



EQUAL OPPORTUNITIES COMMISSION

Strategic Plan

2020 – 2022

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“Those who are victorious plan effectively and change decisively. They are like a great river that maintains its course but adjusts its flow...They are skilled in both planning and adapting and need not fear the result of a thousand battles.”

Sun Tzu

1. FOREWORD

- 1.1 This is the Strategic Plan of the Equal Opportunities Commission (EOC) for 2020-2022. The EOC is an independent statutory body established in 1996 under the Sex Discrimination Ordinance (SDO) (Cap. 480) to implement the anti-discrimination ordinances in Hong Kong. Currently there are four such ordinances, namely the SDO, the Disability Discrimination Ordinance (DDO) (Cap. 487), the Family Status Discrimination Ordinance (FSDO) (Cap. 527) and the Race Discrimination Ordinance (RDO) (Cap. 602).
- 1.2 The EOC's mandate is to work towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race; eliminate sexual harassment, and harassment and vilification on the grounds of disability and race; and promote equality of opportunities between men and women, between persons with and without a disability, and irrespective of family status and race.
- 1.3 This Strategic Plan sets out the priorities for the EOC's work over the next three years, the impact we seek to achieve in both the short and longer term. Incorporating the advice of EOC Members and views of stakeholders, the Strategic Plan builds on the progress we have achieved under the Strategic Plan for 2016-2019. It highlights the social, economic, political and demographic context in which we operate, and the key risks, challenges and opportunities that affect our work. The Strategic Plan will define the way we will allocate our resources to address the important and pressing inequality issues affecting our society, particularly the disadvantaged and marginalised communities, leading us to our goal of a discrimination-free society where everyone can enjoy equal opportunities.

2. OUR VISION & MISSION

The vision of the EOC is to create a pluralistic and inclusive society free of discrimination, where there is no barrier to equal opportunities.

- 2.1 Our vision is built on the core values of Hong Kong, including the rule of law, a level-playing field, diversity and inclusiveness. Using our unique expertise and powers, we seek to challenge breaches of the anti-discrimination law and remove the barriers to equal opportunities. Lying at the forefront of our work is complaint investigation. We strive to be independent and impartial while adopting a “victim-centric approach”, aiming to provide an effective avenue for complaints to be heard and resolved.

How We Work

- 2.2 To deliver our roles and functions, we undertake a wide range of work, including:
- (a) Provide redress for unlawful discrimination through complaint investigation and legal assistance and action.
 - (b) Monitor and promote compliance with the law through inquiry into policies and practices that may contravene the law, and issue guidelines to assist compliance.
 - (c) Review the operation of the anti-discrimination ordinances, identify gaps and recommend amendments as appropriate.
 - (d) Promote awareness and public discourse on discrimination issues and their causes through research studies and advocacy, and supply relevant data and information for policy- and law-making.
 - (e) Mobilise and assist organisations and businesses in different sectors to embed equal opportunities in their work policies and practices.
 - (f) Enhance knowledge of the anti-discrimination ordinances among individuals and understanding of their rights and responsibilities through education and training programmes.

How We Operate

- 2.3 The EOC Board provides leadership and guidance on the strategic directions and performance of the EOC and the discharge of its statutory duties. The SDO stipulates that the Board shall comprise of a Chairperson and no more than 16 Members appointed by the Chief Executive of the Hong Kong Special Administrative Region (HKSAR).
- 2.4 Details of the EOC's work and operation can be found on the EOC website via the following link or QR code:



www.eoc.org.hk/s/eocbrochure

3. OPERATING ENVIRONMENT

- 3.1 In developing this Strategic Plan, we are mindful of the social, economic, political and demographic changes taking place in Hong Kong, which will impact the way we operate. We are also cognisant that amid social instability, the marginalised communities, including the ethnic minorities and persons with disabilities, are especially vulnerable. As instability takes a toll on the economy and worsen their employment and poverty situation, they will likely face even greater disadvantages and barriers to equal opportunities.

Ageing Population

- 3.2 Our society is indeed undergoing major volatility and changes, one of which is the rapidly ageing population. Based on the 2016-based population projections published by the Census and Statistics Department, between 2018 and 2038, the size and share of the elderly population will almost double from 1.27 million and 17.9% to 2.44 million and 31.9% respectively. In other words, nearly one in every three persons will be an elder in 2038.
- 3.3 As the ageing trend accelerates, the proportion of older people and those with disabilities is set to increase. The issues associated with an ageing population – employment difficulties, inaccessible services, such as healthcare, housing and transportation, as well as gaps in intergenerational relationships – will only become more pronounced and prevalent.

Public Scrutiny and Expectations

- 3.4 At the organisational level, the EOC is facing continued public scrutiny of the Commission's leadership, work and activities, with selected NGOs and concern groups calling for changes to the mechanism for appointing the Chairperson and Board Members, an overhaul of the EOC's complaint-handling and legal services, as well as a more proactive approach by the EOC to helping develop jurisprudence and legal precedents on the anti-discrimination law. Standing at the crossroads of major social changes, the EOC faces the challenges of gaining the trust of the public, while preventing further erosion of individual's right to equal opportunities, particularly for the disadvantaged.

Risks and Opportunities

3.5 In mapping out the Strategic Plan, we have carefully assessed the potential risks and challenges, as well as opportunities over the three-year period.

Opportunities

Stronger legislation

The SAR Government has taken forward eight of the 73 law reform recommendations made by the EOC under the Discrimination Law Review (DLR). The Discrimination Legislation (Miscellaneous Amendments) Bill 2018, which was introduced into the Legislative Council in December 2018, will strengthen the existing law and offer wider, stronger protection against discrimination upon enactment and implementation.

