

EOC NEWS



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

P.2 守護核心價值
同創多元共融
Upholding our Core Values
of Diversity and Inclusion

P.5 平機會呼籲支持融合教育
The EOC Calls for Support
on Integrated Education

P.6 一點燭光發光芒
Be the Spark for a
Better World

P.10 最新投訴個案
Latest Complaint Case

平等機會委員會通訊

Issue 59 期

1/2013

免費贈閱 FREE COPY



籌辦由自閉及社區人士一起繪製的「心連心」作品展是要向大眾展現一個共融的願境，並同時慶祝專為殘疾人士提供非牟利服務的香港耀能協會金禧紀念。

"Heart to Heart" art pieces jointly created by persons with autism and the general public mark the SAHK's Golden Jubilee. The art work represents an inclusive society for all. SAHK is a non-profit making organization providing services for persons with disabilities.



守護核心價值 同創多元共融

Upholding our Core Values of Diversity and Inclusion

香港政府於2010年發表了一份研究報告，以了解香港人現行的價值觀、這個城市的特質及市民心目中的理想香港應是怎樣的。

研究結果甚具啟示性，港人選出四項他們期望香港具備的特質，包括：創意與多元、更佳生活質素、自由與生活快樂，以及追求卓越。這些就是我們社會所渴慕的要素。

仔細分析，它們與平等機會原則一脈相承。平等和多元共融等價值觀可助香港成為理想之都。

勇於創新－多元激發思維

不少研究顯示，多元共融可提高創意。一位北卡羅來納大學教授於2002年做的研究指出，在有關創新思維的研究中，受訪者的人際網絡愈多元化，其創新指數會較普通人可高出三倍。作者指出，透過這些網絡可取得更多樣化的資訊，從而激發創意。不同的思考角度能誘發多元意念，或提供解決難題的新靈感。例如：為文字訊息帶來革命性變化的手機文字智能預測功能，本來就是由輔助殘疾人士的應用程式演變而成的。

In 2010, the Hong Kong Government released a study on the prevailing values and attributes of this city as well as the public's vision of an ideal Hong Kong.

The results of the public survey were revealing. Hongkongers picked four key elements that they want the city to possess: Creativity and Diversity, Better Quality of Life, Freedom and Enjoyment, and Striving for Excellence. They represent, in essence, what we aspire to be as a society.

Upon a closer look, they are directly related to principles of equal opportunities. Indeed, the values of equality, inclusion and diversity can help Hong Kong achieve its aspirations.

Innovative: Diversity Sparks Creativity

Numerous research has shown that diversity enhances creative thinking and innovation. A 2002 study from a professor at the University of North Carolina suggests, for example, that people with more diverse social networks score up to three times higher on a metric that measures innovation. The author notes that, through these networks, one would have wider access to different types of information, which would lead to innovative thinking. The presence of a different perspective is often the spark that is needed for a new idea or a novel way to solve a problem. Consider, for instance, that the automatic predictive text function on mobile phones, which revolutionized the nature of text messaging, grew out of assistive technology for people with disability.



香港向來都是令人容易留下來的地方。不同背景的人以此為家，尋找更美好的明天。關鍵在於我們如何善用現有的多元環境。我們可增加跨文化的互動機會，引導各方面合作，創造崇尚多元、相互尊重的文化環境，建構更開放的社會，以利新思維得以萌芽。

優質生活 – 不只是工作

不少香港人屬「工作狂」。只要切實推行改善工作與生活平衡的措施，就能提高這個社會的生活質素。根據香港大學於2010年進行的研究，近半受訪者每星期工作逾50小時，餘下做其他活動的時間少之又少。

推行工作與生活平衡措施可為員工及家庭帶來不少好處，因而提升員工的歸屬感，尤其是減輕在職父母，特別是母親的負擔。的確，不少婦女因為無法兼顧家庭和工作而離開職場，她們寶貴的技能 and 資歷也隨之流失。隨著香港人口急速老化，對長者支援不足的情況下，照顧年邁雙親或其他親人的責任經常落在在職人士身上。讓港人能平衡工作與家庭需要，不但可增強香港的生產力，更能鞏固香港作為理想居住地方的美譽。

Hong Kong has a long history as a melting pot, a place where people from diverse backgrounds can find refuge and seek a brighter future. The key is how to harness our existing diversity. This can be done

by increasing opportunities at cross-cultural interactions, and guiding different perspectives towards collaboration and creation. Fostering a culture that values diversity and mutual respect can create a more open atmosphere for the fermentation of ideas.

Quality Living: More Than Just Work

In Hong Kong's work-fixated culture, measures to improve work-life balance are one way to raise one's quality of life. After all, according to a 2010 University of Hong Kong survey, almost half of respondents work over 50 hours a week, leaving little time for other parts of their lives.

Measures to enhance work-life balance can also positively impact families and employee engagement. In particular, it can ease the burden currently placed upon working parents, particularly mothers. Indeed, many women end up leaving the workforce when it becomes impossible to juggle the demands of career and home, taking with them their invaluable skills and training. Hong Kong's rapidly ageing population and the absence of sufficient elderly support means that the responsibility to care for one's elderly parents and relatives often falls on the working-age population. By enabling Hongkongers to balance the demands of their home and career, we are helping to strengthen this city's workforce and maintaining our reputation as a sought-after place to build one's life.

