

主席序言

Chairperson's Foreword



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在過去一年，平等機會委員會(委員會)在連番諮詢委員、職員和持份者後，訂出更明確的抱負和使命，積極推進平等機會工作。委員會自1996年9月起為市民提供服務，一直與非政府機構和公私營界別保持夥伴關係，致力把平等機會納入主流。過程中達致的協同作用，令委員會轉變了工作模式。

恐懼往往源自無知，故此發放資訊是消除歧視的關鍵，而加強委員會內外溝通，更成為我們的重要承諾。對內而言，我們制訂了相關政策和機構聲明，當中包含委員會的價值觀、策略及目標，將之傳達至委員會全人，作為推動未來工作的基礎。

至於委員會的對外溝通，首要的策略是讓市民都享有平等機會獲取優質資訊和協助。我們撥款更新委員會網站，把重點放在三條反歧視條例、委員會的服務及網上資源上。在我們處理的投訴當中，有80%源自僱傭範疇，市民對委員會培訓和顧問服務的需求因而亦明顯上升。然而，為了把訊息傳達給更多人，我們決定借助網上資訊的傳達功能，作為預防歧視的措施，協助被歧視的人獲得充權。

It has been a productive year for the Commission, after a series of extensive consultations with Members, staff and our stakeholders, a more focused vision and mission was identified to advance our work in equal opportunities. Since the Equal Opportunities Commission opened its doors to the public in September 1996, we have been able to engage NGOs, the public and private sectors as our partners in mainstreaming equal opportunities and the synergy that has been achieved necessitated a transformation in the way we conduct our work.

Fear is often borne out of ignorance, therefore the dissemination of information is crucial in combating discrimination. Improving communication within and outside the Commission became a major commitment. Internally, what has evolved is a policy comprising our corporate statement of values, strategies and objectives that is fully communicated to those of us at the Commission, and will drive our work in the years to come.

For our external communication strategy, first and foremost, we looked to improve individuals' equal access to quality information and assistance. We invested in the EOC website which was revamped to highlight the three anti-discrimination ordinances, our services and on-line resources. Reflecting the high level of complaints derived from the employment sector (approximately 80% of total complaints processed), we have witnessed a growth in demand for our training and consultancy services. However, to reach out to as many as possible, we decided to leverage advice and information on line, as a measure to prevent discrimination and also, a tool to empower those who have been discriminated against to seek assistance.

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我們實現了一項新構思，就是透過成立「平等機會之友會」，在企業和其他機構中引入「平等機會主任」的概念。我們相信，每個工作間的「平等機會主任」都有助把多元文化納入主流，為員工締造更佳的工作環境，如此一來，員工便成為更具效率和效能的人力資源。平等機會之友會是一個由僱主、人力資源從業員和職場培訓人員所組成的廣大網絡，提升他們對歧視法例的認識，並協助僱主遵守法例及良好管理常規。

委員會近年與相關機構，例如非政府機構、工會、政府部門和決策局結成更緊密的夥伴關係。我們明白有需要讓各界夥伴和市民大眾對委員會在履行職責方面的進展有更深瞭解。這是提升社會人士(包括傳媒)對委員會工作增進認識的重要一步。在每次委員會大會後，我們恢復舉行新聞簡布會，而會議記錄在確認後亦會上載我們的網站。種種跟進委員會工作進度的措施，顯示出我們對保持高透明度、開放及問責的決心。

根據ACNielsen兩年前進行的公眾意見調查，宣傳和教育是委員會最為人熟知的職能。調查亦顯示，市民要求委員會推行更多宣傳和教育，其次是有關平等機會觀念和措施的培訓。為此，在考慮過各方意見後，委員會委員和管理層達成共識，把宣傳、公眾教育和培訓職能合併，達到最佳的協同效果。

We designed a new initiative, the Equal Opportunities Club to introduce the concept of "EO Officers" in corporations and other organizations. We believe that an "EO Officer" in every workplace will help mainstream diversity, create a better work environment for staff, which means a more efficient and effective team for the employer. The Club will form a wide network of employers, human resources practitioners and trainers to improve understanding of Hong Kong's three anti-discrimination ordinances, and implementation of good management practices in compliance with the law.

Having forged stronger partnerships with our stakeholders, such as NGOs, corporations, trade unions, government departments and bureaus in recent years, we understand the need to keep our partners and the public better informed about the progress of how we are discharging our duties. This is a significant step in enhancing the community including the media's understanding of our work. We reinstated the practice of conducting a media briefing following each regular EOC Meeting, and the confirmed minutes of the Meetings are now on our website. These steps to chart the progress of our work in the public domain demonstrate our commitment to transparency, openness and accountability.

Promotion and education is the most known function of the EOC according to the Public Perception Survey by ACNielsen conducted two years ago. The same survey also revealed that the public demanded more promotion and education, followed by training on EO concepts and practices. To this end, there is also a general consensus among Members and senior staff, after taking into consideration views expressed by our key stakeholders, that our publicity, public education and training functions be merged to achieve greater synergy and impact.