Increased budget allocation

The SAR Government has allocated additional funding to the EOC for a period of three years from 2019-20 onwards for promoting the RDO and racial inclusion. Separately, the Government has indicated that additional resources will be provided to the EOC for combating sexual harassment. The increased resource allocation will expand the capacity of the EOC in addressing discrimination problems.

Risks / Challenges

Social divide

The Hong Kong society has become increasingly divided in recent years – between people of different political groups, between the “haves” and “have-nots”, between different races and ethnicities, as well as other parties. The divides often lead to heated rhetoric and debates over social and equality-related issues. From time to time, there are strong calls and expectations of the EOC to take action on these issues, even though some fall outside the Commission’s remit. While this may present opportunities for the EOC to push forward its agenda, it could also pose risk to and tarnish the Commission’s reputation if not handled properly.

Protection for LGBTI persons

The push for legislation outlawing discrimination on the grounds of sexual orientation, gender identity and intersex (SOGII) status continues to gain momentum. As various court cases concerning LGBTI rights and the 2022 Gay Games in Hong Kong draw further media and public interest, there will be increasing expectations and pressure on the EOC to communicate a firm position on the ongoing judicial reviews, take the lead in driving legislative changes, and intervene in relevant court cases.

4. OUR STRATEGIC GOALS 2020-2022

4.1 The EOC's core aim is to break down systemic barriers and tackle infringement of individual's right to equal opportunities under the anti-discrimination ordinances. Towards this aim, we have identified the following Strategic Goals for 2020-2022:

- (a) Strategic Goal 1: Instigating a stronger legal framework to protect the community from discrimination.
- (b) Strategic Goal 2: Maintaining an efficient and effective redress system for discrimination complaints built on a victim-centric approach.
- (c) Strategic Goal 3: Developing stronger evidence and knowledge base of discrimination.
- (d) Strategic Goal 4: Reducing inequalities for communities at high risks of discrimination.
- (e) Strategic Goal 5: Delivering organisational excellence.

The paragraphs below describe the rationale and intention behind each of these goals, and where we want the EOC to be.

Strategic Goal 1: Instigating a stronger legal framework to protect the community from discrimination

4.2 As the statutory body tasked with enforcing the anti-discrimination ordinances, the EOC plays a vital role in monitoring and reviewing the effectiveness of the law, and helping to shape the content of any new legislation to close the gap of the existing legal framework.

4.3 In recent years, there has been growing awareness among community members of the shortcomings of the current legislation. With an increased proportion of older people and shift in attitudes and support towards equal rights of LGBTI individuals, there are also stronger calls for new legislation to cover age and SOGII.

4.4 In 2014, the EOC undertook the Discrimination Law Review (DLR) – the largest-ever, most comprehensive and far-reaching review of the anti-discrimination legislation, which sought to simplify, harmonise and

modernise the anti-discrimination ordinances. The DLR attracted overwhelming response from stakeholders during the public consultation period, with over 125,000 responses collected.

- 4.5 In March 2016, the EOC published the findings of the DLR and made a submission to the SAR Government, outlining 73 recommendations for law reforms, 27 being higher priority areas. Subsequently, the SAR Government introduced the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 into the Legislative Council for first and commencement of second reading. The Bill took forward eight of the recommendations by the EOC. As at November 2019, no certain date has been fixed yet for the resumption of second reading of the Bill. Meanwhile, the civil society continues to push for further amendments to the law, such as including Government functions and powers in the RDO.
- 4.6 Looking ahead, the EOC will continue to keep under review the effectiveness of the anti-discrimination ordinances, using analytics from the EOC's discrimination complaint data and research findings, with a view to identifying gaps and loopholes of the legislation. We will influence the Government and lobby support from key stakeholders to take forward the other recommendations by the EOC under the DLR.

Strategic Goal 2: Maintaining an efficient and effective redress system for discrimination complaints built on a victim-centric approach

- 4.7 The EOC has been assisting individuals and organisations to take action against unlawful discriminatory acts and resolve disputes through conciliation and legal actions. Notwithstanding criticisms against the EOC's complaint-handling mechanism by some NGOs and community groups in recent years, the Commission possesses extensive and unique expertise in handling and resolving discrimination complaints.
- 4.8 The EOC reckons that an effective complaint-handling mechanism is not only crucial for tackling breaches of the law, but it will also strengthen the Commission's service delivery and in turn enhance its professional image and relations with stakeholders and the community.
- 4.9 In the latter part of 2017, the EOC undertook a review of its complaint-handling process, as well as its governance and management structure. Conducted and overseen by a Review Panel comprising three EOC Members and separately by a retired High Court Judge on an

independent basis, the exercise was completed in early 2019, and a report was subsequently endorsed by the EOC Board.

- 4.10 One of the key recommendations in the Review Panel report is that the EOC should adopt a “victim-centric approach” in handling complaints, while adhering to the principles of fairness and impartiality. Throughout the investigation process, the EOC would stay responsive to the needs and concerns of the victim, managing his/her expectations competently and carefully monitoring his/her sentiments. He/she should be given a fair chance of being heard and be informed of the rationale behind any decision on a complaint case.
- 4.11 The “victim-centric approach” underlines our commitment to promoting and implementing an efficient, effective and accessible complaint-handling mechanism as a means to address discrimination. It is the foundation and core principle on which all other components of the complaint-handling mechanism will be built. Indeed, during the Process Review, the EOC already introduced a number of measures to enhance the complaint-handling mechanism. We will continue to look for ways of further enhancing the mechanism, by streamlining operational procedures and mobilising cross-team collaboration. We will also empower staff to deliver the complaint-handling role effectively by providing them with appropriate training and support.

