

Message from the Chairperson - Public Consultation on Insurance Issues

Public Consultation on Insurance Issues



Ms. Anna Wu, EOC Chairperson

Insurance is an important industry for Hong Kong not only because it is a multi-billion dollar business, but also because insurance offers invaluable protection and peace of mind to consumers. It is an industry that gives hope in times of misfortune. However, over the past few years, the Equal Opportunities Commission (EOC) has received a number of inquiries and complaints on insurance practices, mainly on the refusal to provide insurance coverage, charging increased premiums on the ground of sex or disability and exclusion of coverage in respect of pre-existing conditions.

Social function of insurance

Life, medical and pension insurance are not luxuries, they are very essential aspects of personal security. The purpose of buying insurance is to protect the policy holders and their families when disasters strike.

Often the insurance business grows as a useful supplement to public health services and pension schemes. There is a social purpose behind insurance that cannot be ignored. And insurance is uniquely poised to make social purpose a business.

With the view of promoting awareness and understanding of equal opportunities issues, and examining alternatives to current practices in the insurance industry, the EOC released the Discussion Paper on Insurance under the Anti-discrimination Legislation in December 2002. Responses from the community on the Discussion Paper will help the EOC formulate a set of Insurance Guidelines to be published for further consultation and implementation. (For the full text of the Discussion Paper on Insurance under the Anti-discrimination Legislation, please visit the EOC website at <http://www.eoc.org.hk> or contact the EOC office on 2511 8211 for a printed version.)

Public consultation

Views are sought specifically on the following:

1. Appointment of an Ombudsman - Whether the appointment of an independent Insurance Ombudsman to resolve disputes between insurers and consumers is something that we should work towards in Hong Kong.
2. Fair and Non-discriminatory Practices – How can insurance practices in Hong Kong be made more open and transparent?
3. Definition of Critical Terms – The EOC encourages the insurance industry to develop definitions for critical terms, such as what is meant by pre-existing conditions.

4. Availability and Affordability – The EOC encourages the insurance industry to look at measures of enhancing and ensuring availability and affordability of insurance products to meet the changing needs of society.

5. Portability of Accumulated Qualifying Period – The EOC supports the introduction of legislation to retain the benefit of the qualifying period regarding pre-existing conditions from a preceding policy upon change of employment. This would avoid going through qualifying periods all over again, and employees would not be subject to pre-existing exclusions for conditions that did not exist prior to the initial insurance coverage but may have developed afterwards.

6. Other issues of concern —

- Exclusion of Pre-existing Conditions
- Blanket Exclusions
- Genetic Testing
- Discrimination on the Ground of Sex
- Discrimination on the Ground of Pregnancy
- Discrimination on the Ground of Family Status
- Requests for Information
- Refusal of Insurance, Increased Premiums & Limited Cover
- Deferral of Approval

Industry initiatives

The Hong Kong Federation of Insurers (HKFI) has already established a specialist Task Force to assist the EOC on the formulation of the Insurance Guidelines and to deal with the issues arising from this Discussion Paper and the responses. HKFI has also established a Statement of Best Practices on Disability Discrimination, which it will update from time to time.

The EOC has been advised by the Actuarial Society of Hong Kong that it would be prepared to issue a Guidance Note outlining the responsibilities of actuaries under the anti-discrimination legislation.

Fair access to insurance

Fair access to insurance is a significant matter. Many of the current insurance practices may be justified by business and actuarial standards, but some raise questions and concerns. For instance, outright refusal to insure based on someone's gender, disability or family status may contravene the anti-discrimination laws. Instead, other more reasonable options should be explored, such as providing insurance cover at an increased premium, at a limited cover or with appropriate exclusion clauses, depending on the circumstances. Increasing access to insurance also means widening of the market for insurers. New non-discriminatory approaches could be developed to respond to new market needs and societal expectations for the benefit of both insurers and consumers.

Responses to the Discussion Paper should be directed to:

The Equal Opportunities Commission

Unit 2002, 20th Floor

Convention Plaza, Office Tower

1 Harbour Road, Wanchai

Hong Kong

(For the attention of the Policy Support and Research Unit)

(Deadline: 20 March 2003))

1. Total gross premiums amounted to \$76.3 billion, contributing 5.9% of the GDP, in 2001 in Hong Kong. (For more details, please refer to: <http://www.info.gov.hk/oci/statistics/index.htm>).