自由的真諦

共融的真義是讓每個人享有更大的自由。正如曼德拉指出：「自由不單是解除自身的束縛，還得尊重和促進他人的自由」。香港人對本地社會和經濟自由引以自豪，在法治的保障下，我們享有言論、結社和信仰自由。但我們是否真正具備像曼德拉說的自由？

在一個真正自由的社會中，每個人都可毫無障礙地參與各樣事務。可是，不少香港人仍未能全面參與社會。例如，不管是求職或參加社交活動，不少殘疾人士因通道受阻而難以進出各類建築物，以致他們不能自由和更有意義地生活。也有一些障礙是心理上的，源自根深蒂固的定型觀念，例如不少僱主仍對少數族裔有偏見，因而拒絕聘用。只有除去一切妨礙參與社會的障礙，香港才可獲得真正自由。

追求卓越—培育高質素人才

香港要繼續追求卓越，精益求精，就必須讓人才受到鼓勵和得到發揮的空間，盡展所長。事實上，唯才是用的平等甄別準則有助加強企業競爭力、廣納賢才、為不同行業提供更豐富的人力資源，提升機構實力。共融政策有助培育和挽留員工，機構只根據工作表現而非外在因素評核員工，可增加員工的歸屬感，營造一個積極正面的工作環境，提高整體生產力。我們應讓每個人在公平的基礎上競爭，消除因偏見而產生的障礙，達致人盡其才、能者居之，充份表現香港人成功創企的思維。

我們亦要努力培育本地人才，以維持香港在這方面廣受認可的高水平。為此，政府必須確保市民都有接受優質教育的平等機會，不會受偏見或定型觀念所影響，例如基於某人的種族或殘疾，而作出較差的對待。

The Real Meaning of Freedom

Being inclusive means that everyone's freedom is enhanced. As Nelson Mandela said, "For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others." Hongkongers take pride in this city's social and economic freedoms. Under the rule of law, we are free to express our views, join forces with like-minded individuals, and openly practice our faiths. But are we really free in the way Mandela described?

In a truly free society, everyone should be able to participate in all segments of society with no barriers. Yet for too many in Hong Kong, this remains out of reach. For instance, numerous people with disability still face difficulties in entering a building, because there are no accessible entry points. This limits their free and meaningful participation in society, from finding work to engaging in social activity. Other barriers may be psychological and rooted in stereotypes, such as biases against ethnic minorities may lead employers to reject them as job candidates. By dismantling the obstacles to participation, we can work towards a truly free Hong Kong.

Excellence: Nurture Talent to Maintain Our High Standards

Hong Kong's commitment to excellence can only be maintained if the best minds are given the room and encouragement to shine. In fact, equal opportunities standards enhance the competitiveness of our enterprises. They allow the talent pool to widen, giving businesses greater human resources and improving their bottom line. Inclusive policies help to nurture and retain staff, who tend to feel more engaged if they are assessed on performance and not external factors, and create a positive environment which boosts productivity. By allowing everyone to compete on a level playing field so that the best talents can advance without prejudicial obstacles, we are staying true to our enterprising spirit.

We must also nurture our homegrown labour pool if we are to maintain the high standards for which we are recognized. In this, the Government must make certain that equal opportunities to a quality education are afforded to all, irrespective of stereotypical biases including those on race and disability.

By providing access to first-rate education, we are placing our labour force, and by extension our city, in a strong position to face the future. What's more, by creating an environment characterized by openness and fairness to all, we can capitalise on globalisation by attracting overseas talents.



藉著提供優質教育，讓香港的勞動力以至整個城市，有堅實的基礎來迎戰未來。再者，營造開放公平的社會，有利於把握全球化的機遇，吸引更多海外優才。

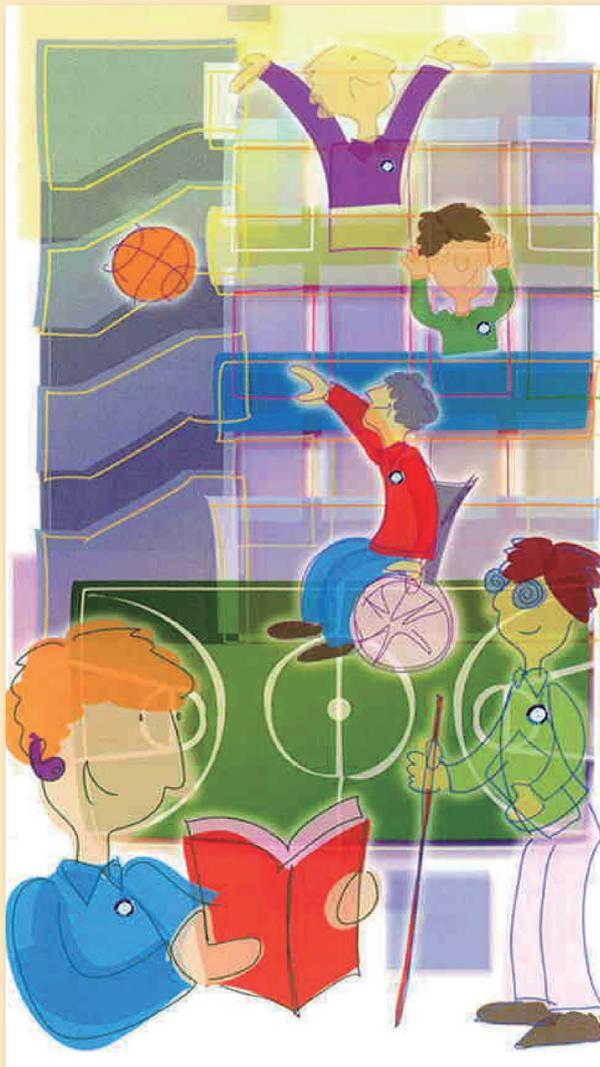
擔任平等機會委員會主席三年以來，我深切體會到把平等機會納入日常生活的主流，不僅符合香港的核心價值，也令香港的社會及經濟獲益。唯有確保每個人都有平等機會享受香港的一切，才能使這城市成為更美好的家園。

平等機會委員會主席
林煥光

Over my three years as Chairperson of the EOC, I am firmly convinced that the mainstreaming of equal opportunities into everyday life in Hong Kong is not only in line with our core values, but also a lift to this city economically and socially. By ensuring that everyone has equal access to the opportunities this city has to offer, we can make Hong Kong better for all.

LAM Woon-kwong
Chairperson, Equal Opportunities Commission

平機會呼籲支持融合教育 The EOC Calls for Support on Integrated Education



平等機會委員會（平機會）於2012年11月公佈「融合教育制度下殘疾學生的平等學習機會研究」，結果顯示融合教育的資源、教師培訓和支援仍然不足。其後，平機會政策及研究專責小組成員與教育局官員會面，促請當局重新檢視現行的特殊教育政策。平機會主席林煥光先生在其南華早報的專欄“On Second Thought”，亦有發表文章呼籲和爭取在有關議題上的具體工作。

如欲閱讀該項研究及平機會主席在其專欄撰寫的多篇與平等機會議題有關的文章，請瀏覽我們的網頁<http://www.eoc.org.hk>。

In November 2012, the EOC released the results of our “Study on Equal Learning Opportunities for Students with Disabilities under the Integrated Education System,” which found that resources, training and support for integrated education remain limited. Members of the EOC’s Policy and Research Committee met with the Education Bureau following the study to urge the re-examination of its policies regarding students with special educational needs. In his regular column, “On Second Thought”, in the South China Morning Post, Mr. LAM Woon-kwong, the EOC Chairperson, also issued an appeal for concrete action on this matter.