Strategic Goal 3: Developing stronger evidence and knowledge base of discrimination

- 4.12 As part of its preventive effort, the EOC has been conducting research studies and surveys on different topics. These studies, which expose the root causes and trends of discrimination, provide a strong evidence base for informed public debate and policy advocacy. The analyses and insights are important tools for leading and guiding policy change and enhancement. Not only were they quoted by NGOs and community groups for their own causes, but they also attracted extensive media coverage, helping to raise public awareness and interest in discrimination issues. In particular, the EOC has been leading the research on sexual harassment in Hong Kong. The findings put the problem in focus, and drive conversation and rectifying actions across different sectors.
- 4.13 With increased complexities of discrimination issues, notably the rise of multiple and intersectional discrimination, such as age and disability,

women and disability, there is an even stronger need for the EOC to develop a robust evidence base through research studies and reviews for supporting social discourse and debate, as well as policy- and law-making.

- 4.14 Through regular engagement with stakeholders, we will gather insights into discrimination issues faced by the community, especially the disadvantaged and marginalised. We will conduct and support research studies on rising and emerging discrimination issues to understand the societal values and attitudes, as well as the underlying causes of discrimination. Furthermore, we will monitor new developments in policy and legislation, analyse their impact on the EOC's work and seek clarification from relevant Government bureaux/departments as necessary.

Strategic Goal 4: Reducing inequalities for communities at high risks of discrimination

- 4.15 The EOC is committed to removing the barriers facing the disadvantaged and marginalised communities in society, including people with disabilities (PWDs), ethnic minorities (EMs) and women.
- 4.16 Notwithstanding policy measures by the SAR Government to improve their life chances, these groups face entrenched inequalities, particularly in education and employment. We are seeing: students with special educational needs (SEN) not achieving their full potential and facing exclusion at schools; young people with disabilities experiencing unemployment; ethnic minorities lacking the language skills to get a fair chance in work and unable to move up the social ladder; and women being penalised at work for taking up caring responsibilities at home.
- 4.17 Despite the different identities and protected characteristics of these communities, their challenges are common, notably disproportionately low employment rate, over representation in low-pay sectors and professions and low representation in decision-making and leadership positions, as well as unfair treatment at work.
- 4.18 To tackle the systemic, attitudinal, environmental and other barriers faced by these groups, we need a holistic and coordinated approach rather than piecemeal, patchwork efforts. Such an approach should encompass legislative and policy development, cross-sector collaboration on empowering and creating opportunities for these communities, and public education leading to shift in attitudes.

Specifically we will focus on improving the educational and employment opportunities of these disadvantaged groups, their access to goods, services and facilities, and nurturing a safe, harassment-free environment for them as well as the wider community.

Strategic Goal 5: Delivering organisational excellence

- 4.19 As a public organisation, the EOC adheres strictly to the principles of accountability and transparency and maintains stringent financial control. The Directors of the Year Awards 2018 bestowed to the EOC by the Hong Kong Institute of Directors underlined our commitment to excellence in corporate governance and our aspiration of being an exemplary public service organisation.
- 4.20 In 2017, the EOC conducted a review of its governance, management structure and complaint-handling process, with a view to enhancing the effectiveness of the EOC's services. As well as following up on the findings and recommendations of the report, the EOC will continue to monitor and evaluate our work processes and streamline work procedures, so that we can serve the public even more effectively and efficiently. Plans have been made to revamp the Complaint Management System of the EOC for more efficient and management of complaint data, with a view to identifying risk areas and building analytics for understanding the discrimination trend.
- 4.21 Taking into consideration the operating environment and the challenges ahead, we will re-align our management structure to improve our capability and capacity, subject to the availability of resources from the SAR Government. We will continue to liaise with the SAR Government on resources for the Commission and maintain prudent financial control with a view to building healthy financial reserve for the EOC.
- 4.22 We have been implementing policies to develop and retain skills and expertise of staff, and provide them with the opportunities to develop their careers. Indeed, we are committed to making staff feel engaged and valued, and giving them the skills and knowledge, as well as a fair, diverse and respectful work environment to develop their career, thrive and achieve work-life balance. For example, we will review the HR policies and put in place policies and measures that facilitate a flexible working environment, making the EOC an employer of choice that adopts family-friendly policies and practices.

- 4.23 Externally, we will strengthen relations with stakeholders, especially public organisations working on matters related to equal opportunities, with a view to building strategic partnership and synergising efforts to promote diversity, inclusion and equality.
- 4.24 We will step up our communication to stakeholders and the community, by exploring new channels of communications and leveraging on the latest development and popularity of digital communication and social media platforms, to highlight the impact of our work and drive home the message of equal opportunity. We will also continue to enhance the EOC website, providing information in a clear, accurate and engaging manner, while adhering to the accessibility requirements.

