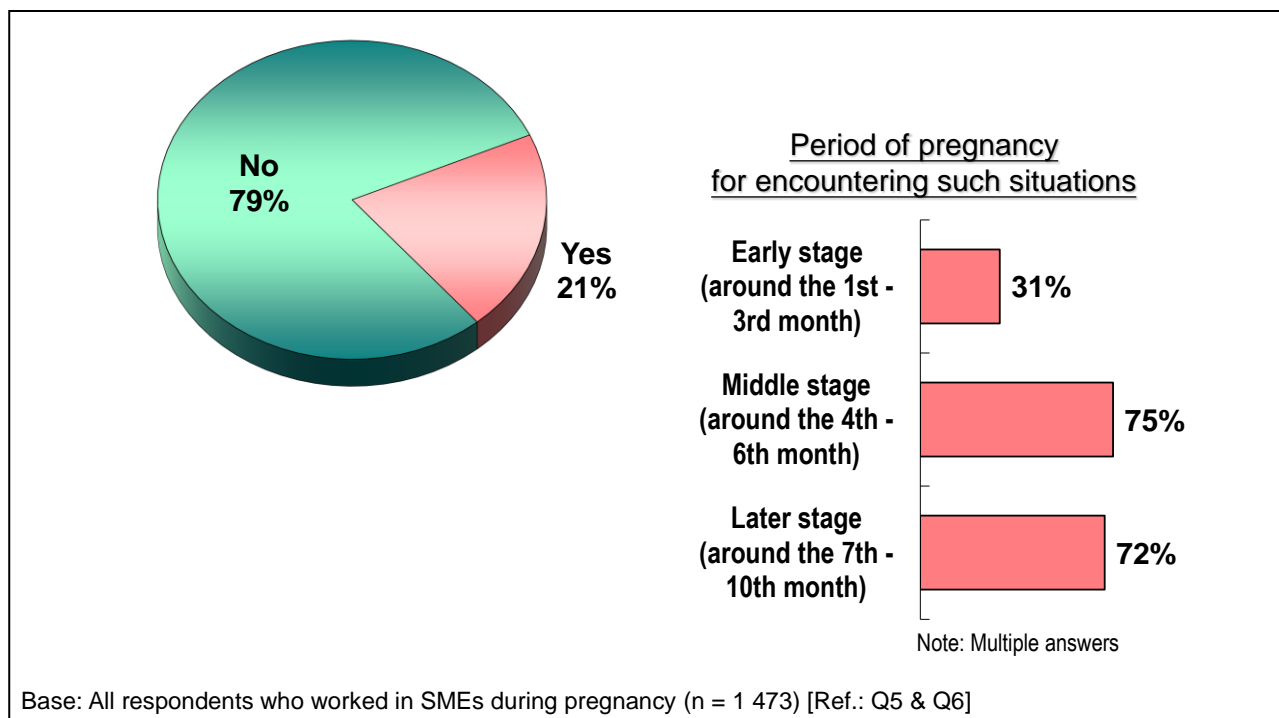
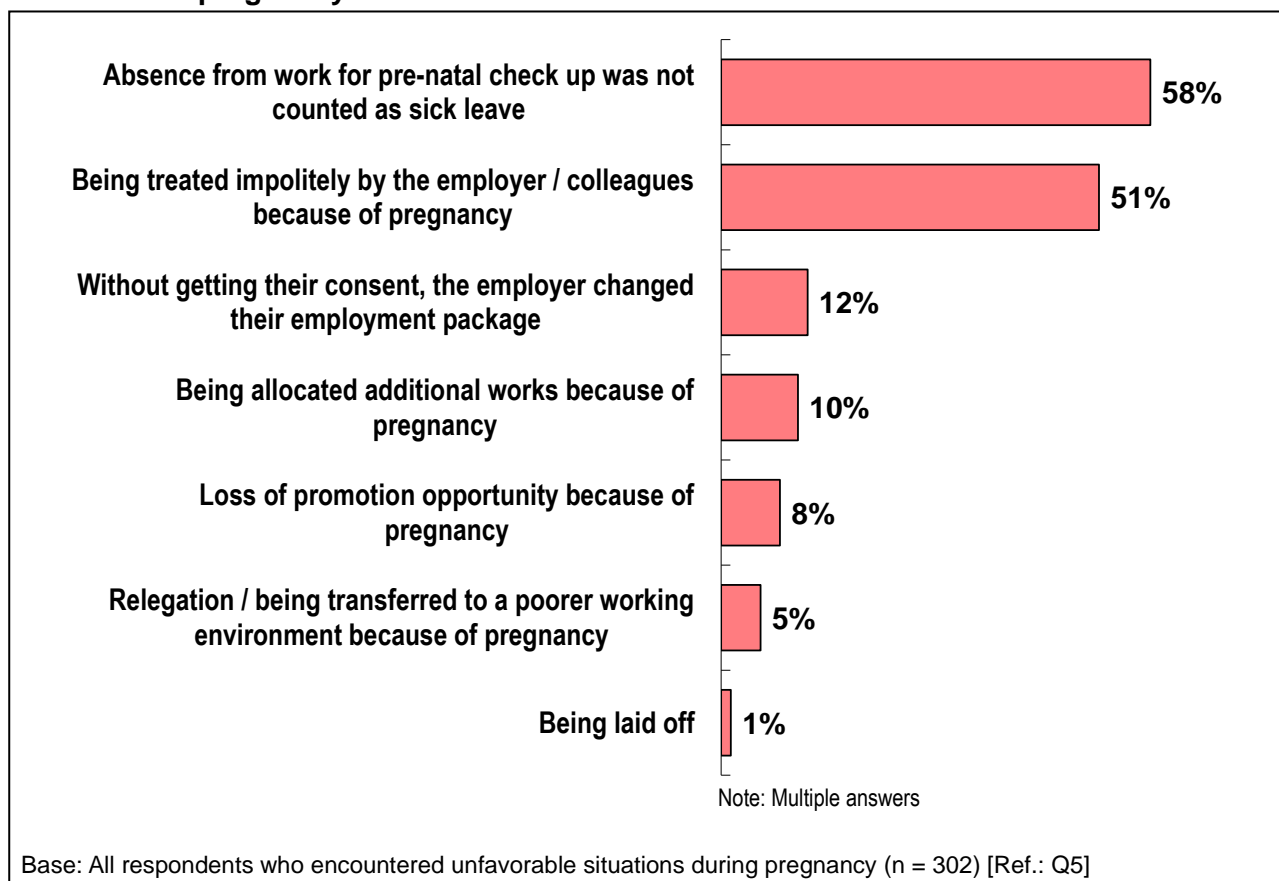


Chart 3.1.2b: Detailed experiences of the unfavorable situations encountered during pregnancy



Sub-group analysis

When analyzed by the industry and size of establishments, it was observed that the proportion of respondents who encountered unfavorable situations during pregnancy was relatively higher among those who worked in the retail (33%) and restaurants and hotels (44%) industry sectors, those who worked in the companies with 1 – 5 (25%), 6 – 9 (25%) and 10 – 19 (24%) persons.

Moreover, the lower the occupational status, the higher were the proportions of respondents who encountered unfavorable situations during pregnancy (ranged from 10% for those who worked as managers and administrators / professionals / associate professionals to 11% for clerks, 38% for service workers and shop sales workers and 42% for skilled and manual workers).

(Ref.: Tables 3.1.2a & b)

Table 3.1.2a: Whether encountered unfavorable situations during pregnancy – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
No	90	67	56	83	87	82	89	79
Yes	10	33	44	17	13	18	11	21
Base (n):	355	283	171	143	157	155	209	1 473

Base: All respondents who worked in SMEs during pregnancy [Ref.: Q5]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

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Table 3.1.2b: Whether encountered unfavorable situations during pregnancy – analyzed by size of establishments & occupation

(%)	Size of establishments**				Occupation**				Overall
	1 – 5	6 – 9	10 – 19	20 – 49	Managers & administrators / professionals / associate professionals	Clerks	Service workers & shop sales workers	Skilled & manual workers	
No	75	75	76	89	90	89	62	58	79
Yes	25	25	24	11	10	11	38	42	21
Base (n):	212	310	497	450	360	592	502	19*	1 473

Base: All respondents who worked in SMEs during pregnancy [Ref.: Q5]

Note: Those who refused to answer the size of establishment (n = 4) were not shown.

* Caution: small base

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

3.2 RETURN TO WORK AFTER GIVING BIRTH

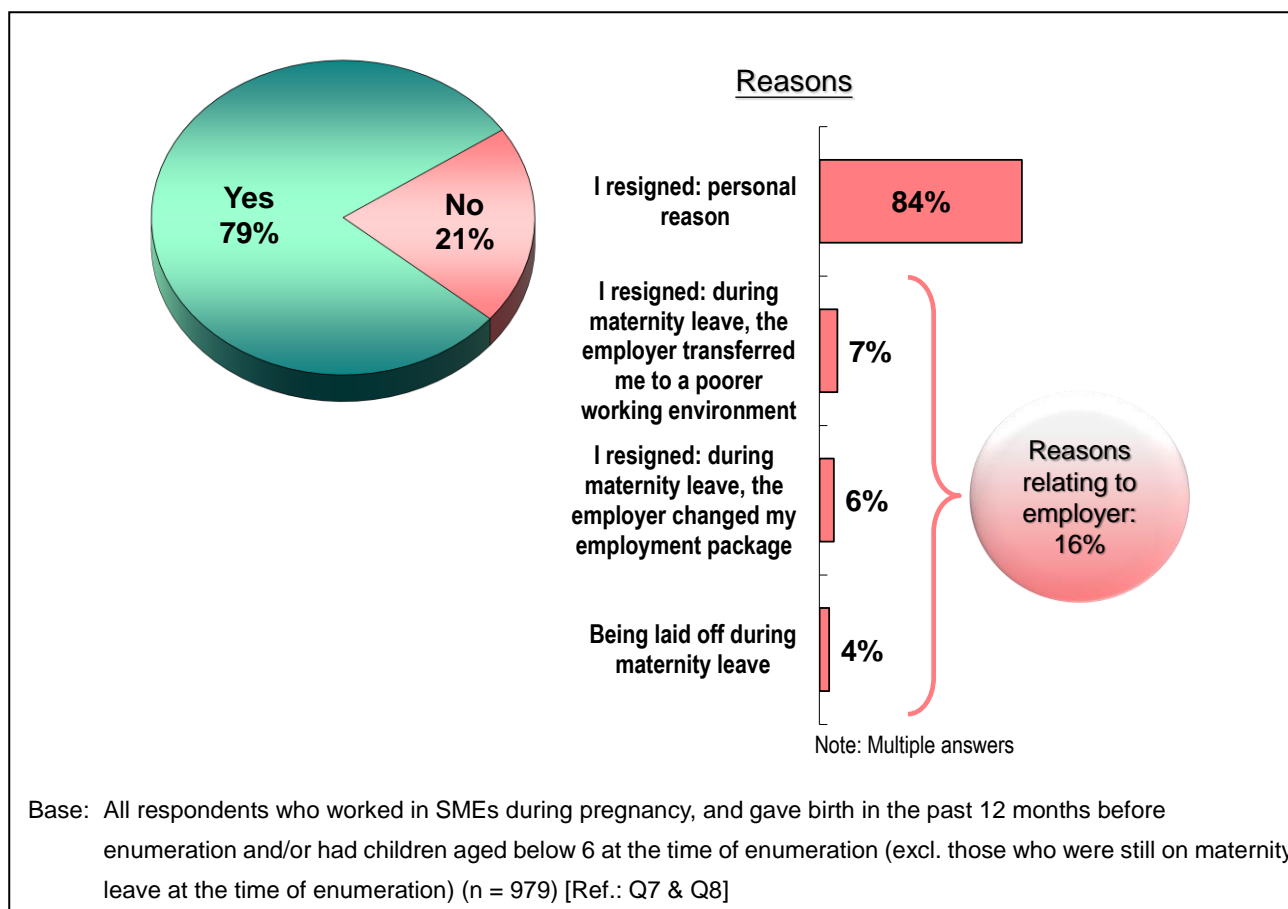
3.2.1 Whether Returned to Original Work Position After Giving Birth

Of the enumerated working mothers who worked in SMEs during pregnancy, and gave birth in the past 12 months before enumeration and/or had children aged below 6 at the time of enumeration (excluding those who were still on maternity leave at the time of enumeration), most of them (79%) returned to their original work position after giving birth.

Among the 21% who did not return, the majority (84%) resigned for personal reason. Yet, still some (16%) claimed that the reasons were related to treatment by employers (7% were transferred to a poorer working environment during maternity leave; 6% said the employers changed their employment package during maternity leave; and 4% were laid off during maternity leave).