To read the Study and other “On Second Thought” articles by the Chairperson, which explore various equal opportunities-related issues, please visit our website at: <http://www.eoc.org.hk>.

一點燭光發光芒

Be the Spark for a Better World

平機會英語青少年發展計劃「獨特的我!」的參加者透過嘉賓導師的分享，認識如何投身傳媒行業，並就如何透過傳媒消除歧視各抒己見。

Participants of “Uniquely Me!”, the EOC’s English-language youth development programme, learned from the mentors about careers in the media industry and shared with each other on how to use the media to fight discrimination.

來自不同社區的青少年於2012年11月10日出席「獨特的我!」活動，就如何打破定型觀念和消除歧視交流意見。是次活動焦點是傳媒行業，由兩位嘉賓導師——《南華早報》社論及專欄作者Peter KAMMERER先生和香港電台第3台的監製兼節目主持人Noreen MIR女士現身說法，與參加者分享從事傳媒工作的經歷和投身這行業的看法，並探討現時香港在照顧不同人士需要這方面是否做得足夠。

平機會主席林煥光先生在活動開始時，鼓勵學生積極參與，並為社會帶來正面改變：「希望你們藉著今次機會交流意見，將所學到的帶進日常生活中。人人都可煥發光芒，使世界更明亮。」

Peter KAMMERER：「不要因為定型觀念而裹足不前。」

從事新聞業超過三十年的Peter曾獲得多項相關殊榮。天生有青光眼的他，雖然早在十一年前完全失明，卻是全球屈指可數其中一位在日報工作的視障新聞從業員。

On 10 November 2012, youths from various parts of Hong Kong gathered for a session of “Uniquely Me!” to exchange ideas on how to break stereotypes and fight discrimination. The event, with a special focus on the media, featured two inspiring guest mentors: Peter KAMMERER, an editorial and opinion writer with the South China Morning Post, and Noreen MIR, Presenter and Producer at Radio Television Hong Kong (RTHK) Radio 3. They shared with the audience their experiences and views on careers in the media, and whether enough has been done to accommodate the many different groups in Hong Kong.

Opening the event, Mr. LAM Woon-kwong, the EOC Chairperson, encouraged the students to get involved in bringing about positive social changes. “I hope you will take the opportunity today to exchange ideas with each other and apply what you learn in your own life,” said Mr. Lam. “Each and everyone of us can be the spark we need for a better world.”

Peter KAMMERER: **“Don’t let stereotypes hold you back.”**

With over three decades of experience as a journalist, Peter has won a number of awards for his work. Born with glaucoma, he completely lost his vision 11 years ago, and is one of a handful of blind journalists in the world working for daily newspapers.



Peter說：「我的視力向來不好，但我從未因而放棄追尋理想。自孩提時代我便被新聞和報紙深深吸引了。我熱愛文字，某程度是因為我視力不好，學習數學對我而言是件難事，於是順理成章地從事文字工作，加入傳媒行業，成為了新聞工作者。」

Peter認為科技的發展令他有機會繼續工作。他使用名為「聲點JAWS」的讀屏軟件來閱讀電腦屏幕上的文字；而他的打字能力亦讓他毫無困難地繼續寫作。「剛失去視力的時候，我完全沒有想過放棄我的職業。我十分慶幸當時已發展出讀屏科技，讓我可以跟上工作進度。若非這些創新科技，我定會面對很大困難。」

Peter講述其他人因他的殘疾而對他存有定型觀念：「有時候他們跟我談話的方式活像我智力有問題，因為他們以為失明會影響理解能力。社會上每個人都應該時刻留意自己有否定型觀念。教育方面，應強調平等待人。」

Peter建議學生應盡早發掘當傳媒人的興趣。他鼓勵學生說：「堅持不懈，把握每個機會，盡早躋身行業。關鍵是要抓緊每個能表現自己的機會，做出成績。成功不會一蹴而得，但不要放棄。」

“My eyesight has always been poor, but I have never let it stop me from pursuing my goals,” said Peter. “I have always been drawn to the news and newspapers, even as a child. In part, I was drawn to the written word because math was more difficult for me due to my visual impairment. And that led to my becoming a journalist.”

Peter credits technological advancements for making it possible for him to continue his career. He uses a computer software named JAWS to help him read the screen, while his ability to touch type enables him to continue to write without difficulty. “I never considered giving up my job when I lost my vision. In fact, I was very fortunate because screen reading technology was developed around the same time, so I was able to keep up with my work. Had it not been for these innovations, it would have been very challenging for me to do my job.”

Peter recalled the stereotypical views he faced due to his disability. “Sometimes, people would talk to me as though I am not intelligent, because they assume that being blind would affect my ability to understand them,” shared Peter. “It is very important for everyone in society to be more conscious of any stereotypical views they may hold. Education should emphasise the need to treat all people equally.”





Noreen MIR :
「不要因為恐懼而放棄夢想。」

Noreen在香港土生土長，
父親是巴基斯坦人，
母親是華人，
Noreen視自己
為香港人，揉
合了中西方優良
傳統。

「成長過程中，
我深受視障的祖母所薰
陶。自小和她相處，我學會
去理解和回應別人的不同需要。
我也發現自己希望做些事來幫助別
人。」

Noreen在香港中學畢業後遠赴英國攻讀
大學，並選修戲劇，但受到家人反對。
Noreen解釋：「他們擔心我的將來，認為
戲劇系畢業後可供選擇的職業不多。其後
我問他們，是否想我開心。我解釋，只有
修讀我喜歡的科目才能令我快樂。他們最
終願意支持我的決定。」

Noreen鼓勵學生，即使別人對自己有所
懷疑，仍要追尋自己的夢想：「始終是由
你走過你自己所選擇的生活，所以應該做
自己喜歡的事，如果你熱愛所選的工作，
自然就會做出成績，千萬不要因懼怕而退
縮。」

另外，Noreen也跟學生分享了身為年輕
女性初入行時所面對的種種困難。她說：
「我多次致電香港電台才收到回覆。我要
比其他人更勤奮工作，來證明我的能力和
工作熱誠。」和Peter一樣，Noreen鼓勵學
生要主動踏出建立事業的第一步，她說：
「要善用任何機會，即使是無酬的實習工

Peter advised the students to start early to pursue their interest in the media. "Be persistent," urged Peter. "Try to stay alert to any arising opportunities and get your foot in the door as early as you can. The key is to seize any chance to prove your talent and build a track record. You may not succeed right away, but do not give up."

