

實施法例

自1996年5月20日成立以來，平等機會委員會的主要任務之一是協助政府把兩條反歧視條例付諸實施。工作分為兩階段，第一階段實施法例中與僱傭無關的條文，第二個階段則實施法例中餘下來關乎僱傭的條文。

《性別歧視條例》和《殘疾歧視條例》中與僱傭無關的條文於1996年9月20日，即委員會成立四個月後生效；至於其餘關乎僱傭的條文則在1996年12月20日生效。

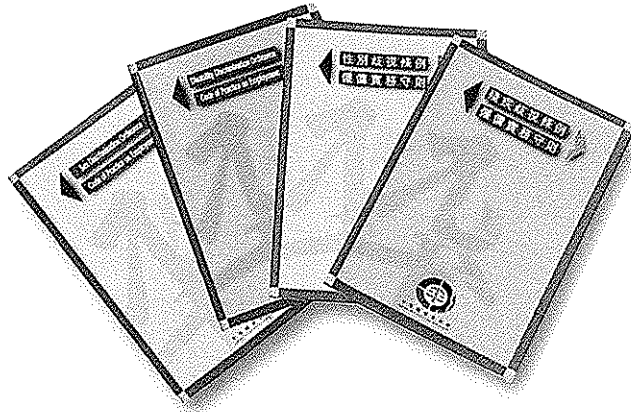
分兩階段實施法例的做法，原因之一是要讓委員會在發出《性別歧視條例》及《殘疾歧視條例》的僱傭實務守則之前，能有充足的時間諮詢公眾，收集僱主團體、勞工組織及其他關注組織的意見。出版實務守則的目的是幫助僱主及僱員瞭解本身的法律責任，並為機構的管理層提供實用指引，幫助他們制訂常規及制度，以預防在工作場所發生歧視及其他違法行為。

Bringing the Legislation into Effect

Since its inception on 20 May 1996, one of the primary tasks of the Equal Opportunities Commission is to work with the government in bringing Hong Kong's first two anti-discrimination laws into effect. This was done in two phases. The first phase involved bringing into effect the non-employment related provisions of the law, and the second phase involved the remaining employment related provisions.

The non-employment related provisions of the SDO and the DDO came into effect on 20 September 1996, four months after the Commission was established. The remaining employment related provisions of the two ordinances were brought into force on 20 December 1996.

One reason behind this bi-phasal approach was to allow sufficient time for public consultation with employer organizations, labour groups and other concern groups before the EOC issued its two Codes of Practice on Employment under the SDO and the DDO. The codes are published to assist employers and employees in understanding their responsibilities under the legislation and provide practical guidance to the management of organizations on procedures and systems that can help prevent discrimination and other unlawful acts in the workplace.



平等機會委員會在1996年11月6日通過《僱傭實務守則》之前曾進行了兩輪諮詢，首輪諮詢於1996年8月至9月期間進行，諮詢對象為僱主聯會、工會、婦女組織及復康團體。

委員會按照所收到的意見及建議書修訂實務守則草稿，然後印行，在1996年9月底至10月底向公眾諮詢。期間派發予市民的修訂實務守則超過九萬本。委員會與有關機構、關注組織和區議會舉行了二十七次諮詢會議。所收到的意見書共有六十八份，其中四十一份由團體發出，二十七份來自個人。

實務守則由委員會通過之後，於1996年11月20日提交立法局，並於1996年12月20日生效，即與《性別歧視條例》及《殘疾歧視條例》中關乎僱傭的條文同時實施。

在實務守則諮詢期間，委員會同時亦制定規則，規管就兩條條例進行的正式調查、以及調查及調解等工作。委員會於1996年11月8日制定了《性別歧視(正式調查)規則》、《殘疾歧視(正式調查)規則》、《性別歧視(調查及調解)規則》，及《殘疾歧視(調查及調解)規則》。這些規則在1996年11月20日與《僱傭實務守則》一同提交立法局，並於1996年12月20日生效。

The EOC conducted two rounds of consultation before it approved the Codes of Practice on Employment on 6 November 1996. The first round of consultation was conducted from August to September 1996 with employers' associations, trade unions, women's groups and rehabilitation bodies.

Based on comments and submissions received, the draft Codes of Practice were revised and published for public consultation between late September to late October 1996. More than 90 000 copies of the revised Codes of Practice were distributed to the public. Twenty-seven consultation meetings were held with relevant organizations and concern groups, as well as the District Boards. A total of 68 written submissions were received comprising 41 from organizations and 27 from individuals.

Upon approval of the Codes of Practice by the Commission, they were tabled before the Legislative Council on 20 November 1996 and came into effect on 20 December 1996 to co-incide with the timing of the operation of the employment related provisions of the SDO and the DDO.

During the period of consultation on the Codes of Practice, the Commission was also tasked with making rules relating to formal investigations, and investigation and conciliation under the two ordinances. On 8 November 1996 the Commission made the Sex Discrimination (Formal Investigations) Rules, the Disability Discrimination (Formal Investigations) Rules, the Sex Discrimination (Investigation and Conciliation) Rules and the Disability Discrimination (Investigation and Conciliation) Rules. These rules were tabled before the Legislative Council on 20 November 1996 along with the Codes of Practice on Employment, and came into operation on 20 December 1996.