Insurance Related Complaint Cases

Insurance related complaint cases

Under Hong Kong's anti-discrimination ordinances, the two key functions of the Equal Opportunities Commission (EOC) are to work towards the elimination of discrimination and the promotion of equal opportunities for all. This includes the elimination of discrimination and unnecessary stereotyping in the provision of goods, facilities and services to the public. The provision of insurance by insurance companies falls within this field.

The anti-discrimination laws recognise that insurance practice necessarily involves the classification of risk and that premiums and policies are tailored to reflect such risks. The anti-discrimination laws permit differential treatment based on actuarial or statistical data upon which it is reasonable to rely. Where no such data is available, the differential treatment must be based upon other reputable medical advice or opinion.

Over the years the EOC has received a number of inquiries and complaints about insurance practices. Three examples are included in the following:

Insurance case under the Disability Discrimination Ordinance



The complainant wanted to go to Japan with his family and attempted to purchase travel insurance with a bank. On knowing that the complainant had visual impairment, the bank refused to cover him, despite the complainant's claim that he was a frequent traveler and that his family members could take care of him. The complainant then lodged a complaint with the EOC.

The bank claimed that the complainant was prone to injuries but could not produce any data to support its claim.

This case was later conciliated after the bank had promised to issue an internal instruction to all its branch offices that any person with a disability enquiring for insurance coverage should be referred to the head office, which would assess each case on individual merits, rather than refusing to offer coverage upfront. The bank also promised to offer the same terms of insurance coverage to the complainant as if he did not have visual impairment, should he want to purchase travel insurance next time.

EOC Information:

Travel insurance policies often contain blanket exclusions relating to disabilities. Under equal opportunities ordinances, exclusions should be based on actuarial data or medical opinion.

Case on gender

The complainant alleged that an insurer had turned down his application for a domestic helper insurance plan because his domestic helper was a man.

The insurer explained that the reason for declining the complainant's application was due to the job nature of the complainant's domestic helper, i.e. to perform extra duties beyond household work, such as gardening.



EOC Information:

Differential treatment should not be based on assumptions that jobs are necessarily gender specific, and jobs with the same title may vary in scope and duties. Potential risks can be covered by additional premium.

The insurer later expressed willingness to attempt early conciliation with the complainant.

Case on marital status



The complainant was a customer service supervisor of Company A.

She had become pregnant four months before she got married. When she tried to claim medical expenses for her pregnancy, she was rejected by Company A's insurance agent. The complainant felt that she was discriminated against on the ground of marital status.

Company A admitted that the medical plan it provided did not cover maternity benefits for unmarried female employees.

After conciliation, Company A and the insurance agent settled the complaints with the complainant by giving her monetary compensation.

EOC Information:

The need for maternity protection is not confined to those married. Marital status is a ground of discrimination under the SDO.

Unveiling the Myth of Epilepsy

Unveiling the Myth of Epilepsy

Experience Sharing

"I stared at the blackboard and went blank. I did not know what had happened and even missed the important test date announced by my teacher. She reprimanded me for day dreaming. I failed to explain that I just had an "absence seizure" and I had lost consciousness for a short. I was always picked on at school. My classmates avoided me. I was frustrated and confused..."

"I was afraid of losing control during the visit to the Science Museum. But my teacher encouraged me to go. It was an eye opening and interesting experience. I had lots of fun with my classmates and we even exchanged information on inventions by different scientists..."

"I woke up...scared and confused, with little recollection of what had happened. People all around me were panicking. Later I learned from doctors that I was having a 'convulsive fit', during which I fell to the ground, with my legs and arms jerking. This lasted for a few minutes. When I regained consciousness I had a bad headache, I was exhausted and sleepy. What's wrong with me?"

(Information provided by the Hong Kong Epilepsy Association)



Artwork by a primary 2 student with epilepsy

Epilepsy Explained



Dr. Wu Shun Ping, Associate Consultant (Paediatrics), Queen Elizabeth Hospital explains what epilepsy is in simple terms, "The brain is made up of billions of nerve cells, each of which carries a minute electrical current, controlling every thought, emotion, impression, memory and movement. In epilepsy, the brain's natural balance is disturbed and there is a short lived 'electrical storm' resulting in seizures. This electricity causes our body to feel different, or makes our body do things that we are unable to control, such as

generalized convulsion, confused speech, tingling, chewing, swallowing, scratching the head etc."