Noreen MIR: **"Don't let your fears keep you from your dreams."**

Born and raised in Hong Kong to a Pakistani father and a Chinese mother, Noreen considers herself a Hongkonger and a good hybrid of East and West.

"Growing up, I was very influenced by my grandmother, who had visual impairment," shared Noreen. "In spending time with her, I learned from a very young age the importance of accommodating the diverse needs of different groups. I also realized that I wanted to do something that would help others."

After finishing high school in Hong Kong and while pursuing her university degree in the United Kingdom, Noreen chose to study Drama and Theatre Studies, despite initial objections from her family. "They were concerned about my future and felt that a degree in drama and theatre studies may not lead to many career options," said Noreen. "In response, I asked them if they wanted me to be happy. I explained that I could only be happy if I study what I enjoy. So in the end, they were supportive of my choices."

Noreen encouraged the students to pursue what they love even if they face skepticism from others. "At the end of the day, you must live





with your choices, so it is better to spend your life doing what makes you happy. Success will come naturally if you love what you do, but you must not let your fears hold you back.”

Noreen also shared with the students some of the obstacles she faced as a young woman starting out in her career. “I called RTHK many times before I received a call back. And I had to work harder than others to prove that I was capable and committed,” recalled Noreen. Like Peter, she urged the students to be proactive when they begin their job search. “If you can, try to take advantage of opportunities like internships, even if they are unpaid. You can learn more details about the industry and the jobs, as well as demonstrate your dedication and willingness to work hard. These openings can be a stepping stone towards a full time position.”

作。如此，你不但認識更多有關行業和相關工作的詳情，也能展示你對工作充滿熱忱，願意努力付出。這些機遇將會是你全職入行的踏腳石。」

當日下午也進行了小組討論。在Noreen 和 Peter的帶引下，學生分組選擇一個社會議題，然後構思如何透過傳媒進行宣傳運動。有學生指出：「作為年輕人應多關注社會問題，這點十分重要，因為我們就是社會的未來。」

是次活動深富啟發性，百分之九十五的參加者認為，活動有助他們加深對平等機會的認識。一位青年分享道：「這活動令我對自己更有信心。」各位年輕朋友敬請密切留意下次的「獨特的我!」，歡迎參加。

The afternoon also featured small group discussions, during which the students, with guidance from Peter and Noreen, prepared their own media campaign plans to tackle a social issue of their choice. One declared, “It is important for young people like us to address issues in our society, because we are the future.”

The session also proved inspiring for many. 95 percent of the participants found the event useful for furthering their understanding of equal opportunities. One youth shared, “It was really a good opportunity of me to be here as I have more confidence in myself after this event.”

Stay tuned for more details on the next session of Uniquely Me!



保安人員： 自身難保？ Security Guard Feeling Unsafe?



保安的職責是保護他人。身為保安員的她，卻從未料到自己會面對同事的性騷擾……

投訴

原告人(P)在商業大廈任職保安員。她向上司報告，在工作期間多次受到答辯人(同事R)言語上和身體上的性騷擾。P說：「他不但評論我的身材，又趁我在員工休息室小休時摸我左脾，更說想看沒有穿上衣服的我。」

P感到受辱和受冒犯，於是向上司投訴。然而，上司不但沒有作任何跟進，反而叫P容忍。P大感失望，唯有向平等機會委員會(平機會)投訴R性騷擾。

R否認P的所有指稱，又聲稱P從未對他的性騷擾行為表達任何不滿。P解釋，她身為女性很難直接向R表達不滿，所以只向上司投訴。

平機會嘗試調解，但R對自己的行為並無悔意，調解失敗。P其後向平機會申請法律協助，把案件交由法庭處理。平機會評估個案的是非曲直，又考慮到R的辯解欠缺說服力。更重要的是，P上司的證供支持P的論點，即她確曾向上司投訴受到R性騷擾。平

As a security guard, she is tasked to protect others. However, she never anticipated that she would face acts of sexual harassment from her co-worker...

The Complaint

P, the Plaintiff, worked as a security guard in a commercial centre. She reported that she was sexually harassed verbally and physically by the respondent R, her co-worker, on a number of occasions in the workplace. P said, "He commented on my body shape, touched my left thigh when I took a nap in the staff room, and even said he wanted to see me naked."

Feeling humiliated and offended, P complained to her supervisor. However, the supervisor took no follow-up action but asked her to tolerate R. Disappointed with her supervisor, P resorted to lodging a complaint with the EOC against R for his acts of sexual harassment.

R denied all the allegations made by P, claiming that P had never voiced her objections to him about any acts of sexual harassment. However, P explained that she had reported the incidents to her supervisor instead of talking directly to R as she felt that it was difficult for her, as a woman, to do so.

Conciliation was attempted but was not successful as R showed little remorse for his behaviour. P subsequently applied for legal assistance from the EOC to take the case to the court. The EOC assessed the merits of the case, taking into consideration that R's denial of the allegations made by P was not convincing while, more importantly,

機會衡量本案各方資料後，決定給予P法律協助採取法律行動。在平機會的律師為本案提供法律意見後，R同意向P作出金錢賠償，案件成功地庭外和解。

總結

《性別歧視條例》禁止僱傭範疇的性騷擾。性騷擾指任何涉及性而又不受歡迎的行徑，在一名合理的人眼裡，會認為這些行徑令人感到受冒犯、侮辱或威嚇。

遇到性騷擾時應盡可能記下每項細節，以支持指稱，並向信任的人求助。

僱主應注意，除非公司已採取了合理可行措施以預防性騷擾，否則，假若僱員在受僱期間做出性騷擾的行徑，無論僱主是否知悉或批准有關行為，均可能要負上轉承的法律責任。

P's argument was supported by the supervisor's evidence that she did indeed lodge complaints about R's acts of sexual harassment. After weighing the various aspects of the case, the EOC granted P assistance to commence legal action. Legal advice was provided by EOC lawyers and, subsequently, R agreed to give a monetary payment to P. The case was successfully settled out of court.