(Ref.: Chart 3.2.1)

Chart 3.2.1: Whether returned to original work position after giving birth



No significant difference was observed between the respondents who were engaged in different industry sectors, size of establishments and occupations.

3.2.2 Whether Encountered Unfavorable Situations During the First 12 Months After Returning to Work

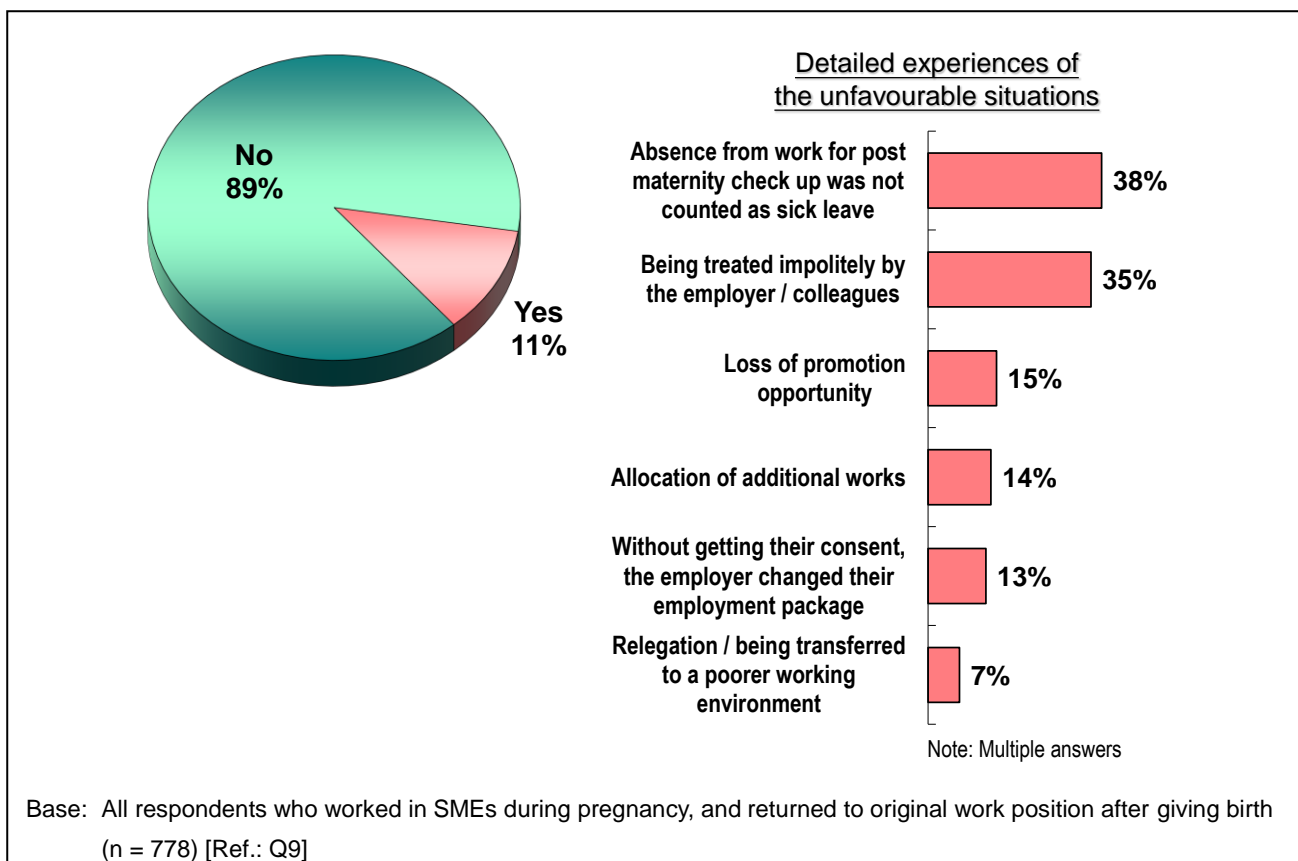
Overall analysis

Among the respondents who worked in SMEs during pregnancy, and returned to their original work position after giving birth, 11% claimed that they encountered unfavorable situations during the first 12 months after their return.

Among these 11%, the commonest experiences of the unfavorable situations were related to the absence from work for post maternity check up not being counted as sick leave (38%), followed by impoliteness of employer / colleagues (35%).

(Ref.: Chart 3.2.2)

Chart 3.2.2: Whether encountered unfavorable situation during the first 12 months after returning to work



Sub-group analysis

When analyzed by industry and occupation, it was observed that the proportion of those who encountered unfavorable situations during the first 12 months after their return was relatively higher among those who worked in the restaurants and hotels industry (24%), those who worked as service workers / shop sales workers (19%) and skilled and manual workers (33%).

(Ref.: Tables 3.2.2a & b)

Table 3.2.2a: Whether encountered unfavorable situations during the first 12 months after returning to work – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
No	92	86	76	85	96	86	94	89
Yes	8	14	24	15	4	14	6	11
Base (n):	195	123	83	86	89	86	116	778

Base: All respondents who worked in SMEs during pregnancy, and returned to original work position after giving birth [Ref.: Q9]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

Table 3.2.2b: Whether encountered unfavorable situations during the first 12 months after returning to work – analyzed by size of establishments & occupation

(%)	Size of establishments				Occupation**				Overall
	1 – 5	6 – 9	10 – 19	20 – 49	Managers & administrators / professionals / associate professionals	Clerks	Service workers & shop sales workers	Skilled & manual workers	
No	89	86	88	91	92	93	81	67	89
Yes	11	14	12	9	8	7	19	33	11
Base (n):	93	150	264	268	213	328	225	12*	778

Base: All respondents who worked in SMEs during pregnancy, and returned to original work position after giving birth [Ref.: Q9]

Note: Those who refused to answer the size of establishment (n = 3) were not shown.

* Caution: small base

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

3.3 TAKING LEAVE FOR TAKING CARE OF YOUNG CHILDREN

Whether Encountered Difficulties in Applying for Leave for Taking Care of Young Children

Overall analysis

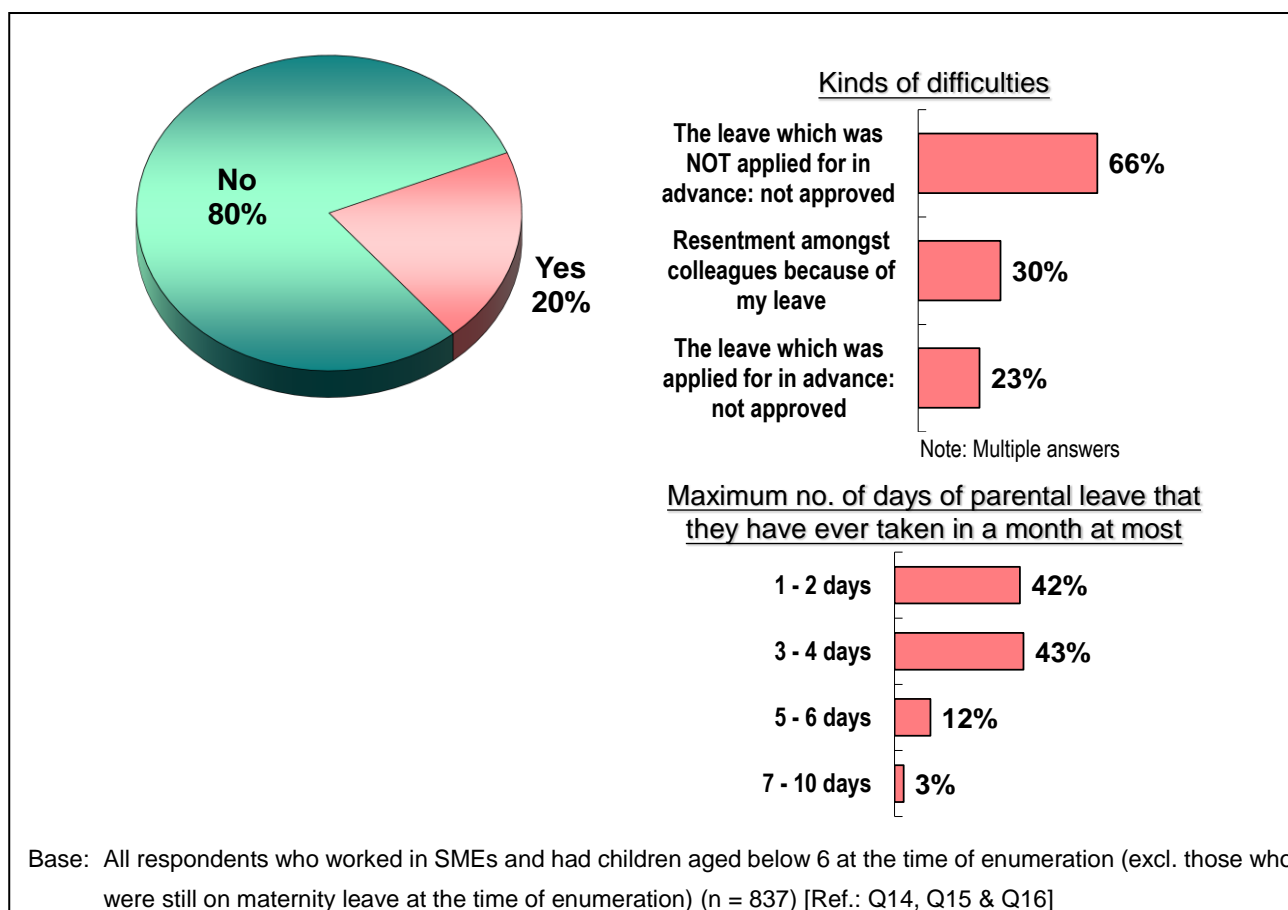
Of the enumerated working mothers who worked in SMEs and had children aged below 6 at the time of enumeration, 20% claimed that they encountered difficulties in applying for leave for taking care of young children.

Among them, many said that they were not approved for taking leave which were not applied for in advance (66%). Some claimed that they were not approved for taking leave which were applied for in advance (23%) and/or encountered resentment amongst colleagues because of their leave (30%).

In addition, among these working mothers who encountered difficulties in applying for leave for taking care of young children, most of them claimed that they had taken 1 – 2 days (42%) or 3 – 4 days (43%) at most in a month. Some had taken 5 – 6 days (12%) and a few said 7 – 10 days (3%).

(Ref.: Chart 3.3)

Chart 3.3: Whether encountered difficulties in applying for leave for taking care of young children



Sub-group analysis

When analyzed by industry, it was observed that the proportion of respondents who encountered difficulties in applying for leave for taking care of young children was relatively higher among those who worked in the retail (28%) and restaurants and hotels (48%) industry sectors.

Moreover, the lower the occupational status, the higher were the proportions of respondents who encountered difficulties in applying for leave for taking care of young children (ranged from 13% for those who worked as managers and administrators / professionals / associate professionals to 15% for clerks, 32% for service workers and shop sales workers and 38% for skilled and manual workers).

(Ref.: Tables 3.3a & b)

Table 3.3a: Whether encountered difficulties in applying for leave for taking care of young children – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
No	85	72	52	80	96	87	84	80
Yes	15	28	48	20	4	13	16	20
Base (n):	208	152	89	88	97	85	118	837

Base: All respondents who worked in SMEs and had children aged below 6 at the time of enumeration (excl. those who were still on maternity leave at the time of enumeration) [Ref.: Q14]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

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Table 3.3b: Whether encountered difficulties in applying for leave for taking care of young children – analyzed by size of establishments & occupation

(%)	Size of establishments				Occupation**				Overall
	1 – 5	6 – 9	10 – 19	20 – 49	Managers & administrators / professionals / associate professionals	Clerks	Service workers & shop sales workers	Skilled & manual workers	
No	78	79	77	84	87	85	68	62	80
Yes	22	21	23	16	13	15	32	38	20
Base (n):	105	170	284	277	221	340	263	13*	837

Base: All respondents who worked in SMEs and had children aged below 6 at the time of enumeration (excl. those who were still on maternity leave at the time of enumeration) [Ref.: Q14]

Note: Those who refused to answer the size of establishment (n = 1) were not shown.

* Caution: small base

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

3.4 GENERAL PERCEPTIONS

Whether Considered that it is Common for Pregnant Women to Encounter Unfavorable Situations in SMEs

Overall analysis

Overall, about one-third of all respondents (33%) considered that it is common for pregnant women to encounter unfavorable situations in SMEs, whilst another one-third (35%) considered that it is not common. The remaining 32% said average.