5. OUR FOCUS AREAS & WORK PRIORITIES

- 5.1 The Strategic Goals represent our aspirations and determination to use our statutory powers effectively and strategically for making Hong Kong a more equal and better place.
- 5.2 In mapping out our focus areas, we reckon that we cannot take action on every discrimination issues that emerge in our society, given our limited resources and statutory roles and responsibilities, as defined under the anti-discrimination ordinances. Hence we must prioritise, and we will focus on the four broad areas under our existing remit i.e. Gender, Disability, Family Status and Race. Subject to the availability of resources, we will explore the new discrimination issues and the approach for tackling them.
- 5.3 Each of the thematic focuses cuts across all areas of our work – from complaint investigation and legal assistance/litigation to research and advocacy, as well as education and promotion. Within each thematic focus, we have identified the work priorities, taking into consideration the scale of discrimination and inequality. We have also come up with a range of key actions/activities under the focus areas, which we believe can serve to eradicate discrimination and improve people’s access to equal opportunities.
- 5.4 The diagram below sets out our Strategic Goals, Focus Areas and Work Priorities.

Our Vision
 Create a pluralistic and inclusive society where there is no barrier to equal opportunities

Our Core Mission
 Enforce compliance with the anti-discrimination legislation and provide access to redress for discrimination • Promote awareness, understanding and acceptance of diversity and equal opportunities through public education and training programmes, and establish partnerships with all sectors in the community

Strategic Goal 1:
 Instigating a stronger legal framework to protect the community from discrimination

Strategic Goal 2:
 Maintaining an efficient and effective redress system built on victim-centric approach for complaints

Strategic Goal 3:
 Developing stronger evidence and knowledge base of discrimination

Strategic Goal 4:
 Reducing inequalities for communities at high risks of discrimination

Strategic Goal 5:
 Delivering organisational excellence

Focus Area:
Gender Discrimination

Work Priorities:
 Set up a dedicated Anti-Sexual Harassment Unit (ASHU) to handle the enforcement, prevention and education on sexual harassment • Tackle pregnancy discrimination

Focus Area:
Disability Discrimination

Work Priorities:
 Remove the educational barriers faced by students with SEN • Advance equal employment opportunities of PWDs • Enhance accessibility to goods, services and facilities by PWDs • Promote understanding and inclusion of PWDs in society

Focus Area:
Family Status Discrimination

Work Priorities:
 Increase public knowledge of family status discrimination • Encourage employers to provide workplace flexibility and support for employees with family and caring responsibilities • Prevent discrimination against breastfeeding women

Focus Area:
Race Discrimination

Work Priorities:
 Ensure equal education opportunities for EMs • Promote equal employment opportunities of EMs • Promote equal access to goods, services and facilities by EMs

New Areas

Formulate law amendment proposal to outlaw SOGII discrimination in education, employment and provision of goods, services and facilities • Examine possible legislative framework for age discrimination in employment • Identify ways of redressing the discrimination faced by new immigrants to Hong Kong

6. FOCUS AREA: GENDER DISCRIMINATION

- 6.1 The female population (54.2%)¹ has consistently overtaken that of male (45.8%) in the past decade. Yet our city is not becoming more equal for women, especially at work. Traditional family roles and caring responsibilities are deterring women from economically active in the labour market, and even if they do, they face multiple forms of inequality, including gender pay gaps, inadequate child care support, and harassment in the workplace.
- 6.2 In recent years, the SAR Government has rolled out various policy measures, notably strengthen childcare support, to nurture the women workforce. Yet the progress remains slow. Much remains to be done to increase women's equal opportunities, their representation in management and Board, as well as the social and political arenas.
- 6.3 Report by the Organisation for Economic Co-operation and Development OECD² indicated that the loss of income worldwide attributable to gender-based discrimination is estimated at USD 6 trillion, or 7.5% of global GDP. To sustain Hong Kong's economic development, and enable women to realise their full potential, we must ensure a safe, supportive and harassment-free work environment for them.
- 6.4 According to complaint data of the EOC in 2018/19, sexual harassment and pregnancy-related discrimination continued to occupy the top two ranks of cases lodged under the SDO. Of the 420 SDO cases, 338 were employment-related. Of these, 44% (150 cases) involved sexual harassment and 33% (111 cases) concerned pregnancy discrimination. Given the prevalent trend, the EOC will focus on tackling sexual harassment, and protecting pregnant/new mothers from against discrimination in the workplace.
- 6.5 In respect of combating sexual harassment, the EOC has built up unique expertise through the work of the Working Group on Anti-Sexual Harassment Campaign since 2012. The release of several high-profile studies, as well as the #MeToo global movement, have heightened public interest in the issue. Riding on the momentum, we believe we can further the impact of our work.
- 6.6 On pregnancy discrimination, the EOC has been deploying a three-pronged approach of enforcement, prevention and education to tackle

¹ Women and Men in Hong Kong Key Statistics (2019 Edition), Census and Statistics Department, HKSAR

² Social Institutions and Gender Index 2019 Global Report

the problem, including giving legal assistance and taking legal action on complaint cases and conducting research³ to raise awareness of the prevalent trend. The EOC also recommended under the DLR to introduce the statutory right for women to return to their work position after giving birth.

- 6.7 While focusing on sexual harassment and pregnancy discrimination, the EOC will also monitor the developments of other gender-based discrimination issues, such as unequal work treatment for new female immigrants and lack of support for female carers with disabilities, and advocate policy reforms where appropriate.