Conclusion

The Sex Discrimination Ordinance (SDO) prohibits sexual harassment in employment. Sexual harassment refers to any unwelcome behavior of a sexual nature which a reasonable person would regard as offensive, humiliating, or intimidating.

Those who face sexual harassment are urged to write down as many details of each incident as possible to support their allegations and speak to someone they trust for assistance.

Employers are also reminded that they may be vicariously liable for the acts of sexual harassment committed by their employees in the course of employment, irrespective of the employer's knowledge or approval of such acts or lack thereof, unless the employer can demonstrate that it has taken reasonably practicable steps to prevent such acts.

你的最新參考資料 — 平機會《個案實錄》 Your New Reference Guide: The EO Casebook



《個案實錄》記錄了平機會收到的典型投訴個案和法庭案件。製作這本冊子的目的是讓面對類似歧視情況的人更為了解法例，同時讓僱主和服務提供者更認識自己的責任。此外，冊子內的個案可讓讀者了解反歧視條例的日常應用，有助提高個人權利與責任的意識。平機會已印製一千本《個案實錄》，供市民索取，另亦可到平機會網頁閱覽網上版本。

The EO Casebook is a collection of typical complaint cases the EOC received as well as our court cases. One of the objectives of producing the casebook is to outreach to those who have faced similar discriminatory situations. It also aims to provide a useful platform for employers and service providers to better understand their legal responsibilities. Additionally the cases may serve to clarify the day-to-day application of the anti-discrimination ordinances and widen the awareness of everyone's rights and responsibilities. A thousand copies are now ready for distribution. Online version is also available.

<http://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=eoc%20work>

裁員為名 歧視為實

Redundancy – a Mere Pretext for Discrimination



投訴

原告人P在運輸公司任職貨車司機超過5年，一次工作意外使他背部受傷因而請病假。其後，勞工處評定P為「永久喪失百分之一賺取收入能力」。當他打算復工之際，卻因為與原本傷患無關的炎症發作而需進行另一項手術，因此他獲批更多病假。期間，P一直有向公司匯報他的健康狀況和病假事宜。在他復工的第一天，公司便以生意下滑為由將他裁減。

然而，P發現自己是唯一被裁退的貨車司機。他又發現實際上公司的貨車司機人手

不足，在與他終止僱傭合約期間也有招聘新司機。P向平等機會委員會（平機會）投訴，指稱公司基於他的殘疾而歧視他。平機會曾嘗試就個案進行調解但不成功。其後，P向平機會申請法律協助並獲批准。

運輸公司回應，裁員是因為生意轉差，又列舉了選擇裁退P的多個理由，例如他的生產力較低，安全紀錄和工作評核報告也較為遜色。此外，公司又稱自開業超過60年，從未收過任何歧視投訴。它指出過往有幾名被評定為「永久喪失百分之五賺取收入能力」的員工仍在公司工作。但是，公司未能提交文件，說明裁員時如何把P的生產力、安全紀錄和工作表現等與其他同事作比較。另外，公司在評核P的工作能力時，是以他運載的貨櫃數目掛鈎，然而，

The Complaint

P, the Plaintiff, had been working as a lorry driver for the respondent R, a transport company, for over 5 years. He injured his back in a work accident and took sick leave. He was later assessed by the Labour Department as having a permanent loss of 1% in his earning capacity. Right before he planned to assume duty, he unexpectedly had to undergo another surgery for an inflammation unrelated to his original injury, and more sick leave was granted. P had all along informed R of his medical condition and sick leave. On the first day he resumed work, he was made redundant due to the business downturn of R.

However, P realized that he was the only driver who was dismissed in this redundancy exercise. He also found out that R actually had a shortage of

drivers and that new drivers were recruited around the time of the termination of his contract. P lodged a complaint with the EOC alleging that R discriminated against him on the ground of his disability. Conciliation was attempted but was unsuccessful. Subsequently, P applied for legal assistance which was granted.

R responded that it had to carry out the redundancy exercise because of worsening business. It also listed reasons for selecting P for redundancy, such as his comparatively low productivity, as well as poor safety and performance appraisal records. The company also credited itself with an absence of any discrimination complaint from employees since its operations began over 60 years ago. It further noted that there were several employees who had been assessed to have a permanent loss of 5% in their earning capacity still working in the company. However, there were no documentary evidence to demonstrate how P was compared to his peers in the areas of productivity, safety and performance for the redundancy exercise. In



沒有計算他期間曾放病假。再者，公司聲稱生意不景，但又進行新一輪的招聘和更換舊貨車，做法矛盾。

在平機會發函通知公司P已獲平機會的法律協助後，公司同意給予P一些金錢以作和解。

結論

根據《殘疾歧視條例》，僱主因僱員的殘疾而歧視或解僱該僱員，即屬違法。若僱員的殘疾影響到他/她執行固有工作要求，僱主應考慮向有關僱員提供合理遷就，以協助他/她執行有關工作固有要求，除非這樣做會對僱主造成不合情理的困難。讓僱員放病假，待身體康復也是遷就的一種。

另外，僱主裁員時應採取貫徹一致並且不帶歧視的準則，並就每次的篩選提供理據。

appraising P's productivity, it was found that his output was tied to the number of containers he transported, which was calculated without making any allowance for his sick leave. Also, the company's new recruits and replacement of old trucks were contradictory to its claim of business decline.

After the EOC issued a letter informing R that legal assistance had been granted to P, R agreed to settle the matter by giving monetary payment to P.

Conclusion

According to the Disability Discrimination Ordinance, it is unlawful for an employer to discriminate against a person with a disability or sickness by dismissing that person. When an employee's disability hinders the person's capacity to perform the inherent requirements of his/her job, consideration of reasonable accommodation on the employer's part is warranted to enable employees with disability to perform such requirements, unless the provision would cause the employer unjustifiable hardship. Accommodation could take the form of sick leave for recovery of illnesses and injuries.