Among the 33% who considered common, the top 2 unfavorable situations which were considered commonly happened in SMEs were “being treated impolitely by the employer / colleagues because of pregnancy” (56%) and “absence from work for pre-natal check up was not counted as sick leave” (51%), followed by “not being employed during pregnancy” (42%) and “loss of promotion opportunity because of pregnancy” (41%).

Moreover, when being asked to propose improvement measures, relatively more suggested to raise penalty of the employers with misconducts (60%) and enhance public education (e.g. by means of TV, newspaper / magazine) (50%).

(Ref.: Charts 3.4a & b)

Chart 3.4a: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs

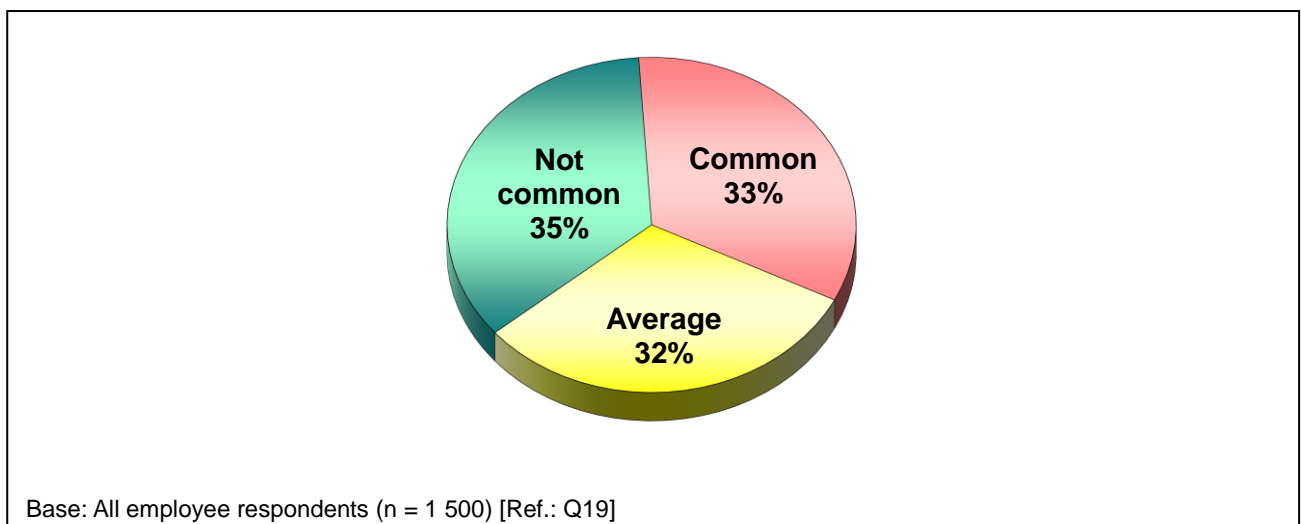


Chart 3.4b: Perceived common unfavorable situations which were considered commonly happened in SMEs and Suggested improvement measures

<u>Unfavourable situations which were considered commonly happened in SMEs</u>	<u>Suggested improvement measures</u>
<ul style="list-style-type: none"> - Being treated impolitely by the employer / colleagues because of pregnancy (56%) - Absence from work for pre-natal check up was not counted as sick leave (51%) - Not being employed during pregnancy (42%) - Loss of promotion opportunity because of pregnancy (41%) - Relegation / being transferred to a poorer working environment because of pregnancy (22%) - Being allocated additional works because of pregnancy (21%) - Without getting their consent, the employer changed their employment package (21%) - Being laid off (10%) 	<ul style="list-style-type: none"> - Raise penalty of the employers with misconducts (60%) - For the public: enhance public education (e.g. by means of TV, newspaper / magazine) (50%) - For employers / HR management staff: offer more talks / seminars (23%) - Provide more relevant information via internet (11%) - For employees: give more talks / seminars (7%)
Note: Multiple answers	Note: Multiple answers
Base: All employee respondents who considered that it is common for pregnant women to encounter unfavorable situations in SMEs (n = 499) [Ref.: Q20 & Q21]	

Sub-group analysis

Further analysis showed that the proportion of respondents who considered that it is common for pregnant women to encounter unfavorable situations in SMEs was relatively higher among those who worked in the retail (45%) and restaurants and hotels (51%) industry sectors, those who worked as service workers / shop sales workers (46%) and skilled and manual workers (48%), those who attained secondary educational level or below (38%), those with monthly personal income of \$10,000 - \$14,999 (44%) and below \$10,000 (42%).

On the contrary, the proportion of considering not common was relatively higher among those who worked in the wholesale, import / export trades (42%) and manufacturing / construction / other (45%) industry sectors, those who worked as managers and administrators / professionals / associate professionals (44%) and clerks (40%) and those who attained tertiary educational level or above (45%).

Besides, among the respondents who worked in SMEs during pregnancy, it was observed that the proportion of considering common was significantly higher among those who could not apply for sick leave for conducting pre-natal check up on working days (45%; vs. 25%

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for those who could apply for sick leave) and those who encountered unfavorable situations during pregnancy (83%; vs. 20% for those who did not encounter).

Among the respondents who worked in SMEs during pregnancy, and returned to original work position after giving birth, the proportion of considering common was significantly higher among those who encountered unfavorable situations during the first 12 months after returning to work (74%; vs. 22% for those who did not encounter).

Among the respondents who worked in SMEs and had children aged below 6 at the time of enumeration, the proportion of considering common was significantly higher among those who encountered difficulties in applying for leave for taking care of young children (68%; vs. 21% for those who did not encounter).

(Ref.: Tables 3.4a – f)

Table 3.4a: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
Not common	42	25	21	37	34	39	45	35
Average	35	30	28	29	39	31	27	32
Common	23	45	51	34	27	30	28	33
Base (n):	366	292	174	142	160	155	211	1 500

Base: All respondents [Ref.: Q19]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

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Table 3.4b: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs – analyzed by size of establishments & occupation

(%)	Size of establishments				Occupation**				Overall
	1 – 5	6 – 9	10 – 19	20 – 49	Managers & administrators / professionals / associate professionals	Clerks	Service workers & shop sales workers	Skilled & manual workers	
Not common	33	33	34	39	44	40	24	26	35
Average	28	33	32	32	27	36	30	26	32
Common	39	34	34	29	29	24	46	48	33
Base (n):	214	320	508	456	368	601	512	19*	1 500

Base: All respondents [Ref.: Q19]

Note: Those who refused to answer the size of establishment (n = 2) were not shown.

* Caution: small base

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

Table 3.4c: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs – analyzed by educational attainment & monthly personal income

(%)	Educational attainment**		Monthly personal income**					Overall
	Secondary or below	Tertiary or above	Below \$10,000	\$10,000 - \$14,999	\$15,000 - \$19,999	\$20,000 - \$29,999	\$30,000 or above	
Not common	30	45	28	25	40	43	63	35
Average	32	31	30	31	33	33	24	32
Common	38	24	42	44	27	24	13	33
Base (n):	961	539	170	508	422	275	99	1 500

Base: All respondents [Ref.: Q19]

Note: Those who refused to answer the monthly personal income (n = 26) were not shown.

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

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Table 3.4d: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs – analyzed by type of leave for conducting pre-natal check up on working days & whether encountered unfavorable situations during pregnancy

(%)	Type of leave for conducting pre-natal check up on working days**		Whether encountered unfavorable situations during pregnancy**		Overall
	Could apply for sick leave	Could not apply for sick leave	No	Yes	
Not common	42	24	44	2	35
Average	33	31	36	15	32
Common	25	45	20	83	33
Base (n):	899	574	1 171	302	1 473

Base: All respondents who worked in SMEs during pregnancy [Ref.: Q19]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

Table 3.4e: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs – analyzed by whether encountered unfavorable situations during the first 12 months after returning to work

(%)	Whether encountered unfavorable situations during the first 12 months after returning to work**		Overall
	No	Yes	
Not common	40	2	36
Average	38	24	36
Common	22	74	28
Base (n):	690	88	778

Base: All respondents who worked in SMEs during pregnancy, and returned to original work position after giving birth [Ref.: Q19]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

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Table 3.4f: Whether considered that it is common for pregnant women to encounter unfavorable situations in SMEs – analyzed by whether encountered difficulties in applying for leave for taking care of young children

(%)	Whether encountered difficulties in applying for leave for taking care of young children**		Overall
	No	Yes	
Not common	42	5	34
Average	37	27	35
Common	21	68	31
Base (n):	669	168	837

Base: All respondents who worked in SMEs and had children aged below 6 at the time of enumeration (excl. those who were still on maternity leave at the time of enumeration) [Ref.: Q19]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

3.5 OVERALL PICTURE OF PREGNANCY DISCRIMINATION

The findings reported above showed that, 22% of all respondents in the survey of employees in SMEs faced pregnancy discrimination during pregnancy, maternity leave and/or the first 12 months after returning to the original work position from giving birth. Also, 33% of the employee respondents perceived that it is common for pregnant women working in SMEs to be discriminated on the ground of their pregnancy, while 35% reported uncommon and 32% said average.

4 SURVEY FINDINGS – EMPLOYER SURVEY

4.1 ATTITUDE TOWARDS PREGNANT EMPLOYEES AND WORKING MOTHERS

4.1.1 Overall Attitude towards Pregnant Employees and Working Mothers

To gauge employers' attitude towards pregnant employees and female staff who have young children, employer respondents were asked about their level of agreement towards 8 statements. These statements are:

	“STRONGLY AGREE” / “AGREE” indicates positive attitude	“STRONGLY DISAGREE” / “DISAGREE” indicates positive attitude
i) Pregnant employees incur large additional cost burden to the organization		✓
ii) Pregnant employees bring many troubles to colleagues (e.g. share-out of their works)		✓
iii) Normally, women are less concentrated and less committed at work after having babies		✓
iv) When hiring new staff, we will not consider an applicant who declares herself being pregnant		✓
v) Female staff who have young children always take leave, which causes inconvenience to the organization		✓
vi) Working mothers are more stable at work. They will not easily resign because of difficulties	✓	
vii) Working mothers constitute an important source of talents	✓	
viii) We expect female staff returning to work after giving birth, instead of planning to find replacement	✓	

Overall analysis

Of the enumerated SMEs employers, it was found that the majority demonstrated positive attitudes towards the following 4 statements:

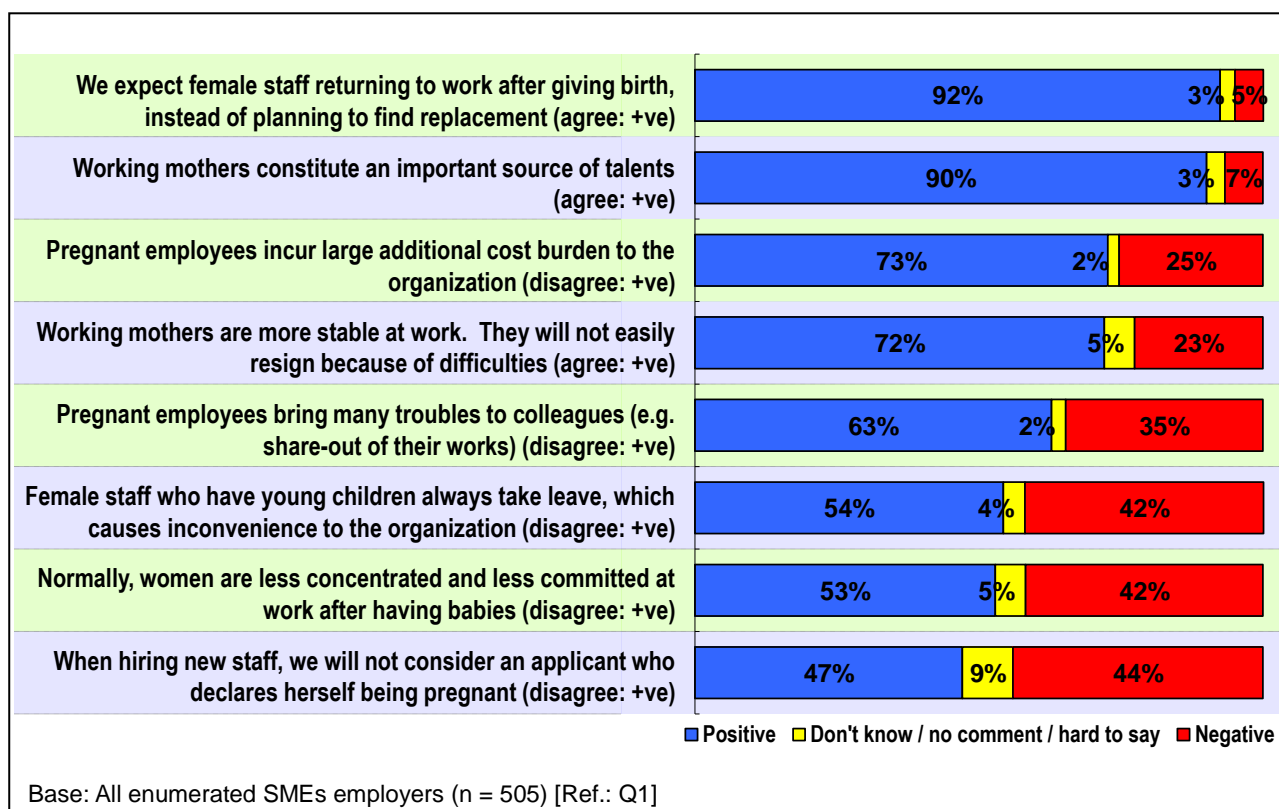
- 92% agreed that “We expect female staff returning to work after giving birth, instead of planning to find replacement”;
- 90% agreed that “Working mothers constitute an important source of talents”;
- 73% disagreed that “Pregnant employees incur large additional cost burden to the organization”; and
- 72% agreed that “Working mothers are more stable at work. They will not easily resign because of difficulties”.