自2005年4月開始，我們的宣傳及教育組與培訓及顧問服務組合併成為機構傳訊及培訓組¹。經歷近十年的運作後，上述兩組的專業知識和資源重新整合，回應不斷轉變的需求，更集中和深入推廣平等機會。這次精簡架構訂定了委員會新的傳訊策略，為不同界別提供更具成效的公眾教育服務。

在教育方面，我們推出廣受歡迎的學校活動，例如在小學上演互動話劇，以及在中學推行打破定型觀念的青少年師友計劃，為大學生製作的網上教育資料套亦即將完成。僱傭方面，我們著手制定更多遵守法例的工具如網上的培訓課程。這些長遠的工作有助切合市民需求，就反歧視條例之下的適用情況及個人權利和責任，提供更深入的資料。

投訴個案的數字在過去12個月有所上升，當中，關乎工傷的升幅較為顯著。無障礙通道和設施依然是殘疾人士的重點關注，我們將於未來數月就此問題進行正式調查。至於《性別歧視條例》的有關個案當中，最嚴重的仍是懷孕歧視，我們預備在2007年初推出相關的媒體宣傳計劃。雖然大部份僱主都知道因為員工懷孕而將之解僱是違法的，但不少僱主仍然在員工產假後復工時將之解僱，這亦同屬違法。

¹ 按周永新教授及凌劉月芬女士所進行的「委員會角色及組織管理架構檢討報告(2004)」的建議進行。

Since April 2005 the Promotion and Education Unit was merged with the Training and Consultancy Unit to become the Corporate Communications and Training Unit¹. After close to ten years of operation, expertise and resources from both units are now realigned and ready to cater to today's changing needs, and that is to provide more focused and in-depth promotion of equal opportunities. This streamlining of the Commission's structure underpins our new communications strategy, to provide effective public education initiatives for different sectors in the community.

In the case of the education sector, we have in place successful and popular schools programmes, such as interactive plays in primary schools and career mentorship projects to break down stereotyping in secondary schools. Plans now call for the completion of on-line education modules for university students, and in the employment sector, the Commission shall develop more compliance tools such as web-based training. This long term approach will address calls for the EOC to provide more in-depth information about the application, and individuals' rights and obligations under the anti-discrimination ordinances.

In the last 12 months, complaint cases have been on the rise with work-injury related cases appearing to be more significant. Accessibility remains an important issue for persons with disabilities, and we shall conduct a Formal Investigation on this particular problem in the coming months. Pregnancy discrimination is still the most serious form of discrimination under the Sex Discrimination Ordinance, and the Commission is preparing to launch a media campaign

¹ As recommended in the Report on Review of the Role and Organizational and Management Structure of the EOC by Professor Nelson CHOW and Mrs. Laura LING (2004).

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委員會不斷改善及精簡內部的運作程序，以便提供更完善的投訴處理服務。我們提升了個案管理系統，以加強數據分享功能，亦方便我們在有需要時，作出以理據為基礎的研究。此外，委員會亦決定制訂一項持平政策²，重新確認及清楚說明委員會在調查投訴及調解時不偏不倚的角色。這個重要的訊息在我們開始處理投訴時，已向投訴人及答辯人傳達，讓他們明白需要提供所有相關資料，協助雙方作出明智決定。

藉著法律協助，多年來我們曾帶動制度的變革，改善相關措施，並為個別人士伸張正義。以一名懷孕客戶經理的個案為例，區域法院裁定，僱主由於員工懷孕放病假及產假而對其施加壓力，是違法的歧視，即使僱主並非刻意去作出歧視，仍屬違法。此外，僱主對於女性健康問題作出不體諒的回應，以及隨意對該員工作出不實的指稱，均反映歧視態度。法庭合共判給原告人544,156元的賠償，當中包括200,000元感情損害賠償，是考慮到原告人受到約兩年的不公平對待，亦顯示她所受傷害的程度；賠償金額是目前為止同類懷孕歧視個案的最高金額。

in early 2007. While most employers are aware that sacking female employees because of their pregnancy is unlawful, many still err in dismissing them upon their return to work from maternity leave.

In our continuous efforts to improve and streamline our internal operation procedures to better our complaint handling service to the public, we upgraded our case management system to enhance data sharing and to help us conduct evidence based research if and when the need arose. We also made the decision to develop an impartiality policy², to reaffirm and clarify the Commission's role in investigating and conciliating complaints. This important message is conveyed to the complainant and respondent at the beginning of the complaint handling process, which underscores the need for them to provide all relevant information in order to assist both parties to make an informed decision.