Our work priorities include:

Work Priority: Set up a dedicated Anti-Sexual Harassment Unit (ASHU) to handle the enforcement, prevention and education on sexual harassment	
Actions / Activities	Expected Results
<p><i>Before formation:</i></p> <p>6a. Form a task force within the EOC to work on the formation and roadmap of the ASHU.</p> <p><i>After formation:</i></p> <p>6b. Promulgate the ASHU and its roadmap to the SAR Government and stakeholders, such as legislators, with a view to securing more resources and buy-in.</p> <p>6c. Publicise the formation of the Unit and promote its services to the general public through multiple channels.</p>	<ul style="list-style-type: none"> • The ASHU formed and victim-centric services provided to the public. • The SAR Government and stakeholders are aware of the ASHU and its objectives and roadmap. • Public are informed of the ASHU and its functions.
<p><i>Enforcement:</i></p> <p>6d. Handle enquiries and complaints about sexual harassment from the public, and advise victims on possible channels of redress.</p>	<ul style="list-style-type: none"> • Victims of sexual harassment approach the EOC for assistance. • Breaches to the law are effectively challenged and redress

³ Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in Small and Medium Enterprises, 2016

<p>Explore possible collaboration with NGOs on support for victims.</p> <p>6e. Launch strategic litigation by supporting and intervening in sexual harassment cases which offer the opportunities to clarify the law, set precedent or raise public awareness.</p> <p>6f. Build reputation of the ASHU and the EOC by publicising the successful cases and the achievements of the ASHU.</p>	<p>provided to complaints of sexual harassment.</p> <ul style="list-style-type: none"> • Positive impression and word-of-mouth of the ASHU created, with better awareness of sexual harassment and the legal provisions among the community. Public are more willing to come forward and take action against sexual harassment. • Better awareness of sexual harassment and the reporting/complaint channels.
<p>Law Reform:</p> <p>6g. Conduct review of the current legal protection regime against sexual harassment, identify gaps and recommend legislative amendments where appropriate.</p> <p>6h. Continue to liaise with the SAR Government on the progress of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018, which includes the provision to protect those in common workplace from sexual harassment. Contribute to the discussion on the Amendment Bill both inside and outside the legislature, and inform legislators and the public the EOC's position.</p> <p>6i. Develop and issue guidelines as necessary to help organisations and individuals understand their respective rights and responsibilities under the amended law.</p> <p>6j. Launch targeted advertising and/or promotional campaigns to publicise the amended law after passage.</p>	<ul style="list-style-type: none"> • Government and legislators are alerted to the loopholes of the law and their risks and the importance of law reforms. Stakeholders support the EOC's law reform recommendations. • Amendment Bill passed by the legislature and implemented, offering stronger protection to the public. • With reference to the EOC's guidelines, organisations adapt and strengthen their policies and practices on preventing and responding to sexual harassment, especially in the workplace. • Public are aware of the amended law and their rights and responsibilities.

<p>Prevention:</p> <p>6k. Audit the universities' responses to the recommendations in the report of the "Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong".</p> <p>6l. Review the current Sexual Conviction Record Check Scheme and identify areas for improvement. For example, a study by the End Child Sexual Abuse Foundation of 1,700 private tuition centres in Hong Kong found that fewer than 20% used the Scheme to carry out record check.</p> <p>6m. Continue to advocate reform of sex education in schools, with a view to assisting young people to develop positive values and skills, so that they can make respectful and healthy choices about relationship and sex, which would in turn contribute to a sexual harassment-free society. Build support through stakeholder engagement and possibly through survey and networking.</p>	<ul style="list-style-type: none"> • Universities introduced new and strengthened measures to prevent sexual harassment. • The SAR Government and legislators are alerted to the loopholes of the law and their risks and the importance of law reforms. • Built greater stakeholder support for reform to the sex education curriculum, and facilitated schools and teachers to conduct sexuality education.
<p>Education:</p> <p>6n. Conduct seminars and training on preventing sexual harassment for targeted sectors, especially explore engaging management of small and medium enterprises (SMEs) and HR managers to get across the message of preventing sexual harassment.</p> <p>6o. Leverage on the social media platforms to engage the younger generation in preventing sexual harassment.</p>	<ul style="list-style-type: none"> • More employers/employees and service providers/users received training on sexual harassment. • More SMEs are exposed to messages of preventing sexual harassment and adopt preventive measures. • Enhanced awareness of sexual harassment among the younger generation.

6p. Revamp online training module to engage university students in training on anti-sexual harassment.	
Work Priority: Tackle pregnancy discrimination	
Actions / Activities	Expected Results
<p>6q. Make use of complaint data and strategic litigation to raise awareness of the prevalent trend of pregnancy discrimination.</p> <p>6r. Lobby the SAR Government and legislators to take forward the recommendation on introducing statutory right for women to return to their work positions after maternity leave.</p>	<ul style="list-style-type: none"> • Awareness of pregnancy discrimination is enhanced among both employers and employees. • The SAR Government takes forward the EOC's recommendations with specific time-frame on introducing the law amendments to the legislature. • Breaches to the law are effectively challenged and redress provided to victims.

7. FOCUS AREA: DISABILITY DISCRIMINATION

- 7.1 For years, complaints lodged under the DDO have taken up the largest share among the total complaints handled by the EOC. In 2018/19, the EOC handled 706 DDO complaints. Of these, 422 (60%) were related to employment.
- 7.2 Notwithstanding effort by multiple parties on various fronts, PWDs continue to face barriers, including institutional, systemic, environmental and attitudinal, virtually in all aspects of life and on a daily basis. In particular, they face persistent disadvantage in education and employment. The number of PWDs not being in employment remains exceedingly high, regardless of their educational attainment, highlighting the need for greater and more targeted effort to address the barriers of PWDs as they transition from school to work.
- 7.3 Meanwhile, as the city's population ages rapidly, the proportion of population with mobility difficulties and/or disabling conditions are set to increase. We will need to address the issue of cross-sectional discrimination on the grounds of ageing and disability, and consider how goods, services and facilities can cater for the needs of older persons with disabilities, such as by adopting the universal design concept. Indeed, the UN Sustainable Development Goals of the 2030 Agenda makes explicit references to older persons and persons with disabilities with regard to ending poverty, promoting good health and wellbeing, decent work and economic growth.
- 7.4 Also in need of stronger effort is tackling the stigma and discrimination associated with mental health. According to the Hong Kong Mental Health Index Study 2019, the mental health of Hong Kong people is at its worst level in eight years, below acceptable levels by the World Health Organization, as affected by the social unrest and turmoil. As an increased number of individuals battle mental health conditions, it becomes more important than ever to maintain a caring, supportive environment free from stigma and discrimination for them.