Nevertheless, for the following 4 statements, respondents generally demonstrated a lower level of positive attitudes:

- 63% disagreed that “Pregnant employees bring many troubles to colleagues (e.g. share-out of their works)”, while 35% agreed;
- 54% disagreed that “Female staff who have young children always take leave, which causes inconvenience to the organization”, while 42% agreed;
- 53% disagreed that “Normally, women are less concentrated and less committed at work after having babies”, while 42% agreed; and
- 47% disagreed that “When hiring new staff, we will not consider an applicant who declares herself being pregnant”, while 44% agreed.

(Ref.: Chart 4.1.1)

Chart 4.1.1: Attitude towards the statements relating to pregnant employees and working mothers



Sub-group analysis

Further analysis showed that for the following statements, there was no significant difference in the attitude between employers who were engaged in different industry sectors and sizes of establishments:

- “We expect female staff returning to work after giving birth, instead of planning to find replacement”;
- “Working mothers constitute an important source of talents”;
- “Female staff who have young children always take leave, which causes inconvenience to the organization”;
- “Normally, women are less concentrated and less committed at work after having babies”; and
- “When hiring new staff, we will not consider an applicant who declares herself being pregnant”.

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“Pregnant employees incur large additional cost burden to the organization”

Of all respondents (excluding those who declared “don’t know / no comment / hard to say”), 74% disagreed (+ve) with this statement and 26% agreed (-ve). It was observed that relatively higher proportions of those who were engaged in the restaurants and hotels (40%), community, social and personal services (38%) and retail (30%) sectors agreed.

“Pregnant employees bring many troubles to colleagues (e.g. share-out of their works)”

Of all respondents (excluding those who declared “don’t know / no comment / hard to say”), 64% disagreed (+ve) with this statement and 36% agreed (-ve). It was observed that relatively higher proportions of those who were engaged in the restaurants and hotels (48%), manufacturing / construction / other (43%) and wholesale, import / export trades (41%) sectors agreed.

“Working mothers are more stable at work. They will not easily resign because of difficulties”

Of all respondents (excluding those who declared “don’t know / no comment / hard to say”), 76% agreed (+ve) with this statement and 24% disagreed (-ve). It was observed that relatively higher proportion of those with employment size of 20 – 49 (34%) disagreed.

(Ref.: Tables 4.1.1a & b)

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Table 4.1.1a: Attitude towards the statements relating to pregnant employees and working mothers – analyzed by industry

(%)	Industry							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
We expect female staff returning to work after giving birth, instead of planning to find replacement (agree: +ve)								
Positive	96	98	94	95	94	93	95	95
Negative	4	2	6	5	6	7	5	5
Base (n):	134	61	49	56	81	54	57	492
Working mothers constitute an important source of talents (agree: +ve)								
Positive	95	92	94	84	94	96	93	93
Negative	5	8	6	16	6	4	7	7
Base (n):	130	59	50	55	83	54	58	489
**Pregnant employees incur large additional cost burden to the organization (disagree: +ve)								
Positive	75	70	60	85	82	62	76	74
Negative	25	30	40	15	18	38	24	26
Base (n):	134	61	50	55	85	52	58	495
Working mothers are more stable at work. They will not easily resign because of difficulties (agree: +ve)								
Positive	80	73	78	70	80	78	68	76
Negative	20	27	22	30	20	22	32	24
Base (n):	134	60	49	54	76	49	56	478
**Pregnant employees bring many troubles to colleagues (e.g. share-out of their works) (disagree: +ve)								
Positive	59	69	52	67	74	76	57	64
Negative	41	31	48	33	26	24	43	36
Base (n):	135	61	50	54	84	50	58	492
Female staff who have young children always take leave, which causes inconvenience to the organization (disagree: +ve)								
Positive	51	61	56	68	58	46	59	56
Negative	49	39	44	32	42	54	41	44
Base (n):	134	59	50	56	78	50	59	486
Normally, women are less concentrated and less committed at work after having babies (disagree: +ve)								
Positive	52	61	46	65	54	48	68	56
Negative	48	39	54	35	46	52	32	44
Base (n):	134	57	48	52	80	48	59	478
When hiring new staff, we will not consider an applicant who declares herself being pregnant (disagree: +ve)								
Positive	51	46	33	58	60	53	57	52
Negative	49	54	67	42	40	47	43	48
Base (n):	127	57	48	55	75	47	51	460

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q1]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

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Table 4.1.1b: Attitude towards the statements relating to pregnant employees and working mothers – analyzed by size of establishments

(%)	Size of establishments				Overall
	2 – 5	6 – 9	10 – 19	20 – 49	
We expect female staff returning to work after giving birth, instead of planning to find replacement (agree: +ve)					
Positive	94	96	97	94	95
Negative	6	4	3	6	5
Base (n):	208	95	103	86	492
Working mothers constitute an important source of talents (agree: +ve)					
Positive	93	96	93	89	93
Negative	7	4	7	11	7
Base (n):	206	96	103	84	489
Pregnant employees incur large additional cost burden to the organization (disagree: +ve)					
Positive	70	78	75	78	74
Negative	30	22	25	22	26
Base (n):	209	96	104	86	495
**Working mothers are more stable at work. They will not easily resign because of difficulties (agree: +ve)					
Positive	74	82	83	66	76
Negative	26	18	17	34	24
Base (n):	202	92	102	82	478
Pregnant employees bring many troubles to colleagues (e.g. share-out of their works) (disagree: +ve)					
Positive	63	65	70	61	64
Negative	37	35	30	39	36
Base (n):	210	94	105	83	492
Female staff who have young children always take leave, which causes inconvenience to the organization (disagree: +ve)					
Positive	49	58	62	64	56
Negative	51	42	38	36	44
Base (n):	203	96	101	86	486
Normally, women are less concentrated and less committed at work after having babies (disagree: +ve)					
Positive	50	65	57	59	56
Negative	50	35	43	41	44
Base (n):	203	94	101	80	478
When hiring new staff, we will not consider an applicant who declares herself being pregnant (disagree: +ve)					
Positive	50	56	47	57	52
Negative	50	44	53	43	48
Base (n):	199	88	96	77	460

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q1]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

4.1.2 Overall Perception towards the Impact of Pregnant Employees on the Organization

Overall analysis

When asked about the employers' overall perception towards the impact of pregnant employees on the organization, most of the respondents (72%) considered that there is no impact. A few respondents (9%) said that there are positive impacts. Yet, still some (15%) claimed that there are negative impacts.

Respondents were then asked about their perceived aspects of positive and negative impacts respectively. Among the 9% of the respondents who considered that there are positive impacts, many of them mentioned that "having a pregnant staff in the company would create a joyful working environment" (45%). For the 15% who claimed that there are negative impacts, relatively more said that "the company would need to hire / re-allocate staff to handle the work of staff on maternity leave, which causes inconvenience" (38%) and "pregnant staff would bring many troubles to colleagues" (36%).

(Ref.: Charts 4.1.2a & b)

Chart 4.1.2a: Overall perception towards the impact of pregnant employees on the organization

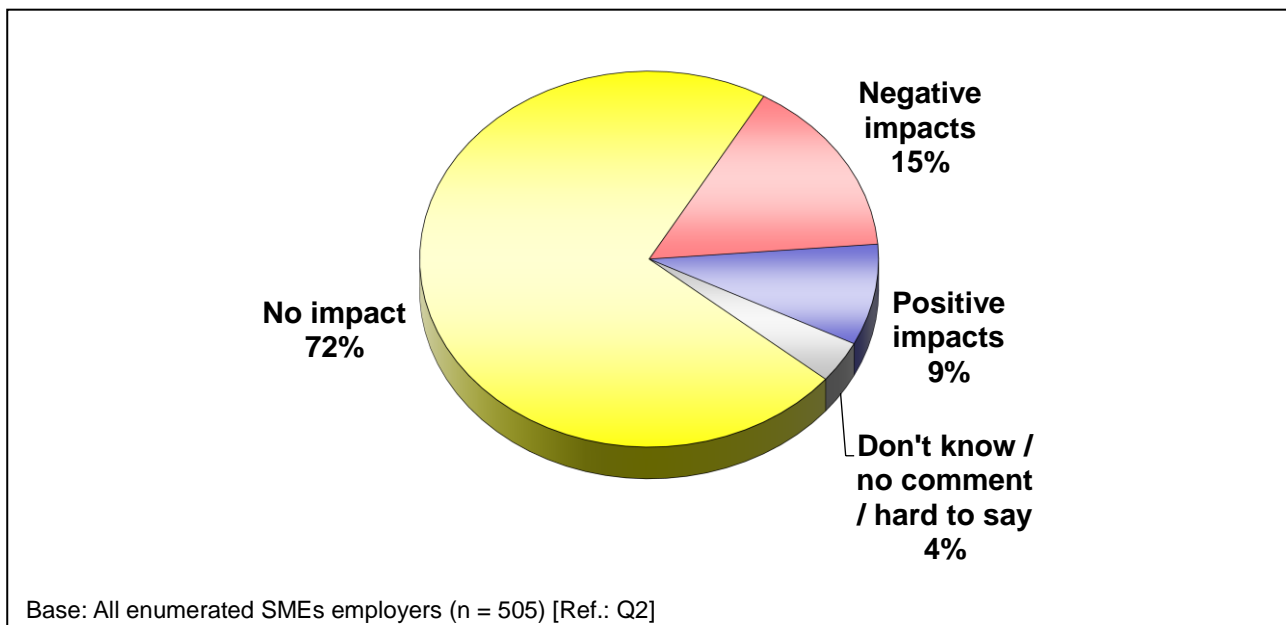


Chart 4.1.2b: Perceived aspects of positive and negative impacts of pregnant employees on the organization

<u>Positive impacts</u>	<u>Negative impacts</u>
<ul style="list-style-type: none"> - Having a pregnant staff in the company would create a joyful working environment (45%) - Pregnant staff would become more mature and diligent at work (34%) - Pregnant staff would not easily resign because of difficulties, as she bears a greater financial burden (30%) - Better sales performance of the pregnant staff (if she is a salesperson) (5%) - Having a pregnant staff in the company would create team spirit and the sense of helping each other (5%) 	<ul style="list-style-type: none"> - The company would need to hire / re-allocate staff to handle the work of staff on maternity leave, which causes inconvenience (38%) - Pregnant staff would bring many troubles to colleagues (36%) - Pregnant staff would always take leave for pre-natal check up in early stage of pregnancy, which affects her work (23%) - Pregnant staff would always take leave after returning to work from giving birth, which affects her work (15%) - The company would need to re-allocate the human resources, so as to avoid assigning dangerous work for the pregnant staff (14%) - The work performance of pregnant staff would decline after returning to work from maternity leave (14%) - Having a pregnant staff would incur additional cost burden to the company (6%)
Note: Multiple answers	Note: Multiple answers
Base: Employer respondents who considered that pregnant employees impose positive / negative impacts on the organization (positive: n = 44; negative: n = 78) [Ref.: Q3 & Q4]	

Sub-group analysis

Of all respondents (excluding those who declared “don’t know / no comment / hard to say”), 16% claimed that there are negative impacts. When analyzed by industry and size of establishments, it was observed that the proportion of respondents who claimed that there are negative impacts was relatively higher among those who were engaged in the restaurants and hotels (32%) and community, social and personal services (29%) sectors, and those with employment size of 2 – 5 persons (25%).