The Facts



Epilepsy can affect any of us, at any age and from any walk of life. Sometimes it is caused by brain damage after a difficult birth, a severe blow to the head, or an infection to the brain. Hereditary factors may play a part. But for most cases, the exact cause is still a mystery. Some children will outgrow epilepsy but it is difficult to predict which ones.

Because of the stigma associated with epilepsy, it is still a taboo subject and often hidden away. It is actually much more common than most people can imagine. "About 1 in 100 people will have an epileptic seizure at some point in their lives, and about 1 in 200 people will have chronic epilepsy. The most frightening thing about seizures is their unpredictability," said Dr. Wu. "A seizure may be somewhat alarming to witness. However, the patient does not pose a threat to anyone."



Advances in medical science mean that the condition can be controlled, but attitudes towards epilepsy remains a hurdle for many. People with epilepsy are being discriminated due to ignorance about the condition. Therefore, raising public awareness about epilepsy and increasing public understanding and acceptance of the condition is crucial to improving the quality of life for many.

School Life



School is the central part of a child's life, and is important to their development, whether the child has a disability or not. Due to other people's lack of understanding of epileptic disorder, children with epilepsy might often be isolated. These would seriously affect their confidence and become alienated from their classmates.



Most children with epilepsy are just as capable of learning as other children, but some do not achieve as much as they could at school, probably due to the side effect of anti-seizure medicine that make them drowsy and inattentive.

Acceptance



"To deal with the challenge of epilepsy at school, we must recognize it, understand it and deal with it," Mrs. Lai Lai Mei, school principal of Mrs. Fung Ping Shan Primary School shared her views on accommodating students with epilepsy. At first, the teachers knew nothing about the disorder and they were really worried. But once they understood the child's conditions, both teachers and supporting staff became very helpful. "Accommodating students with disabilities may not be a huge project as such. For example Kitty, our student with epilepsy was very stressed with her first examination, and stress could trigger seizure. Therefore, I led her to the entrance of the school hall where higher form students were having their examination. After explaining to Kitty what was happening inside, she was much relieved and attended the school examination later, like everyone else."

Sometimes because of the side effects of anti-seizure drugs, Kitty was sleepy during the first two lessons. She allowed to take her nap and later, the teachers would explain to her the important points she had missed during class.

"Our school's mission 'A Happy School Life for Every Child' is not just a remote philosophy, it is our practice. There is no reason why children with epilepsy should not enjoy every aspect of school life. If we treat the epileptic child with reassurance, not only would the child will benefit, others in the class would also develop a healthy and accepting attitude towards each other," Mrs. Lai concluded. Kitty now fully participates in activities that she enjoys, like drawing, painting and Chinese composition.

Famous Persons with Epilepsy

Julius Ceasar – Roman General
Michaelangelo – Artist and Architect
Nobel Alfred – Engineer and founder of Nobel Prizes
Newton Issac – Scientist
Socrates – Greek Philosopher
Tchaikovsky – Composer
Van Gogh – Post-impressionist Artist

Source: http://www.tampagov.net/dept_Mayor/Mayors_Alliance/famous_persons

Organizations

The Hong Kong Society For Rehabilitation Community Rehabilitation Network
Tel: 2794 3010 Fax: 2338 4820
<http://www.rehabsociety.org.hk/crn>

The Hong Kong Epilepsy Association Tel: 8207 0207 Fax: 2794 7178

Enlighten Hong Kong Limited Tel: 2820 0111 Fax: 2820 0113
<http://www.enlightenhk.org>

Hong Kong Epilepsy Info-Net
<http://www.hkepilepsy.com>

Disability Discrimination Case - Eat Your Words

Disability Discrimination Case

Eat Your Words

The complaint



Ah Keung, aged 27, was born with cerebral palsy. Muscle tension prevents him from using his hands properly. As a result, he has to rely on his feet to eat and work in his daily life.