Work Priority: Remove the educational barriers faced by students with special educational needs (SEN)	
Actions / Activities	Expected Results
7a. Monitor the policy measures by the Government to increase support for students with SEN in primary and secondary schools,	<ul style="list-style-type: none"> • Strengthened support provided for students with SEN. • Greater collaboration and knowledge-sharing between

<p>and provide policy recommendations to the Education Bureau (EDB) where appropriate.</p> <p>7b. Provide platform (i.e. Network for Promoting Equal Opportunities in Local Universities) to facilitate universities and tertiary institutions to share resources and best practices for supporting students with SEN.</p>	<p>universities in supporting students with SEN.</p>
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Work Priority: Advance equal employment opportunities of PWDs

Actions / Activities	Expected Results
<p><i>Law Enforcement & Reforms:</i></p> <p>7c. Monitor compliance with the law by inquiring into public policies and practices, and help public authorities understand their duties and responsibilities.</p> <p>7d. Using the discrimination complaints data, conduct analysis of the discrimination issues of the major types of disabilities, and identify the employment challenges associated with each type of disability, as well as the remedial measures needed.</p> <p>7e. Lobby the SAR Government to take forward the EOC's law reform recommendations under the DLR i.e. introducing the requirement to provide reasonable accommodation for PWDs.</p>	<ul style="list-style-type: none"> • Breaches to the law are effectively challenged and redress provided to victims of discrimination. • The SAR Government takes forward the EOC's recommendations with specific time-frame on introducing the law amendments to the legislature.
<p><i>Research & Policy Advocacy:</i></p> <p>7f. Release the findings of 'A Study on Effective Strategies to Facilitate School-to-Work Transition of Young Persons with Disabilities in Hong Kong' and 'A Study on Perceptions of</p>	<ul style="list-style-type: none"> • Public awareness of employment difficulties of PWDs widened. • Greater awareness and social discussion of the stigma and discrimination against people with mental health conditions and

<p>Stigmatisation and Discrimination of Persons with Mental Illness in the Workplace’, and follow up with relevant authorities and stakeholders to liaise on the implementation of research recommendations, such as capacity building and assistance in setting guidelines.</p> <p>7g. Maximise media exposure to raise interest and awareness of the survey findings and the issues involved.</p> <p>7h. Respond to the SAR Government’s consultations and policy reforms. Formulate policy positions by using the EOC’s evidence base, and make submissions to the Government, legislature and international organisations.</p>	<p>stronger advocacy and call for inclusiveness.</p>
<p><i>Education of Employers:</i></p> <p>7i. Correct unconscious bias of employers and management on employment of PWDs by promoting the focus on the abilities and talents of PWDs, rather than their limitations and accommodation in employment and promotion. Making use of different channels, such as the social media LinkedIn, reach out to the C-suite executives and management of corporations, public organisations and Government to drive top-down change in attitudes and perception of PWDs.</p> <p>7j. Encourage enterprises to open up greater range of job opportunities and career pathways for PWDs, and connect them with relevant</p>	<ul style="list-style-type: none"> • More employers made adjustment to their policies and practices for recruiting and retaining employees with disabilities. • More employees receive training on disability sensitivity and working together with PWDs. • Greater understanding of the rights and responsibilities under the DDO among community members, and sensitivity to the needs of employees with disabilities enhanced.

<p>NGOs/disability groups, such as CareER.</p> <p>7k. Equip employers, especially SMEs with knowledge on managing an equal and accessible work environment, by offering them advice on the legislative context of hiring PWDs, the accommodation of PWDs in the workplace, and resources on recruiting, hiring and retaining PWDs.</p> <p>7l. Collaborate with NGOs / disability groups on providing disability sensitivity training for staff of companies and enterprises.</p> <p>7m. Explore the possibility of launching a charter scheme to incentivise employers on hiring PWDs.</p> <p>7n. Publicise success stories of PWD employment through the Internet, social media, media reports and other means.</p>	
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Work Priority: Enhance accessibility to goods, services and facilities by PWDs

Actions / Activities	Expected Results
<p>7o. Advocate and promote the universal design concept through citywide publicity/promotional campaign to improve the environmental inclusiveness and accessibility of the city.</p> <p>7p. Reach out to chain restaurants and catering associations on enhancing the accessibility of restaurant setting for serving diners with different needs. Develop barrier-free guidelines for restaurants and explore the possibility of a charter or accreditation scheme for auditing</p>	<ul style="list-style-type: none"> • Greater awareness of universal design and more goods, services and facilities designed for the diverse needs of users, including PWDs and older people. • Enhanced accessibility of chain restaurants and dining outlets. Equality and barrier-free considerations built in the design and provision of public services and facilities.