(Ref.: Tables 4.1.2a & b)

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Table 4.1.2a: Overall perception towards the impact of pregnant employees on the organization – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
Positive impacts	12	8	8	9	6	11	7	9
No impact	73	74	60	82	87	60	84	75
Negative impacts	15	18	32	9	7	29	9	16
Base (n):	130	61	50	55	83	52	56	487

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q2]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

Table 4.1.2b: Overall perception towards the impact of pregnant employees on the organization – analyzed by size of establishments

(%)	Size of establishments**				Overall
	2 – 5	6 – 9	10 – 19	20 – 49	
Positive impacts	8	10	9	12	9
No impact	67	83	78	80	75
Negative impacts	25	7	13	8	16
Base (n):	205	95	101	86	487

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q2]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

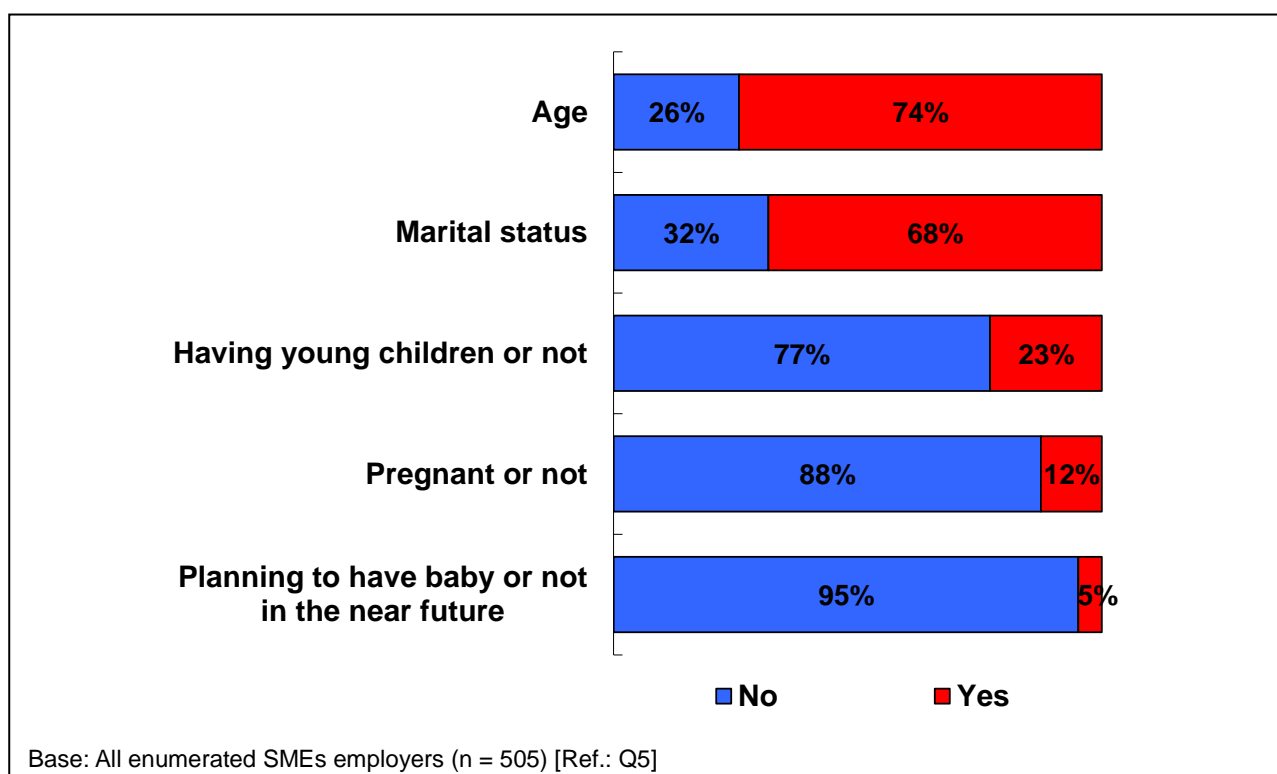
4.1.3 Concerned Aspects when Hiring New Staff

Overall analysis

In terms of the employers' concerned aspects when hiring new staff, the survey revealed that most of the employer respondents would ask the age (74%) and marital status (68%) when interviewing applicants, or list such items on the application form. Yet, relatively fewer respondents would ask whether the applicants "have young children or not" (23%), "are pregnant or not" (12%) and "plan to have baby or not in the near future" (5%).

(Ref.: Chart 4.1.3)

Chart 4.1.3: Whether collect certain information when interviewing applicants, or list the items on the application form when hiring new staff



Sub-group analysis

When analyzed by industry and size of establishments, it was observed that the proportion of respondents who would ask the marital status was relatively higher among those who were engaged in the wholesale, import / export trades (83%), transport, storage, logistics and courier services (74%) and finance, insurance, real estate, professional and business services / information and communications (71%) sectors, and those with employment size of 10 – 19 persons (80%) and 20 – 49 persons (71%).

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Besides, further analysis showed that the proportions of those who would ask whether the applicants “have young children or not” and “plan to have baby or not in the near future” were relatively higher among those who considered that there are negative impacts of pregnant employees on the organization (33% and 14% respectively).

(Ref.: Tables 4.1.3a – c)

Table 4.1.3a: Whether collect certain information when interviewing applicants, or list the items on the application form when hiring new staff – analyzed by industry

(%)	Industry							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
Age								
No	19	23	36	28	33	27	22	26
Yes	81	77	64	72	67	73	78	74
**Marital status								
No	17	49	48	26	29	40	36	32
Yes	83	51	52	74	71	60	64	68
Having young children or not								
No	73	80	78	79	71	84	85	77
Yes	27	20	22	21	29	16	15	23
Pregnant or not								
No	88	84	84	93	87	89	86	88
Yes	12	16	16	7	13	11	14	12
Planning to have baby or not in the near future								
No	95	95	98	95	98	93	93	95
Yes	5	5	2	5	2	7	7	5
Base (n):	137	61	50	57	86	55	59	505

Base: All enumerated SMEs employers [Ref.: Q5]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

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Table 4.1.3b: Whether collect certain information when interviewing applicants, or list the items on the application form when hiring new staff – analyzed by size of establishments

(%)	Size of establishments				Overall
	2 – 5	6 – 9	10 – 19	20 – 49	
Age					
No	25	30	23	26	26
Yes	75	70	77	74	74
**Marital status					
No	37	36	20	29	32
Yes	63	64	80	71	68
Having young children or not					
No	76	79	75	83	77
Yes	24	21	25	17	23
Pregnant or not					
No	88	90	86	86	88
Yes	12	10	14	14	12
Planning to have baby or not in the near future					
No	95	97	95	94	95
Yes	5	3	5	6	5
Base (n):	214	98	106	87	505

Base: All enumerated SMEs employers [Ref.: Q5]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

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Table 4.1.3c: Whether collect certain information when interviewing applicants, or list the items on the application form when hiring new staff – analyzed by overall perception towards the impact of pregnant employees on the organization

(%)	Overall perception towards the impact of pregnant employees on the organization			Overall
	Positive impacts	No impact	Negative impacts	
Age				
No	25	26	26	26
Yes	75	74	74	74
Marital status				
No	36	31	32	32
Yes	64	69	68	68
**Having young children or not				
No	75	80	67	77
Yes	25	20	33	23
Pregnant or not				
No	89	88	85	88
Yes	11	12	15	12
**Planning to have baby or not in the near future				
No	98	97	86	95
Yes	2	3	14	5
Base (n):	44	365	78	505

Base: All enumerated SMEs employers [Ref.: Q5]

Note: Those who declared “don’t know / no comment / hard to say” for the impact of pregnant employees on the organization (n = 18) were not shown.

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

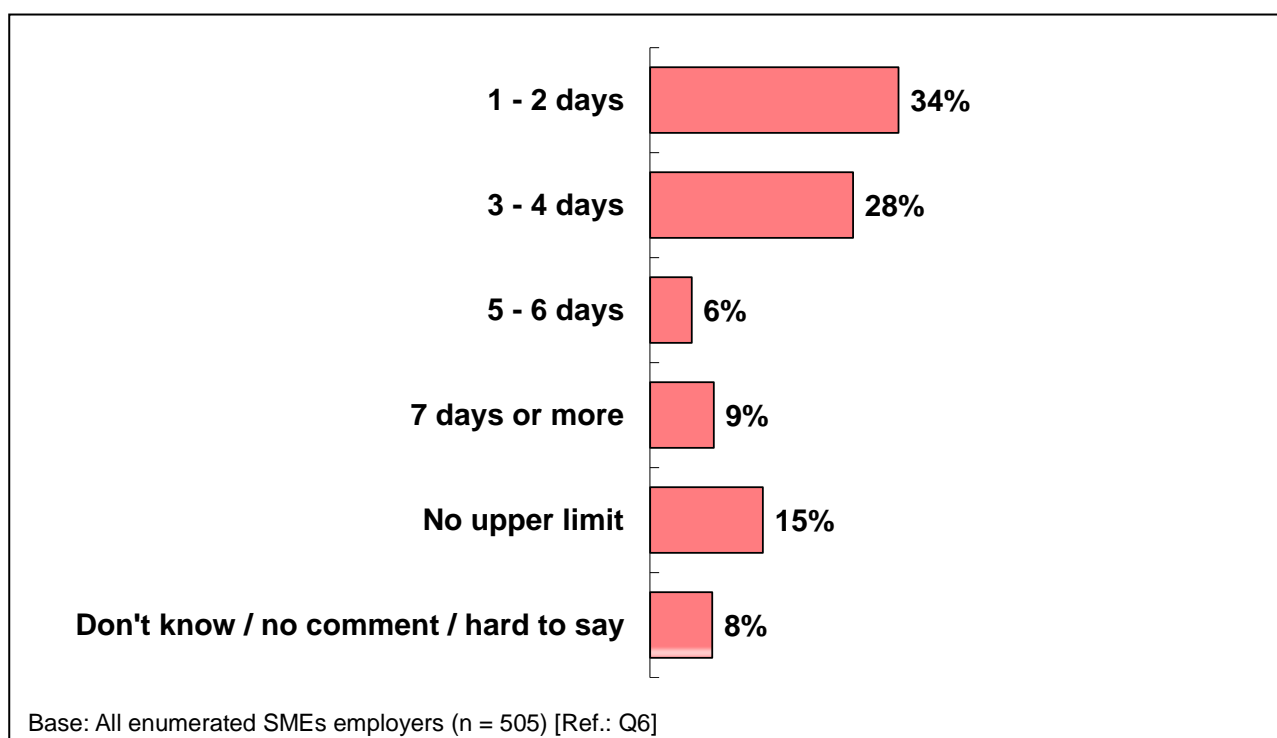
4.1.4 Maximum Acceptable Number of Days in a Month for Employees to Take Leave for Taking Care of Young Children

Overall analysis

If their staff need to be on leave for taking care of young children, most of the employer respondents thought that leave of 1 – 2 days (34%) and 3 – 4 days (28%) at most in a month are acceptable. Some could accept more days of leave (6% for 5 – 6 days and 9% for 7 days or more). It is worth noting that 15% claimed that there is no upper limit for employees to take leave for taking care of young children.

(Ref.: Chart 4.1.4)

Chart 4.1.4: Maximum acceptable number of days in a month for employees to take leave for taking care of young children



Sub-group analysis

Of all respondents (excluding those who declared “don’t know / no comment / hard to say”), 67% thought that less than 5 days at most in a month are acceptable. On the other hand, 17% claimed that there is no upper limit for employees to take leave for taking care of young children.

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Further analysis showed that the smaller the size of establishments of the employers, the higher were the proportions who thought that less than 5 days at most in a month are acceptable (ranged from 51% for those with 20 – 49 persons to 60% for 10 – 19 persons, 68% for 6 – 9 persons and 78% for 2 – 5 persons).