Redundancy exercise should be carried out with the use of consistent and non-discriminatory criteria, with accompanying reasons for each selection.

社區活動巡禮 Events Calendar



1/2013 – 5/2013

**共創普及運動
Sport for All!**

香港傷殘青年協會
Hong Kong Federation of
Handicapped Youth

2338 5111
<http://www.hkfhly.org.hk>



10/2012 – 3/2013

1. 「拒絕定型」— 兩性平等教育計劃
Gender Equality Project "Don't Shape Me"
2. 樂聚「友好社區」計劃
Enhancing a "Friendly Community" Scheme

賽馬會南葵涌青少年綜合服務中心
The Boys' and Girls' Clubs Association of Hong Kong
Jockey Club South Kwai Chung Children and Youth
Integrated Services Centre

2744 2123
<http://www.bgca.org.hk>



23/3/2013

**香港自閉症研討會2013
Seminar of Autism 2013**

香港教育學院特殊學習需要
與融合教育中心
The Centre for Special
Educational Needs and Inclusive
Education of the Hong Kong Institute
of Education

2948 7763
<http://www.ied.edu.hk/csenie/view.php?secid=327>





2012 平機會論壇 The EOC Forum

平等機會委員會首個公開論壇於2012年9月29日舉行，超過百位來自不同界別的持份者參與，包括學術界、復康團體、少數族裔團體、婦女團體、立法會和區議會議員等。論壇提供了平台讓平機會向公眾闡述過去的工作成果，以及未來的方向和計劃。與會人士亦趁著這次公開討論的機會，就不同議題反映意見。

「這論壇增加平機會的透明度及問責性，並讓我們有機會直接與市民大眾溝通對話。」平機會主席林煥光先生解釋，論壇源起於平機會管治委員會的構思，目的是讓市民更了解平機會的工作及給予意見。

「審慎理財是平機會機構管治的重要原則之一。」行政及財務專責小組召集人趙麗娟女士在論壇中報告了平機會過去一年的財政支出及服務表現外，她亦強調僱員培訓及發展的重要性，因此，平機會已為職員提供了一系列的知識技能工作坊，管治委員會的委員更與職員分享自身經驗，鼓勵員工在工作時追求更佳表現。她亦介紹了平機會新推出的見習主任計劃，目的是要培育新入職的員工具備更全面的才能。

「由2011年10月起，平機會按照投訴及答辯雙方的意願，以『快速處理個案』的方法處理歧視投訴，節省了調查所需的時間和資源，令處理投訴及調解的效率及成功率都顯著提升。」法律及投訴專責小組召

The first EOC Public Forum, held on 29 September 2012, attracted over one hundred stakeholders from various sectors, including academia, rehab groups, ethnic minority groups, women's groups, and members of the Legislative and District Councils. The forum served as a platform for the Commission to present its past performance, new directions and initiatives as well as for the participants to express their views on a wide array of equal opportunity issues.

"The forum aims to enhance the Commission's transparency and accountability, while allowing us an opportunity to have a dynamic dialogue with members of the public," said Mr. LAM Woon-kwong, Chairperson of the EOC. He explained that the forum, a brainchild of the EOC Board, aimed to foster better understanding of the EOC's work as well as to obtain views from members of the public.

"Prudent financial management is one of the guiding principles of the EOC's corporate governance," said Ms Susanna CHIU, Convenor of the Administration and Finance Committee when she presented the EOC's financial expenditures and service performance over the past year. Ms CHIU also placed emphasis on the significance of staff training and development, and reported that the EOC has been rolling out a series of knowledge-and-skill-specific workshops for its staff. In addition, the EOC Board Members also shared their personal experiences with the staff in order to encourage them to strive towards excellence at work. Finally, she introduced the new "Officer Trainee Programme", which aims to equip new recruits with multi-faceted skills.

"Since October 2011, the EOC, subject to the consent of both complainants and respondents, has been handling complaint cases using a fast-track approach. This practice

集人李鑾輝先生匯報了近年四條反歧視條例下的投訴統計數字、調解及法律協助的成果。他補充，平機會就這次論壇製作了平機會《個案實錄》，詳列真實的調解及法庭訴訟個案，以加深公眾了解反歧視條例之實際應用。

「真正平等的社會，應容納各種不同的人士，而非把某些佔少數群體拒絕甚至隔離。」政策及研究專責小組召集人謝永齡博士報告過去兩年平機會主要的政策研究重點，包括：(1)少數族裔的教育；(2)在處所通道、交通及資訊科技等範疇，推行無障礙。因應平機會給予的改善建議，政府及領匯已承諾及開始投放更多資源以提升無障礙設施。未來平機會將繼續就少數族裔遇到的問題、防止大學及商業機構內的性騷擾及年齡歧視等方面作重點研究。

「未來我們將加強與傳媒、非政府機構及其他持份者溝通，嘗試透過更多新的公眾教育平台，推廣平等共融的訊息。」社會參與及宣傳專

責小組召集人黃嘉玲女士介紹了平機會在公眾教育及培訓範疇內的多個項目，並呼籲有興趣的團體透過平機會的社會參與資助計劃，舉辦公眾教育活動，攜手宣揚反歧視訊息。

來自不同界別的人士在交流環節各抒己見，參加者提出關注的議題包括：少數族裔及婦女的權益、殘疾人士在使用設施時所遇到的困難，以及就年齡和性傾向訂立反歧視法例的可能性等。

平機會衷心感謝各界提出建議，並不吝直接指出我們可發展及改善的地方。我們期望與各界持份者繼續合作，共同建設多元共融的社會。平機會論壇的精華片段已上載於平機會YouTube頻道，歡迎登入：
www.youtube.com/user/HKEOC。



has substantially cut down investigation time and resources required while significantly improving the efficiency of complaints handling and the conciliation success rate," said Mr. LEE Luen-fai, Convenor of the Legal and Complaints Committee. Mr. LEE presented the statistics on complaint cases, conciliation and legal assistance under the four anti-discrimination ordinances in recent years. He added that the EOC has just published the *Equal Opportunities Casebook*, containing real conciliation and court cases, to coincide with the Forum in order to further increase public understanding of the application of the anti-discrimination ordinances.