<p>the accessibility of the restaurants, such as through collaboration with NGOs.</p> <p>7q. Lobby the SAR Government to provide incentives (similar to Operation Building Bright) for owners of private buildings not covered by the Design Manual – Barrier Free Access 2008 to enhance the accessibility and barrier-free access of buildings.</p>	
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Work Priority: Promote understanding and inclusion of PWDs in society

Actions / Activities	Expected Results
<p>7r. Conduct EO Awareness Survey in 2020/21 to gauge public attitudes towards PWDs.</p> <p>7s. Collaborate with NGO(s) to co-organise conference (under the Special Partnership Programme) to promote awareness of the challenges of female carers with disabilities.</p> <p>7t. Devise guide(s) and/or information leaflets on mental illness, people living with HIV, and different forms of disabilities to debunk myths and misconceptions among the general public.</p> <p>7u. Explore collaboration with the Advisory Committee on Mental Health on educational and promotional programmes.</p> <p>7v. Organise public education programmes and activities to promote inclusion of PWDs, particularly inclusion of discharged mental health patients in the community.</p>	<ul style="list-style-type: none"> • Increased awareness and understanding of the needs and conditions of different types of disabilities among the general public. • Shifts in public attitudes and reduced stigma and discrimination against PWDs, especially those with mental health issues.

8. FOCUS AREA: FAMILY STATUS DISCRIMINATION

- 8.1 Although complaints lodged under the FSDO remain the lowest among the four anti-discrimination ordinances, the issue is affecting a significant proportion of the workforce and the larger population. According to the EOC's 2018 Study on Family Status Discrimination in the Workplace in Hong Kong, there is a lack of knowledge of family status discrimination and the FSDO among both employers and employees in the city, which may explain for the low complaint figures.
- 8.2 The study also revealed that women with caring responsibilities are likely to experience greater disadvantage than men. Indeed, women have traditionally been playing the role of carer and bearing more of the family care responsibilities. The issues surrounding family status discrimination therefore also bear impact on gender equality.
- 8.3 Looking forward, as the population ages rapidly, more employees will need to take up caring responsibilities for their parents. While the society continues to debate on the importation of carers for the elderly, calls have been made by the social service, health and other sectors for strengthening support and caring for the carers. It is important that workplace policies are in place to enable carers to deliver both their work and family roles.

Work Priority: Increase public knowledge of family status discrimination	
Actions / Activities	Expected Results
8a. Promulgate the concept of "carers" instead of "people with family status/responsibilities" to help the public understand the issue.	<ul style="list-style-type: none"> • Discriminatory treatment faced by carers exposed and reduced. • Greater community awareness of family status discrimination through educational and promotional events. • More educational and community events themed on work/family balance organised.
8b. Explore collaboration with relevant organisations such as the Family Council to synergise resources and maximise impact of educational/promotional programmes.	
8c. Encourage community groups, NGOs, schools and others to organise community events themed on work/family balance by providing funding support	

<p>under the Community Participation Funding Programme.</p>	
<p>Work Priority: Encourage employers to provide workplace flexibility and support for employees with family and caring responsibilities</p>	
<p>Actions / Activities</p>	<p>Expected Results</p>
<p>8d. Advocate for a career policy to be formulated by the SAR Government, with a view to eliminating discrimination on the grounds of family responsibilities, such as motherhood penalty.</p> <p>8e. Reach out to public and private organisations in different sectors, and mobilise them to participate in a pilot scheme on flexi-leave. Collect data about the pros and cons of the measure during the pilot scheme to build family-friendly best practice guidelines.</p> <p>8f. Review EOC's HR policies and adopt appropriate policies and practices so as to lead by example and influence organisations across the EOC's network.</p>	<ul style="list-style-type: none"> • More employers adopt family-friendly practices and measures. • More examples of workplace flexibility measures exposed and reported in the public arena. • Increased social conversation on the issue of work-family balance.
<p>Work Priority: Prevent discrimination against breastfeeding women</p>	
<p>Actions / Activities</p>	<p>Expected Results</p>
<p>8g. Follow up on the progress of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018. Promulgate the amendment law after passage of the Bill, and issue guidance, guidelines and codes of practice to help individuals and organisations understand their rights and responsibilities.</p> <p>8h. Launch targeted advertising and/or publicity campaign to publicise the amended law after passage.</p>	<ul style="list-style-type: none"> • Amendment Bill passed by the legislature, providing stronger protection for breastfeeding women. • Employers provided with guidance on the implications and their responsibilities under the amended law. • Public are informed of the amended law.

9. FOCUS AREA: RACE DISCRIMINATION

- 9.1 The barriers and inequalities confronting ethnic minorities (EMs) in Hong Kong have entered the public and policy agenda in recent years, with the SAR Government allocating more resources to enhance support for EMs and facilitate their integration into the community. In mid-2018, the SAR Government set up a Steering Committee on Ethnic Minority Affairs. Chaired by the Chief Secretary for Administration, the Steering Committee is tasked with supervising the implementation of measures to enhance support for EMs.
- 9.2 At the EOC, a dedicated EM Unit (EMU) was set up in 2014 to promote the equal opportunities of EMs on various fronts. Using additional funding resources from the SAR Government and a three-pronged approach of policy recommendation, training and outreach, the EMU has been working on removing the barriers of EMs in education, employment and access to goods, services and facilities, as well as in community integration.
- 9.3 While laudable progress has been achieved by the EOC in different areas, new challenges have also emerged, notably online racial hatred, underlining the need for persistent effort to promote racial inclusion and equality in society.
- 9.4 As mentioned earlier, the SAR Government has allocated additional funding to the EOC for a period of three years from 2019-20 onwards for the promotion of the RDO and racial inclusion. The EOC will continue its existing approach and focus on enhancing access to education, employment, goods, services and facilities by the EMs.