(Ref.: Tables 4.1.4a & b)

Table 4.1.4a: Maximum acceptable number of days in a month for employees to take leave for taking care of young children – analyzed by industry

(%)	Industry							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
1 – 2 days	36	29	41	37	40	52	27	37
3 – 4 days	32	33	31	25	28	26	34	30
5 – 6 days	7	12	8	-	5	7	4	6
7 days or more	8	10	14	16	5	4	13	10
No upper limit	17	16	6	22	22	11	22	17
Base (n):	126	58	49	49	79	46	55	462

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q6]

Table 4.1.4b: Maximum acceptable number of days in a month for employees to take leave for taking care of young children – analyzed by size of establishments

(%)	Size of establishments**				Overall
	2 – 5	6 – 9	10 – 19	20 – 49	
1 – 2 days	40	33	38	32	37
3 – 4 days	38	35	22	19	30
5 – 6 days	5	8	9	4	6
7 days or more	6	7	15	14	10
No upper limit	11	17	16	31	17
Base (n):	192	87	103	80	462

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q6]

** indicates that there is a significant relationship between the respective sub-groups and the responses, p<0.05.

4.2 FAMILY-FRIENDLY MEASURES

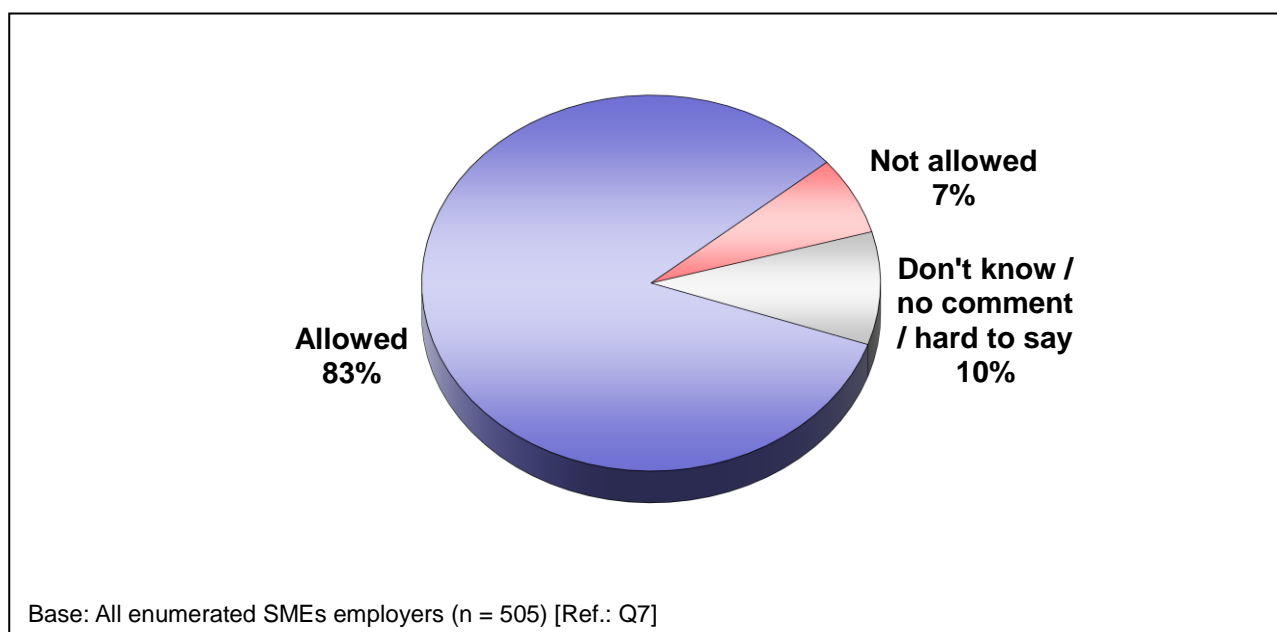
4.2.1 Whether Lactation Break was Allowed in the Organization

Overall analysis

A majority of employer respondents (83%) reported that lactation break was allowed in their organizations, that a staff who returned from maternity leave can be allowed to express breast milk in the working hours. Conversely, 7% said that it was not allowed.

(Ref.: Chart 4.2.1)

Chart 4.2.1: Whether lactation break was allowed in the organization



Sub-group analysis

Of all respondents (excluding those who declared “don’t know / no comment / hard to say”), 7% said that lactation break was not allowed in their organizations. When analyzed by industry, it was observed that the proportion of respondents who said that lactation break was not allowed was relatively higher among those who were engaged in the restaurants and hotels sector (20%).

(Ref.: Tables 4.2.1a & b)

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Table 4.2.1a: Whether lactation break was allowed in the organization – analyzed by industry

(%)	Industry**							Overall
	Wholesale, import/export trades	Retail	Restaurants & hotels	Transport, storage, logistics & courier services	Finance, insurance, real estate, professional & business services / information & communications	Community, social & personal services	Manufacturing / construction / others	
Allowed	95	95	80	96	93	90	94	93
Not allowed	5	5	20	4	7	10	6	7
Base (n):	123	59	46	46	80	51	51	456

Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q7]

** indicates that there is a significant relationship between the respective sub-groups and the responses, $p < 0.05$.

Table 4.2.1b: Whether lactation break was allowed in the organization – analyzed by size of establishments

(%)	Size of establishments				Overall
	2 – 5	6 – 9	10 – 19	20 – 49	
Allowed	94	90	95	89	93
Not allowed	6	10	5	11	7
Base (n):	196	90	98	72	456

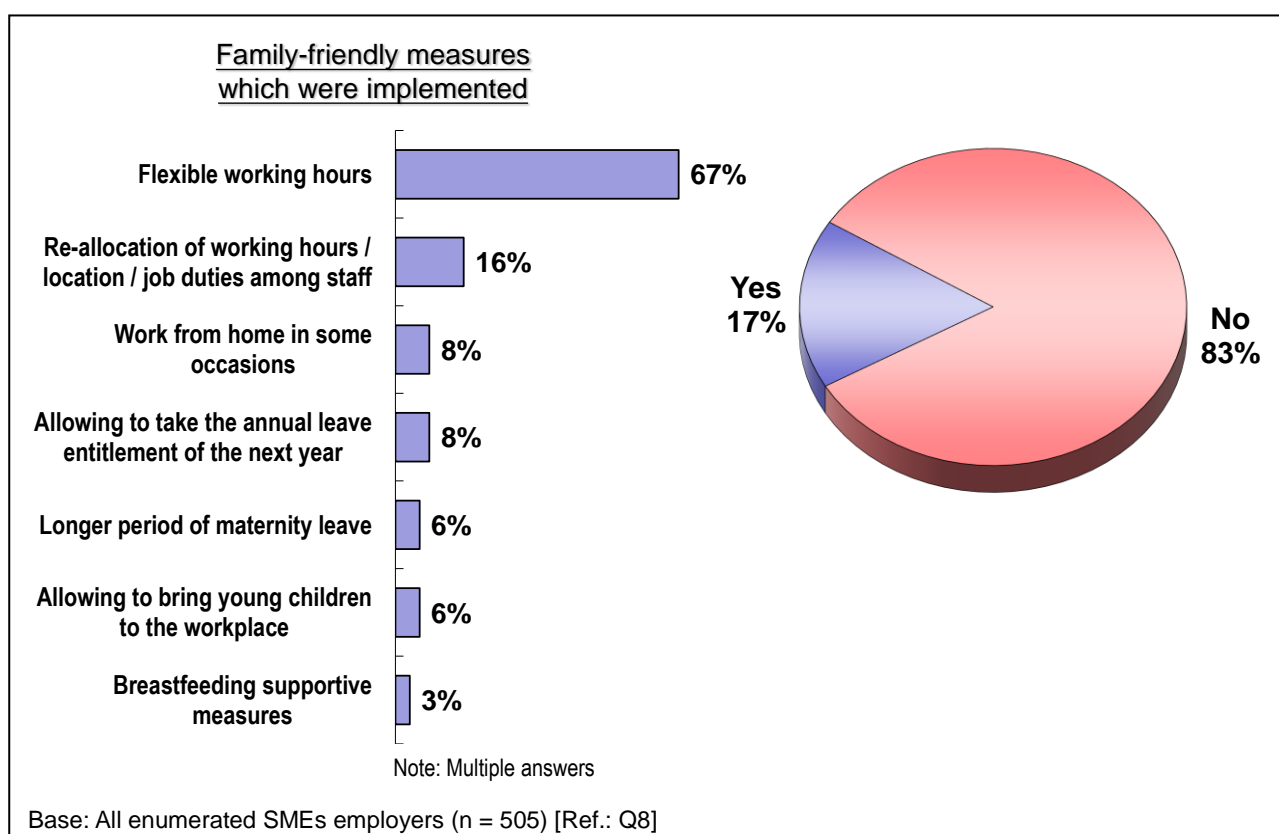
Base: All enumerated SMEs employers (excl. those who declared “don’t know / no comment / hard to say”) [Ref.: Q7]

4.2.2 Whether Implemented Family-friendly Measures in the Organization

Finally, 17% of the employer respondents claimed that family-friendly measures were implemented in their organization, which help employees balancing work and taking care of young children. Among them, the most common measure was “flexible working hours” (67%), followed by “re-allocation of working hours / location / job duties among staff” (16%).

(Ref.: Chart 4.2.2)

Chart 4.2.2: Whether implemented family-friendly measures in the organization



No significant difference was observed between the respondents who were engaged in different industry sectors and size of establishments.

5 CONCLUSION & RECOMMENDATIONS

By carrying out an employee survey and an employer survey, the current study has presented a more comprehensive picture of pregnancy discrimination and negative perceptions faced by pregnant women and working mothers in SMEs in nowadays Hong Kong. While actual experiences of pregnant women and working mothers with young child were reported, this study also focused on the attitudes towards and perceptions of pregnant employees and working mothers held by SME employers.

Overall, 22% of all respondents in the survey of employees in SMEs faced pregnancy discrimination during pregnancy, maternity leave and/ or the first 12 months after returning to the original work position from giving birth. In other words, discriminatory treatment towards female employees in SMEs because of their pregnancy is not uncommon in nowadays Hong Kong. Indeed, findings from the employee survey are consistent with those found in the employer survey with a significant minority of employers of SMEs viewing pregnant employees less desirable who posed different negative impacts on the organization.

A main theme of the population policy is to foster a supportive environment for Hong Kong people to form and raise families. It is obvious that eliminating discrimination on the ground of pregnancy and creating a welcoming atmosphere of pregnancy and maternity are important steps to achieve this goal of population policy. Based on the findings of the current study, recommendations are made in the following.

Results from the employee survey revealed that whether absence from work for pregnancy related check-up being counted as sick leave generated dissatisfaction or concerns among employees. Among the respondents who encountered pregnancy discrimination when they were working in SMEs during pregnancy, 58% cited that their absence from work for pre-natal check up was not counted as sick leave (i.e. about 12% among all respondents who worked in SMEs during pregnancy). Also, among those who experienced pregnancy discrimination during the first 12 months after their return to work from childbirth, 38% reported that their post-maternity check-up was not counted as sick leave (i.e. about 4% of the respondents who returned to original work position after giving birth). In fact, it is clearly stated in Employment Ordinance that, employee's absence from work to attend medical examination related to her pregnancy, supported by an appropriate medical certificate, shall be counted as a sickness day (Cap 57 s 33 (3A) (3B)). Labour Department may consider enhancing the education of both employees and employers about their rights and responsibilities concerning sick leave entitlement because of pregnancy.

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As compared with other occupations and industry sectors, it was found that relatively higher proportions of the employee respondents who worked as service workers / shop sales workers, skilled and manual workers, and those who worked in the restaurants and hotels industry reported that they encountered pregnancy discrimination during pregnancy and during the first 12 months of returning to work after giving birth. Besides, relatively higher proportions of the employer respondents who were engaged in the restaurants and hotels and community, social and personal services industry sectors said that there are negative impacts of pregnant employees on the organization. Therefore, more education works on the definition of pregnancy discrimination could gear towards these occupations and industries.

To change employers' stereotyping towards pregnant employees and working mothers that they "bring troubles to colleagues", "always take leave which causes inconvenience to the organization" and "are less concentrated and less committed at work", the EOC may make reference to the positive impacts of pregnant employees which were quoted by the employer respondents during advocacy and campaign, such as "having a pregnant staff in the company would create a joyful working environment", pregnant staff "would become more mature and diligent at work" and "would not easily resign because of difficulties". As suggested by the employee respondents, apart from promotion via mass media (e.g. TV, newspaper / magazine), the EOC may consider giving more talks / seminars for both employers and employees, as well as to provide more relevant information via internet. The EOC may also consider inviting good performing employers for sharing their case studies and best practices in order to promote the benefits of family-friendly employment practices.

From the employer respondents' perspective, some considered that pregnant employees posed negative impact on the organization that they "would need to hire / re-allocate staff to handle the work of staff on maternity leave". In fact, when comparing with large corporations, SMEs have less human resources and flexibility in handling the work of staff on maternity leave. In order to sooth the difficulty in handling the work of staff on maternity leave, part-timers and casual workers may be hired during this period. The government and relevant stakeholders may consider setting up a fund to subsidize SME employers for hiring part-timers and casual workers so as to ease the additional financial burden incurred to SMEs. Under this proposed fund, the government and relevant stakeholders may encourage employers to hire fresh graduates, who suffer from a relatively higher unemployment rate, for covering the maternity leaves of women as such they could be given short-term job opportunities and valuable working experiences which facilitate them to obtain gainful employment.