"When a society truly embraces equal opportunities, it embraces people from all walks of life. It would never keep away or segregate its minority groups," said Dr. John TSE, Convenor of the Policy and Research Committee. He reported on the EOC's initiatives related to the two focus areas of policy and research over the last two years, namely (1) education for the ethnic minorities; and (2) barrier-free access in buildings, transport modes, and information and communication technology. Based on the Commission's recommendations, the government and the Link committed and began investing more resources into retrofitting barrier-free facilities. In the future, the EOC plans to conduct major research projects on problems faced by ethnic minorities, sexual harassment in universities and business organizations as well as age discrimination.

"The EOC will strengthen our communication with the media, NGOs and stakeholders by widening our public education platforms to promote the message of equality and diversity," said Ms Garling WONG, Convenor of the Community Participation and Publicity Committee. Ms WONG elaborated on various public education and training initiatives carried out by the EOC. She also invited interested parties to join hands with the EOC to promote the message of anti-discrimination by organizing public education projects through the Community Participation Funding Programme.

Participants from various sectors expressed their views during the discussion session. Issues of concern brought up by the participants included the rights of ethnic minorities and women, barriers to access faced by people with disability, and possibilities of legislation to address discrimination on the grounds of age and sexual orientation.

The EOC is thankful for the suggestions provided by various groups, who have generously pointed out areas for development and improvement. The EOC hopes to build a pluralistic and inclusive society in collaboration with different stakeholders. For video highlights of the EOC Public Forum, please go to the EOC YouTube Channel:
www.youtube.com/user/HKEOC.



我們需就「性傾向及性別認同歧視」作出對話

We Need a Dialogue on Sexual Orientation and Gender Identity Discrimination



平等機會委員會全力支持不同人士(包括：同性戀者、雙性戀者及變性人士 LGBT)受到法例的平等保障。我們於2012年11月6日發表聲明，支持翌日何秀蘭議員在立法會提出有關促請政府就立法保障同性戀者不受歧視進行公眾諮詢。動議被否決令人失望之餘，也突顯了社會需要就此事進行嚴肅及公開的對話。

一年多前，聯合國人權事務委員會通過突破性決議案，譴責基於性傾向和性別認同的歧視。然而，香港至今仍為保護性取向少數爭持不下，明顯有需要糾正這種不公平現象。立法的保障不僅有助吸納及挽留人才，亦可維持香港作為世界都會的美譽。

平等機會並非零和遊戲，某個群體的權利得到保障，不等於要犧牲另一些人的權利。在這個開明社會，我們享有言論自由，亦尊重不同人士的意見。只要除去制度上的障礙，不同背景的人士皆可在平等的基礎上公平競爭，人人受惠。現在應是時候就保障不同性傾向及性別認同(LGBT)人士展開討論。

The EOC fully supports the lesbian, gay, bisexual and transgender (LGBT) population's right to equal protection under the law. On 6 November 2012, we issued a statement backing the motion, moved by the Hon Cyd HO Sau-lan the following day in the Legislative Council, calling on the Government to launch a public consultation enacting legislation to safeguard equal opportunity for people of different sexual orientations. The motion's defeat was disappointing, and highlights the need for a serious and open dialogue on this topic.

More than one year after the United Nations Human Rights Commission passed its groundbreaking resolution condemning discrimination on the basis of sexual orientation and gender identity, Hong Kong still struggles to protect its sexual minorities. The need to remedy this injustice is self-evident, in addition to the apparent benefits on talent recruitment and retention as well as maintaining our reputation as a world-class city.

Equal opportunity is not a zero-sum game, and ensuring the rights of one group need not come at the expense of another. In an open society, everyone is free to respectfully share different viewpoints. Removing systemic barriers so that everyone, regardless of their background, can compete on an equal footing is beneficial for all. It is time to generate a discussion on the possibility of protecting the basic rights of the LGBT communities.



平機會年報2011/12

市民現時可以在網上閱覽以「多元•共融」為題的《平等機會委員會年報2011/12》，當中詳盡報告了我們年度的工作，包括查詢和處理投訴的統計數字、歧視個案、調查結果、政策方向和我們的公眾推廣活動等。

The EOC's Annual Report 2011/12

The EOC's 2011/12 Annual Report, with the theme, "We as ONE", are available online now. It gives details on our work including statistics on enquiries and complaints handling, selected discrimination cases, our research results, the EOC's policy directions, descriptions of our outreach activities, and etc..

<http://www.eoc.org.hk/eoc/graphicsfolder/inforcenter/annual/default.aspx>



每章前加入整頁海報，表達重要的平等機會訊息。如欲轉載或列印上述分頁海報，歡迎與平機會聯絡 (eoc@eoc.org.hk)。

Messages of equal opportunities are highlighted in full-page posters dividing the chapters. Please contact the EOC (eoc@eoc.org.hk) if you would like to use or reprint the above posters.

國際網絡 Around the World

衣著守則 持平處理－ 穆斯林女員工控迪士尼樂園歧視 Dress Code Matters: Muslim Woman Sues Disneyland for Discrimination

布達爾(Imane Boudlal) 於2012年8月提出訴訟，控告迪士尼基於她的宗教信仰而歧視和騷擾她。布達爾是一名穆斯林，曾在加州迪士尼樂園內的餐廳當侍應，負責招待客人並為他們安排座位。根據她的投訴，布達爾稱管理層以她不符合餐廳的儀容守則及影響顧客進餐為由，拒絕讓她在工作時戴上穆斯林頭巾。布達爾曾建議餐廳容許她戴上與制服顏色相襯或配有迪士尼標誌的頭巾，但餐廳要求她在非侍餐區或遠離客人的地方工作。當她拒絕時便遭到解僱。

僱主及服務提供者在實施《服裝及儀容守則》時應採用持平的方式，亦要為不同群體提供合理遷就以切合他們需要，並應避免基於個人的性別、宗教信仰、殘疾、年齡或種族而造成不必要的歧視。

資料來源:

<http://www.aclu-sc.org/muslim-former-employee-sues-disney/>

有關僱傭及服務提供範疇內《服裝及儀容守則》資料，請參閱以下網址:

<http://www.eoc.org.hk/eoc/GraphicsFolder/showcontent.aspx?itemid=10067>

http://manitobahumanrights.ca/publications/guidelines/hospitality_industry_services.html



In August 2012, Imane Boudlal filed a lawsuit against Disney, charging discrimination and harassment for her religious beliefs. Boudlal, a Muslim, worked as a hostess at a restaurant in the Disneyland Resort in California, greeting and seating patrons. Among her complaints, she alleged that management refused to accommodate her wish to wear a traditional Muslim headscarf at work, citing that it violated the restaurant's appearance policy and could negatively impact diners' experience. She asked to wear a scarf in colour matching her uniform or with Disney logo, but the manager offered her to work either in a back area or away from customers. When she refused, she was fired.