Work Priority: Ensure equal education opportunities for EMs	
Actions / Activities	Expected Results
9a. Follow up the recommendations in the <i>Closing the Gap</i> report of the Working Group on Education for Ethnic Minorities released in September 2019, and monitor work progress by the Education Bureau (EDB) to facilitate Chinese-learning among EM students.	<ul style="list-style-type: none"> Schools provided with audio-visual kit, online training module and easy guide to assist them in developing inclusive school policies. Greater knowledge of issues facing EM students with SEN, and measures identified for addressing the issues.

<p>9b. Build capacity of schools to implement inclusive policies, by developing an audio-visual kit and online training module for schools on prevention of racial discrimination and promotion of racial inclusion, and producing an Easy Guide on inclusive school policy.</p> <p>9c. Engage and bring different stakeholders, including representatives from the education sector, NGOs and parents' groups, together to form a multi-disciplinary platform for sharing knowledge and experience in addressing education issues of EM students with SEN.</p>	
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Work Priority: Promote the equal employment opportunities of EMs

Actions / Activities	Expected Results
<p>9d. Continue to recruit signatories for the Racial Diversity and Inclusion Charter for Employers and promote success stories and sharing of good practices of Charter signatories.</p> <p>9e. Devise an award scheme to recognise companies and organisations with an exceptional track record of creating and maintaining a diverse and inclusive workplace. Explore possibility of accreditation / certification for the employers.</p> <p>9f. Link up prospective employers with NGOs to open up new career opportunities and pathways for EMs.</p> <p>9g. Work with relevant organisations, such as the Vocational Training Council and Employees</p>	<ul style="list-style-type: none"> • Increased number of signatories of the Racial Diversity and Inclusion Charter for Employers. • Introduction of the Racial Diversity and Inclusion Corporate Awards and extensive publicity of the Awards. • Vocational training programmes developed for EMs.

Retraining Board to develop training programmes for EMs.	
Work Priority: Promote equal access to goods, services and facilities by EMs	
Actions / Activities	Expected Results
<p>9h. Conduct training on the RDO and cultural sensitivity for service providers in both public and private sectors, such as estate agencies.</p> <p>9i. Release findings of the 'Study on Potential Models for Accreditation and Recognition of Interpreters and Translators in EM Languages in Hong Kong' and follow up on the recommendations therein, with a view to enhancing the quality assurance of translation/interpretation services for EMs.</p> <p>9j. Follow up on case examples collected by NGOs on difficulties faced by EMs in accessing public services.</p>	<ul style="list-style-type: none"> • Guidelines and training provided for service providers, with greater understanding of the RDO. • Put forward potential model for accreditation and recognition of interpreters and translators in EM languages. • EM communities enjoy quality interpretation and translation services.

10. OTHER AREAS OF DISCRIMINATION

- 10.1 While focusing our effort on the four areas within our remit, we are fully aware that there are individuals and groups in society not protected by the anti-discrimination law, exposing them to the threats and harm of discrimination. They are: the older persons being forced out of employment, people with different sexual orientation, gender identity and intersex status being treated unfairly at school and at work, and new immigrants to Hong Kong being deprived of equal opportunities because of their citizenship and residency status.
- 10.2 More and more, these inequalities are becoming intolerable and causing damage to our city. The EOC, being the official statutory body to tackle and eradicate discrimination, cannot stand by and walk away from these issues. And while we cannot take legal action on the discrimination given that they are not covered by the existing anti-discrimination law, we should aim to instigate and facilitate change. Indeed, the EOC plays an important role to inform, educate and assist the Government, civil society and relevant parties to understand the discrimination issues in society, to drive social conversations, engage stakeholders and advocate policy and law reforms.
- 10.3 Subject to the availability of resources, the EOC will undertake the following work to address discrimination on unprotected grounds:

Age

- a. Promote an age-friendly environment, including the workplace, through adoption of universal design and innovative technologies.
- b. Advocate an age-friendly workplace.
- c. Examine the feasibility of amending the existing law to protect older persons from discrimination in employment.

Sexual orientation, gender identity and intersex status

- d. With due regard to the findings of the study "The Recognition and Treatment of Relationships under Hong Kong Law" commissioned by the EOC and conducted by law firm Allen & Overy, which highlighted over 100 instances of differential treatment based on relationship status across 21 separate areas under the existing law, explore ways of closing the gaps, such as by expanding the existing legal framework.
- e. Work on the specifics of legislating against discrimination on the grounds of sexual orientation, gender identity and intersex status in the areas of: (1) education; (2) employment; and (3) provision of goods, services and facilities under the existing legal framework.

This will entail examining the legal issues involved and the specific law amendments required, with a view to putting forward a law amendment proposal for discussion and consultation with the Government and stakeholders.

New immigrants

- f. Examine possible ways of addressing the issues faced by new immigrants in education and employment, especially female immigrants in the low-income and less-educated groups, under the existing legal framework.

Social media

- 10.4 Besides exploring ways of addressing the above unprotected areas of discrimination, the EOC will also examine the implications and challenges brought by the proliferation of digital/social media, which has given rise to cyberbullying and online hate speech. In particular, hate speech targeting EMs on the social media has been on the rise. To date, the EOC is unable to exercise its enforcement power under the existing legal regime. Nevertheless, the EOC will continue to monitor the trend, and explore possible actions for addressing and preventing the prevailing trend.

11. PERFORMANCE MONITORING

- 11.1 To track the progress and impact of our work, we will submit periodic reports to the Board on the work progress, and continue to gather views and feedback from stakeholders on how we may carry out our work even more effectively.

Ends