According to the report submitted by the Maternity Action of United Kingdom, a charity committed to ending inequality and improving the health and well-being of pregnant women,

partners and young children, one of the measures for deterring pregnancy discrimination which may also be applied to Hong Kong was to establish a process for publicly “naming and shaming” employers found by a tribunal to have broken the law on pregnancy and maternity discrimination. Moreover, the Maternity Action suggested that the government should launch some information campaigns aiming to improve the awareness of both workers and employers of the law on pregnancy and maternity discrimination which is a fundamental measure to help improving pregnancy discrimination for UK as well as Hong Kong.

Currently, there is no protection for women in Hong Kong in terms of a right to return to their work positions after taking maternity leave, which can be contrasted with protections in similar international jurisdictions. Among those who gave responses on this issue in the consultation exercise of Discrimination Law Review carried out by EOC, 90% of organizations and 87% of individuals supported that there should be express reference to protection from discrimination during maternity leave. Also, based on the operational experiences of EOC, there is evidence that women continue to face significant discrimination on ground of pregnancy during pregnancy, maternity leave and after they return to work, including by being dismissed. As such, the government should consider accepting EOC's related recommendation to introduce a statutory right of women to return to their previous role after maternity leave, or if that position no longer exists, a suitable alternative position on similar terms and conditions.

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APPENDIX A

- QUESTIONNAIRE OF EMPLOYEE SURVEY -

Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in SMEs

Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in SMEs – Employees	Sup :	Case :
	Edit :	Check :

**RESTRICTED WHEN ENTERED WITH DATA
ACCESSIBLE TO AUTHORIZED PERSONS ONLY**

Interview date: _____ Interviewer no.: _____
 Time started: _____ Time ended: _____
 Name of respondent: _____ Contact tel no.: _____

Introduction:

Hello! My name is _____, an interviewer of Mercado Solutions Associates Ltd. [Show interviewer ID card] We were commissioned by the Equal Opportunities Commission to conduct a study on pregnancy discrimination and negative perceptions faced by pregnant women and working mothers, and would like to conduct a short interview with you. The information you provide will be treated with strict confidence and will be used for aggregate data analysis only. Thank you for your co-operation.

[If necessary, elaborate] Whether you have ever encountered difficulties or not, we'd like to know your views on the issue. Your opinion is very important to the Equal Opportunities Commission.

Screening

S1. May I know if you belong to one of the following groups? [Show card & read out 1 – 3] [allow multiple answers]	Pregnant	1	→ Ask S2
	Have given birth in the past 12 months	2	→→ Ask S3
	Have child(ren) less than 6 years old	3	→ Ask S2
	None of the above	9	→ End of interview

S2. [Ask those who answered “1” and/or “3” in S1] Are you <u>currently</u> working in small and medium enterprises (SMEs)? I mean those organizations with fewer than 50 employees in Hong Kong.	Yes	1	} ----- }
	No	2	
	Not applicable [answered “2” in S1 only]	9	
S3. [Ask those who answered “2” in S1] Did you work in small and medium enterprises (SMEs) <u>when you were pregnant</u> ? I mean those organizations with fewer than 50 employees in Hong Kong.	Yes	1	} ----- }
	No	2	
	Not applicable [answered “1” / ”3” in S1 only]	9	

If answered “1” in S2 or “2/9” for S3, go to CHECK 1. If answered “2/9” for both, end of interview

**Study on Pregnancy Discrimination and Negative Perceptions
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[CHECK 1]

(S1 = 1) Pregnant → Start with Q1

(S1 = 2) Have given birth in the past 12 months → Start with Q1

(answered 3 in S1 only) Have child(ren) less than 6 years old → Ask S4

[Supervisor to check quota]

(S1 = 1 and S2 = 1) Pregnant and currently working in SME → 400

(S1 = 2 and S3 = 1) Have given birth in the past 12 months

and worked in SME during pregnancy → 700

{(S1 = 3 but ≠2) and S2 = 1} Have child(ren) less than 6 years old

(excl. those who have given birth in the past 12 months)

and currently working in SME → 400

S4.	[Ask those who answered “3” in S1 only] Did you work in small and medium enterprises (SMEs) <u>when you were pregnant last time</u> ? I mean those companies with fewer than 50 employees in Hong Kong.		[SA]	→ Ask Q1 Skip to Q11	
			Yes		1
			No		2
			Refused to answer [do not read out]		9

Main Questionnaire

During pregnancy

Q1.	Can you tell me the size of establishment where you are (were) working during pregnancy? [Show card & read out 1 – 4] [allow multiple answers]	[MA]	
		1 person	1
		2 – 5 persons	2
		6 – 9 persons	3
		10 – 19 persons	4
		20 – 49 persons	5
		Refused to answer [not to be shown & do not read out]	9

**Study on Pregnancy Discrimination and Negative Perceptions
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Q2.	Which industry was that organization engaged in? [Show card & read out 1 – 10] [MA] [allow multiple answers]	
	Manufacturing	01
	Construction	02
	Wholesale, import / export trades	03
	Retail	04
	Restaurants & hotels	05
	Transport, storage, logistics & courier services	06
	Information & communications	07
	Finance, insurance, real estate, professional & business services	08
	Community, social & personal services	09
	Agriculture & fishing, electricity & gas supply, waste management, mining & quarrying	10
	Others (pls. specify): _____	
	Refused to answer [not to be shown & do not read out]	97

Q3.	What position of job were you working in? [allow multiple answers] [MA] [Record] _____	
	[Internal coding]	
	Manager & administrator	01
	Professional	02
	Associate professional	03
	Clerk	04
	Service worker	05
	Shop sales worker	06
	Craft & related worker	07
	Plant & machine operator and assembler	08
	Skilled agricultural & fishery worker	09
	Elementary occupations	10
	Others (pls. specify): _____	
	Refused to answer [do not read out]	97

Q4.	If you need to conduct pre-natal check up on working days, which type of leave should you apply for? For example... [Show card & read out 1 – 3] [allow multiple answers] [MA]	
	Sick leave	1
	Paid leave (annual leave / compassionate leave / compensation leave)	2
	No pay leave	3
	Or others? (pls. specify): _____	
	Refused to answer [not to be shown & do not read out]	9

Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in SMEs

<p>Q5. During your pregnancy, did you encounter the following situation in the workplace because of your <u>pregnancy</u>? [Show card & read out 1 – 7] [allow multiple answers]</p> <p>[If the respondent worked in more than one organization during pregnancy, elaborate: I mean when you were working in SMEs, did you encounter these situation in the workplace because of your <u>pregnancy</u>?]</p>		[MA]		
	Without getting your consent, the employer changed your employment package (e.g. salary, working hours)	01		
	Being laid off	02		
	Relegation / being transferred to a poorer working environment because of <u>pregnancy</u>	03		
	Loss of promotion opportunity because of <u>pregnancy</u>	04		
	Absence from work for pre-natal check up was not counted as sick leave (e.g. you should apply for annual leave)	05		
	Being allocated additional works because of <u>pregnancy</u>	06		
	Being treated impolitely by the employer / colleagues because of <u>pregnancy</u>	07		
	Or other situation of being treated unfairly (pls. specify): <hr/>			
	Refused to answer [not to be shown & do not read out]	97		
None of the above [not to be shown & do not read out]	99			

Ask Q6

Go to CHECK 2

<p>Q6. In which period of pregnancy did you encounter these situation? [Show card & read out 1 – 3] [allow multiple answers]</p>		[MA]	
	Early stage (around the 1 st – 3 rd month)	1	
	Middle stage (around the 4 th – 6 th month)	2	
	Later stage (around the 7 th – 10 th month)	3	
	Refused to answer [not to be shown & do not read out]	9	

[CHECK 2]

(S1 = 2) Have given birth in the past 12 months → Ask Q7

(S1 = 3) Have child(ren) less than 6 years old → Ask Q7

(S1 = 1 but ≠2 and ≠3) Pregnant → Skip to Q19

Return to work after giving birth

<p>Q7. Did you return to your original work position after giving birth?</p>		[SA]		
	Yes	1		→ Skip to Q9
	No	2		→ Ask Q8
	Still on maternity leave	8		→ Skip to Q19
	Refused to answer [do not read out]	9		→ Skip to Q10

**Study on Pregnancy Discrimination and Negative Perceptions
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Q8.	Why didn't you return to your original work position? [Do not read out the answers] [allow multiple answers]	[MA]	Go to CHECK 3
	Being laid off during maternity leave	01	
	I resigned: during my maternity leave, the employer changed my employment package (e.g. salary, working hours) without getting my consent	02	
	I resigned: during my maternity leave, the employer transferred me to a poorer working environment	03	
	I resigned: personal reason	04	
	Others (pls. specify): _____		
	Refused to answer	97	

Q9.	During the first 12 months after you have returned to work, did you encounter the following situation? [Show card & read out 1 – 7?] [allow multiple answers]	[MA]
	Without getting your consent, the employer changed your employment package (e.g. salary, working hours)	01
	Being laid off	02
	Relegation / being transferred to a poorer working environment without convincing reason	03
	Loss of promotion opportunity without convincing reason	04
	Absence from work for post maternity check up was not counted as sick leave (e.g. you should apply for annual leave)	05
	Being allocated additional works	06
	Being treated impolitely by the employer / colleagues	07
	Or others? (pls. specify): _____	
	Refused to answer [not to be shown & do not read out]	97
	None of the above [not to be shown & do not read out]	99

[CHECK 3]

**(S1 = 3 and S1 = 1) Have child(ren) less than 6 years old
and currently working in SME → Ask Q10**

**(S1 = 3 but S1 ≠ 1) Have child(ren) less than 6 years old
but not currently working in SME → Skip to Q19**

(S1 = 2 but ≠ 3) Have given birth in the past 12 months → Skip to Q19

**Study on Pregnancy Discrimination and Negative Perceptions
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Taking leave for taking care of young children

Q10. Are you currently working in the same SME as the one you were working during pregnancy?		[SA]	
	Yes	1	→ Ask Q14
	No	2	→ Skip to Q11
	Refused to answer [do not read out]	9	→ Ask Q14

Q11. Can you tell me the size of establishment where you are working in? [Show card & read out 1 – 5] [allow multiple answers]		[MA]	
	1 person	1	
	2 – 5 persons	2	
	6 – 9 persons	3	
	10 – 19 persons	4	
	20 – 49 persons	5	
	Refused to answer [not to be shown on card & do not read out]	9	

Q12. Which industry is this organization engaged in? [Show card & read out 1 – 10] [allow multiple answers]		[MA]	
	Manufacturing	01	
	Construction	02	
	Wholesale, import / export trades	03	
	Retail	04	
	Restaurants & hotels	05	
	Transport, storage, logistics & courier services	06	
	Information & communications	07	
	Finance, insurance, real estate, professional & business services	08	
	Community, social & personal services	09	
	Agriculture & fishing, electricity & gas supply, waste management, mining & quarrying	10	
	Others (pls. specify): _____		
	Refused to answer [not to be shown & do not read out]	97	

**Study on Pregnancy Discrimination and Negative Perceptions
Faced by Pregnant Women and Working Mothers in SMEs**

Q13. What position of job are you working in? [allow multiple answers]	[MA]	
[Record] _____		
[Internal coding]		
Manager & administrator	01	
Professional	02	
Associate professional	03	
Clerk	04	
Service worker	05	
Shop sales worker	06	
Craft & related worker	07	
Plant & machine operator and assembler	08	
Skilled agricultural & fishery worker	09	
Elementary occupations	10	
Others (pls. specify): _____		
Refused to answer [do not read out]	97	

Q14. During the time when you worked in this organization, have you ever encountered difficulties for applying leave for taking care of your young child(ren)*? (*I mean your child(ren) less than 6 years old) [If necessary, elaborate] For example, bringing your child(ren) to see the doctor, to receive vaccination, to attend school interview or extracurricular activities, etc.	[SA]	
Yes	1	→ Ask Q15] Skip to Q17
No	2	
Refused to answer [do not read out]	9	

Q15. What kind(s) of difficulties have you encountered? [Do not read out the answers] [allow multiple answers]	[MA]	
The leave which was applied for in advance: not approved	01	
The leave which was applied for not in advance: not approved	02	
Resentment amongst colleagues because of my leave	03	
Others (pls. specify): _____		
Refused to answer	97	