我們協助投訴人作出法律申訴的角色往往被視為是帶動變革的關鍵。在去年，我們獲邀在立法會若干個事務委員會及會議上提出觀點、發表意見並報告進度，這情況意味著「平等」觀念理應納入社會各階層的主流。除了立法會民政事務委員會外，我們亦曾參與其他的會議，包括立法會教育事務委員會有關「少數族裔兒童的教育」會議及「研究殘疾人士的交通需要及為他們提供公共交通票價優惠的事宜小組委員會」會議。

另一個帶動改革的範疇是政策及研究，我們的「香港家庭友善僱傭政策及措施」研究，獲多間公司回應，代表僱員總數超過160,000人，是本港首次有如此規模涵蓋僱主和僱員的研究。由於工作與生活的平衡越來越受到僱主和僱員所關注，委員會將繼續推廣在僱傭範疇採納家庭友善政策及措施的好處。這項由委員會與婦女事務委員會合作的研究值得多方參考，因為若能在工作和生活之間取得平衡，男女僱員均可以就其工作和照顧者的角色，作出更佳選擇。

Over the years, our legal assistance have changed systems, improved practices and enabled individuals to seek justice. In the case of an expectant mother who was an account manager, the District Court held that it was unlawful discrimination for an employer to put pressure on a pregnant employee due to her pregnancy related sick leave and maternity leave, even if the employer did not intentionally discriminate. Furthermore, the employer's insensitive responses to the women's health problems reflected a discriminatory attitude, so did the employer's readiness in leveling fraudulent accusations against her. To mark the degree of hurt and indignation, the Court awarded a total sum of \$544,156 including \$200,000 for injury to feelings, the highest award in similar pregnancy cases so far, taking into account the unfair treatment the plaintiff faced which lasted about two years.

Our role in providing legal redress to complainants is often seen as pivotal in effecting change. In the last year, perhaps as a reflection of considerations to mainstream equality in different walks of life, the Commission had been invited to present views, provide advice and to report progress in a good number of Legislative Council panels and meetings. Apart from the Panel on Home Affairs, our participation was extended to, including others, the Panel on Education meeting on education for children of ethnic minorities, the Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities.

² 按周永新教授及凌劉月芬女士所進行的「委員會角色及組織管理架構檢討報告(2004)」的建議進行。

² As recommended in the Report on Review of the Role and Organizational and Management Structure of the EOC by Professor Nelson CHOW and Mrs. Laura LING (2004).

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鑑於政府有意立法禁止種族歧視，委員會已早作綢繆，與相關機構及人士聯繫，為我們將擔當的新角色作好準備。首先，委員會與不同的服務提供者、少數族裔團體、商會、領事館及政府進行連串磋商，加強我們對這方面的了解，有效處理相關問題。委員會亦正就其他工作作出規劃，以便提供新的服務。

邁向十周年，委員會將推出紀念活動，令市民更加瞭解及支持平等機會。雖然平等機會不再是陌生的概念，但我們仍需繼續努力，提高社會人士的認識，並推廣到商界作更廣泛應用。經過十年時間，現在是適當時候回望過去，透過反思過往的經驗，定出未來路向。我很高興員工的合作和承擔確保了委員會的工作效率，讓委員會能迎接各種挑戰。員工的流失率低，亦讓我們得以留住他們的經驗和專業知識，鞏固委員會作為監管機構的角色。

Another aspect of effecting change is in the area of policy and research. We conducted a Study on Family-Friendly Employment Policies and Practices (FEPPs) in Hong Kong. Companies employing a total of over 160,000 employees were surveyed, making it the first study of this scale in Hong Kong that covered employers and employees. As achieving work/life balance increasingly becomes an issue for employees and employers, the Commission will continue to promote the benefits of adopting FEPPs in the employment sector. This joint project with the Women's Commission deserves further consideration because better work life balance will allow more men and women to make better choices in relation to their work and caring roles.

In terms of planning for the government's intention to legislate against race discrimination, we have undertaken to connect with the relevant stakeholders, and worked proactively to prepare for our new role. To begin with, the Commission has engaged in a series of discussions with service providers, minority groups, chambers of commerce, the consular corps and the government as a capacity building exercise. Other initiatives are being mapped out to enable us to deliver our new service to the public.

As we approach our tenth year, we shall be rolling out a tenth anniversary programme for members of the public to garner their understanding and support of equal opportunities. Although equal opportunity is no longer a novel concept in our community, there is still much to do to heighten its awareness at the community level and broaden its application in the business sector. After ten years, it is a good time to



在國際層面上，我們曾為促進和保護殘疾人權利和尊嚴的國際公約草擬工作作出貢獻，在各國完成磋商後，公約將提交2006年9月開幕的聯合國大會通過。對全球的殘疾人士而言，這條新國際公約所帶來的影響，將會非常深遠，標誌著一個新的紀元。委員會的工作繼續向前，我們期望來年能匯報更多正面的進展。

平等機會委員會主席

鄧爾邦

look back, to learn from what we have done and to plot our path ahead. I am gratified with the staff's co-operation and commitment which has ensured that work has been carried out efficiently, to meet our many challenges. A low staff turnover has also enabled experience and expertise to reside within the Commission, and has buttressed the quality of our regulatory role.

On the international front, we have been able to contribute to the drafting of the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. When negotiation amongst State Parties is complete, the treaty will be sent to the United Nations' General Assembly for endorsement at its next session in September 2006. It will be the dawn of a new era for persons with disability worldwide. The impact of the new international convention will be far reaching indeed. As work continues, we expect more positive developments for reporting in the coming year.

Raymond Tang
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