Both employers and service providers need to be aware that the enforcement of dress and appearance codes should be applied in an even-handed manner, with reasonable accommodation accorded to the needs of different groups, in order to avoid any inadvertent discrimination particularly on the basis of a person's gender, religious beliefs, disability, age or race.

Information source:

<http://www.aclu-sc.org/muslim-former-employee-sues-disney/>

More information on dress code in employment and service provision:
<http://www.eoc.org.hk/eoc/GraphicsFolder/showcontent.aspx?itemid=10067>

http://manitobahumanrights.ca/publications/guidelines/hospitality_industry_services.html

美食一鍵速遞 Food and Convenience Both Delivered

普及於加拿大的連鎖快餐店PizzaPizza，與eSSENTIAL Accessibility合作擴展業務，使加拿大超過二百萬名肢體殘障人士也可享用PizzaPizza的食品。eSSENTIAL Accessibility 致力協助不同機構，為他們的客戶提供免費輔助技術，讓有不同需要的人士也能使用網上服務和獲取資訊。

PizzaPizza所提供的輔助技術，有助因中風、癱瘓、關節炎、腦性麻痺和帕金森氏症等而無法打字、使用滑鼠或瀏覽網頁的四肢活動困難顧客，透過iPhone應用程式、PizzaPizza的網站或致電PizzaPizza中央電話訂購食物。該項輔助技術亦能幫助讀寫能力較低、英語能力有限、有讀寫障礙或輕度弱視人士更快捷方便訂購食物。

資料來源: <http://www.disabled-world.com/news/canada/pizza-pizza.php#ixzz293KDKUhc>



PizzaPizza, a popular fast food restaurant chain in Canada, has partnered with eSSENTIAL Accessibility to extend its service to over two million Canadians with physical disabilities. eSSENTIAL Accessibility aims to help organizations to provide free assistive technology to their clients, thereby widening access to online services and information to persons with different needs.

The assistive technology offered by PizzaPizza enables its customers who have difficulty in typing, moving a mouse or reading a webpage to place food orders from the menu through the central phone number, using the iPhone app, or via the website of PizzaPizza. These dexterity limitations may have arisen as a result of various health conditions including stroke, paralysis, arthritis, cerebral palsy and Parkinson's disease. The assistive technology also helps individuals who have difficulty reading because of literacy deficiencies, limited English proficiency, dyslexia, or a mild visual impairment to order food more easily.

Information source: <http://www.disabled-world.com/news/canada/pizza-pizza.php#ixzz293KDKUhc>

南非的「同志旗幟」 South Africa Recognizes Gay Pride Flag

南非是世上首個承認「同志彩虹旗」的國家，這面南非版本的旗幟亦已正式註冊。該面旗幟現受南非藝術文化部及南非政府保護。彩虹旗沿用於1978年美國三藩市傳統的LGBT「同志彩虹旗」設計 [LGBT: 女同性戀者(Lesbians)、男同性戀者(Gays)、雙性戀者(Bisexuals)與跨性別者(Transgender)]，再配以南非國旗中的黑白斜/橫條紋。南非彩虹旗象徵南非對LGBT群體的身份認同和鼓勵他們勇敢面對困難，例如對他們所作的仇恨罪行。南非是世界首個立法禁止性傾向歧視的國家，及至2006年，更是首個通過同性婚姻合法化的非洲國家。

資料來源: <http://www.gaystarnews.com/article/south-africa-officially-recognizes-gay-pride-flag071012>



South Africa has become the first country in the world to recognize its own version of the rainbow gay pride flag as an officially registered national symbol. The flag is now protected by the Department of Arts and Culture and the government of South Africa. The South African rainbow flag takes the traditional rainbow LGBT (lesbian, gay, bisexual, transgender) pride flag, designed in 1978 in San Francisco, and adds the diagonal and horizontal white and black bars of the South African flag to the design. The flag symbolizes the celebration of LGBT South African identity and the overcoming of obstacles faced by the LGBT community, such as hate crimes. South Africa was the first country in the world to outlaw discrimination against sexual orientation and, in 2006, it became the first African nation to legalize same-sex marriage.

Information source: <http://www.gaystarnews.com/article/south-africa-officially-recognizes-gay-pride-flag071012>



平等機會多元共融行動

Equal Opportunities Diversity Project



主題 Themes:

種族融和、傷健共融、兩性平等
及尊重別人的家庭崗位
Racial harmony, inclusion of persons
with a disability, gender equality and
accommodation for persons
with family status



主持：李志剛
Host: Alex Lee



區文詩
Angela Au



超B
Eric Hung

嘉賓專訪 Celebrity Interviews
每週專訪嘉賓，討論平等機會的議題及
不同族裔人士的文化生活特色
Weekly interviews with selected guests on equal
opportunities issues, culture and life style of
ethnic minorities in Hong Kong

香港電台第二台 RTHK 2 (FM94.8-96.9)
「Made in Hong Kong 李志剛」

11/2012 – 10/2013 逢星期四 下午二時
Every Thursday 2pm



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

香港太古城太古灣道14號太古城中心三座19樓
19/F, Cityplaza Three, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong

電話 Tel:
2511 8211

網頁 Website:
www.eoc.org.hk

傳真 Fax:
2877 7600

電郵 Email:
eoc@eoc.org.hk

同心展關懷

caringorganisation
Awarded by The Hong Kong Council of Social Service
香港社會服務聯會頒發

平機會在
EOC on YouTube
www.youtube.com/user/hkeoc