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Q16. a. How many days of leave you have ever taken <u>in a month</u> at most? [Show card & read out 1 – 6] (I mean the leave you have taken for taking care of your young child(ren), for example, bring your child(ren) to see the doctor, to receive vaccination, to attend school interview or extracurricular activities, etc.)		[SA]	b. [Probe] How many days? _____ days
	1 – 2 days	1	
	3 – 4 days	2	
	5 – 6 days	3	
	7 – 8 days	4	
	9 – 10 days	5	
	More than 10 days	6	
	Haven't ever taken leave for taking care of children [do not read out]	7	
	Can't remember [do not read out]	8	
Refused to answer [do not read out]	9		

Q17. How many children who aged below 6 do you have?	_____ child(ren)
Refused to answer [do not read out]	9

Q18. How old is(are) he/she(they)? [Show card & read out 1 – 4] [allow multiple answers]		[MA]
	Less than 1 year old	1
	1 – less than 2 years old	2
	2 – less than 4 years old	3
	4 – less than 6 years old	4
Refused to answer [not to be shown & do not read out]	9	

**Study on Pregnancy Discrimination and Negative Perceptions
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General perceptions [ask all]

Q19. [Show card] Overall speaking, do you consider that it is common for pregnant women in encountering the following situation in SMEs?		[SA]	→ Ask Q20 Skip to X1
	Common	1	
	Average	2	
	Not common	3	
	Don't know / no comment [do not read out]	8	

Q20. Which situation do you think that is more common? [allow multiple answers]	[MA]	
Without getting your consent, the employer changed your employment package (e.g. salary, working hours)	01	
Being laid off	02	
Relegation / being transferred to a poorer working environment because of pregnancy	03	
Loss of promotion opportunity because of pregnancy	04	
Absence from work for pre-natal check up was not counted as sick leave (e.g. you should apply for annual leave)	05	
Being allocated additional works because of pregnancy	06	
Being treated impolitely by the employer / colleagues because of pregnancy	07	
Not being employed during pregnancy	08	
Others (pls. specify): _____		
Don't know / no comment	98	

Q21. What measures do you think that could effectively improve such problem in SMEs? [Do not read out the answers] [allow multiple answers]	[MA]	
For the public: enhance public education (e.g. by means of TV, newspaper / magazine)	01	
For employers / human resources management staff: more talks / seminars	02	
For employees: more talks / seminars	03	
Provide more information via internet	04	
Raise penalty of the employers with misconducts	05	
Others (pls. specify): _____		
Don't know / no comment	98	

Background Information

[Read out] Finally, for conducting statistical analysis, would you tell me...

X1. Your age? **[Show card & read out 1 – 5]**

[SA]			
Below 20	1	30 – 39	4
20 – 24	2	40 or above	5
25 – 29	3	Refused to answer [not to be shown & do not read out]	

X2. Your highest educational attainment is... ? **[Show card & read out 1 – 6]**

		[SA]
Primary or below		1
Junior secondary (Form 1 to 3)		2
Senior secondary (Form 4 to 5, HKDSE Form 6)		3
Matriculation (HKALE Form 6 to 7 / technical college)		4
Tertiary (non-degree / associate degree / degree)		5
Master / Doctoral degree		6
Refused to answer [not to be shown & do not read out]		9

X3. a. During your pregnancy, after resuming work and taking care of your child(ren), have you obtained other people's assistance in the household while you are working?

		[SA]
Yes		1
No		2
Refused to answer [do not read out]		9

→ Ask X3b
] Skip to X4

b. Would you please name the people who have provided the assistance?
[Do not read out the answers] [allow multiple answers]

		[MA]
Live-in domestic worker		1
Childcare service provider		2
Family members / relatives		3
Others (pls. specify): _____		
Refused to answer [do not read out]		9

**Study on Pregnancy Discrimination and Negative Perceptions
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X4. Would you tell me your average monthly personal income? **[Show card & read out 1 – 9]**
[SA]

\$4,999 or below	01	\$25,000 - \$29,999	06
\$5,000 - \$9,999	02	\$30,000 - \$34,999	07
\$10,000 - \$14,999	03	\$35,000 - \$39,999	08
\$15,000 - \$19,999	04	\$40,000 or above	09
\$20,000 - \$24,999	05	Refused to answer [not to be shown & do not read out]	97

~ **Thank you for your co-operation!** ~

To ensure the quality of survey, would you mind leaving your day time contact telephone number for our quality checking of interviews?

Contact tel. of respondent: _____ Name of respondent: _____(Mr/Ms)

Interviewer's signature

I hereby authenticate the data accuracy and integrity, and the interview was conducted by following the guidelines maintained by the international standard of market research.

Signature: _____ Date: _____

APPENDIX B

- QUESTIONNAIRE OF EMPLOYER SURVEY -

Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in SMEs

Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in SMEs – Employers	Sup :	Case :
	Edit :	Check :

RESTRICTED WHEN ENTERED WITH DATA ACCESSIBLE TO AUTHORIZED PERSONS ONLY
--

Interview date: _____ Interviewer no.: _____

Time started: _____ Time ended: _____

Name of respondent: _____ Contact tel no.: _____

Introduction:

Hello! My name is _____, our company (Mercado Solutions Associates Ltd.) was commissioned by the Equal Opportunities Commission to conduct a study, which aimed to collect the views from business establishments about pregnant employees. We would like to conduct a short interview with the person who is responsible for human resources management in your organization. The information you provide will be treated with strict confidence and will be used for aggregate data analysis only. Thank you for your co-operation.

[If necessary, elaborate] I mean the person who is responsible for making decision of employment, arranging human resources allocation, approval of employees' leave application, etc.

Screening

S1. Would you tell me the total number of staff in your organization, including the person-in-charge and all of the full-time staff? [Read out1 – 6]	1 person	1	→ End of interview
	2 – 5 persons	2	
	6 – 9 persons	3	
	10 – 19 persons	4	
	20 – 49 persons	5	
	50 persons or above	6	→ End of interview
	Refused to answer [do not read out]	9	

Background Information

X1.	Which industry is your organization mainly engaged in? [If necessary, read out 1 – 10]	[SA]	
	Manufacturing	01	
	Construction	02	
	Wholesale, import / export trades	03	
	Retail	04	
	Restaurants & hotels	05	
	Transport, storage, logistics & courier services	06	
	Information & communications	07	
	Finance, insurance, real estate, professional & business services	08	
	Community, social & personal services	09	
	Agriculture & fishing, electricity & gas supply, waste management, mining & quarrying	10	
	Others (pls. specify): _____		
Refused to answer [do not read out]	97		

X2.	a. For the last two years, has your organization had any pregnant employee?	[SA]	b. [Probe] How many? _____ person(s)
	Yes	1	
	No	2	
	Refused to answer [do not read out]	9	

**Study on Pregnancy Discrimination and Negative Perceptions
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Main Questionnaire

Q1. Do you agree with the following statements? **[Read out i – viii in rotation order]**
[Probe] Do you strongly agree, agree, disagree or strongly disagree?

[Read out i – viii in rotation order]	[SA]				
	Strongly agree	Agree	Disagree	Strongly disagree	Don't know / no comment / hard to say [Do not read out]
[] i. Pregnant employees incur large additional cost burden to the organization	4	3	2	1	8
[] ii. Pregnant employees bring many troubles to colleagues (e.g. share-out of their works)	4	3	2	1	8
[] iii. Normally, women are less concentrated and less committed at work after having babies	4	3	2	1	8
[] iv. When hiring new staff, my organization will not consider an applicant who declares herself being pregnant	4	3	2	1	8
[] v. Female staff who have young children always take leave, which causes inconvenience to the organization	4	3	2	1	8
[] vi. Working mothers are more stable at work. They will not easily resign because of difficulties	4	3	2	1	8
[] vii. Working mothers constitute an important source of talents	4	3	2	1	8
[] viii. My organization expects female staff returning to work after giving birth, instead of planning to find replacement	4	3	2	1	8

Q2. Overall speaking, do you consider that pregnant employees will pose positive, negative or no impact(s) on the organization?	[SA]	
Positive impacts	3	→ Ask Q3
No impact	2	→ Skip to Q5
Negative impacts	1	→ Skip to Q4
Don't know / no comment / hard to say [do not read out]	8	→ Skip to Q5

Q3. Which aspects of positive impacts? [Do not read out the answers] Any others? [MA] [allow multiple answers]		
Makes a joyful working environment	01	
The staff becomes more mature and diligent at work	02	
The staff will not easily resign because of difficulties, as she bears a greater financial burden	03	
Better sales performance (if the staff is a salesperson)	04	
Others (pls. specify): _____		Go to Q5

Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in SMEs

Q4.	Which aspects of negative impacts? [Do not read out the answers] Any others? [allow multiple answers]	[MA]
	Always taking leave for pre-natal check up in early stage of pregnancy, which affects her work	01
	Need to re-allocate the human resources, so as to avoid assigning dangerous work for the pregnant staff	02
	Need to hire / re-allocate staff to handle the work of staff on maternity leave, which causes inconvenience	03
	It incurs additional cost burden to the organization	04
	Loss of customers (if the staff is a salesperson)	05
	Brings many troubles to colleagues (e.g. share-out of her work)	06
	The work performance declines after returning to work from maternity leave	07
	Always taking leave after returning to work from giving birth, which affects her work	08
	The staff will resign shortly after returning to work from maternity leave, and the employer needs to find replacement	09
	Others (pls. specify): _____	

Q5.	When hiring new staff, do you ask the following information when interviewing the applicant, or list the following items on the application form? [If necessary, elaborate] Or if your organization needs to hire new staff, will you ask the applicant to provide such information?																											
	<table border="1"> <thead> <tr> <th rowspan="2">[Read out one by one]</th> <th colspan="3">[SA]</th> </tr> <tr> <th>Yes</th> <th>No</th> <th>Refused to answer [do not read out]</th> </tr> </thead> <tbody> <tr> <td>a. Age</td> <td>1</td> <td>2</td> <td>7</td> </tr> <tr> <td>b. Marital status</td> <td>1</td> <td>2</td> <td>7</td> </tr> <tr> <td>c. Pregnant or not</td> <td>1</td> <td>2</td> <td>7</td> </tr> <tr> <td>d. Having young children or not</td> <td>1</td> <td>2</td> <td>7</td> </tr> <tr> <td>e. Planning to have baby or not in the near future</td> <td>1</td> <td>2</td> <td>7</td> </tr> </tbody> </table>	[Read out one by one]	[SA]			Yes	No	Refused to answer [do not read out]	a. Age	1	2	7	b. Marital status	1	2	7	c. Pregnant or not	1	2	7	d. Having young children or not	1	2	7	e. Planning to have baby or not in the near future	1	2	7
[Read out one by one]	[SA]																											
	Yes	No	Refused to answer [do not read out]																									
a. Age	1	2	7																									
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c. Pregnant or not	1	2	7																									
d. Having young children or not	1	2	7																									
e. Planning to have baby or not in the near future	1	2	7																									

**Study on Pregnancy Discrimination and Negative Perceptions
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Q6.	a. If a staff needs to be on leave for taking care of her young child(ren), how many days <u>in a month</u> at most do you think that it is acceptable? [Read out 1 – 6] [If necessary, elaborate] For example, bringing the child to see the doctor, to receive vaccination, to attend school interview or extracurricular activities, etc.	[SA]	b. [Probe] How many days at most? days	
		1 – 2 days		1
		3 – 4 days		2
		5 – 6 days		3
		7 – 8 days		4
		9 – 10 days		5
		More than 10 days		6
		No upper limit [do not read out]		7
		Don't know / no comment / hard to say [do not read out]		8
		Refused to answer [do not read out]		9

Q7.	Is lactation break allowed in your organization, that a staff who returned from maternity leave can be allowed to express breast milk in the working hours?	[SA]	
		Allowed	2
		Not allowed	1
		Don't know / no comment / hard to say [do not read out]	8
		Refused to answer [do not read out]	9

Q8.	Does your organization implement any family-friendly measures, which help employees balancing work and taking care of young children? [If yes] What are the measures? [Do not read out the answers] Any others? [allow multiple answers]	[MA]	
		Flexible working hours	01
		Work from home in some occasions	02
		Breastfeeding supportive measures (e.g. providing room for lactation, fridge for safekeeping the milk)	03
		Longer period of maternity leave	04
		Allowing to take the annual leave entitled for the coming year	05
		Re-allocation of working hours / location / job duties among staff	06
		Others (pls. specify): _____	
		No	99
		Refused to answer [do not read out]	97

~ **Thank you for your co-operation!** ~

[Read out] Another staff of our company may contact you later to re-confirm the interview that I have done or to clarify some of the questions. He/she will only ask a few questions and it will not take a long time. Thank you for your cooperation.

Signature: _____

Date: _____