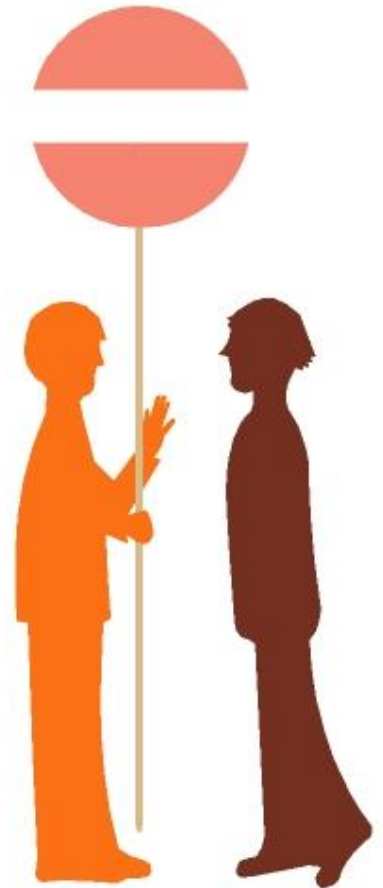
During lunch one day, Ah Keung and his friend went to a Chinese restaurant. As they started eating, a waiter approached them and asked them to move to a table further inside. Without asking for the reason, they agreed. A few minutes later, the waiter came back again, and this time he asked them to pack their food and leave.

“Never had I experienced such an embarrassing situation before. They asked us to move twice so that no one could see me eating with my feet,” said Ah Keung. “They were desperate to get me out. They even told me not to pay, but I refused to do so. Then they claimed that the table was reserved for other guests, and they asked us to change tables again. That was ridiculous. I was not committing a crime. Why didn’t they want me to be seen? So we ignored him and stayed till we finished our lunch.”

What the EOC did

Ah Keung felt that he was being harassed and humiliated by the way the waiter treated him. So he lodged a complaint with the Equal Opportunities Commission. Upon receipt of the complaint, the Equal Opportunities Officer conducted an investigation and explained to the restaurant manager the provisions under the Disability Discrimination Ordinance.

The respondent came to realize that it was unlawful to refuse Ah Keung to dine at their restaurant because of his disability. Both the complainant and the respondent agreed to proceed to early conciliation. The restaurant manager apologized for harassing Ah Keung, and ensured that they would provide proper training to their staff in order to prevent discrimination against persons with disabilities in the future.



What the law says

Under the Disability Discrimination Ordinance, it is unlawful for a service provider to discriminate against or harass another person on account of his/her disability in the provision of goods, services and facilities.



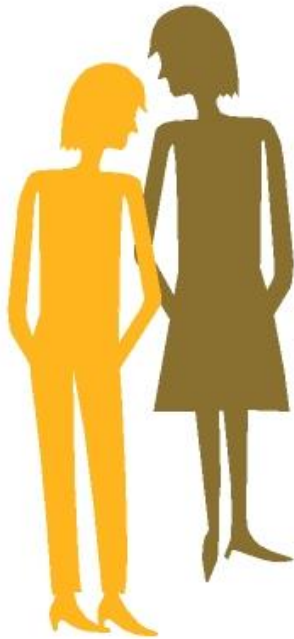
Sex Discrimination Case - Mr. Wong's Dress Sense

Sex Discrimination Case

Mr. Wong's Dress Sense



The complaint



"My new supervisor Mr Wong told me that female staff could only wear uniform pants when the temperature was below 10°C. Never had I realized that there was such a rule in the past, at least not in our staff manual."

Ah Wing had been working as a receptionist for a recreation club for five years. All front-line female staff members were given two sets of uniform of their own choice – either pants suit or dress suit – and the decision of what to wear rested on them. Male staff had to wear suits. Though Ah Wing had selected both pants and skirt, she tended to wear the skirt more often.

Ah Wing continued, "My uniform skirt was worn out and the new one was not yet ready. So I wore my uniform pants even on days above 10°C." Mr Wong warned her that she would be punished for not complying with the dress code. "Despite Mr Wong's verbal warning, I did not switch back to my uniform skirt immediately as I thought I should have the right to choose a set of uniform which is in accordance with the social norm."

To express her dismay at Mr Wong's request, Ah Wing also wrote a complaint letter to the management, but no feedback was available. A few days later, Mr Wong issued a guideline confirming his verbal requirement of the dress code, and gave Ah Wing an official warning letter.

What the EOC did

Ah Wing felt that the club's dress code policy was discriminatory not only against her, but also against her female colleagues. So she filed a complaint with the Equal Opportunities Commission.

The general manager of the club told the EOC investigator that the incident was a mere misunderstanding. He explained, "We certainly had no intent to discriminate against Ah Wing or our female staff. It's just that Mr Wong was new on board and he was not familiar with our policy."

The complaint was resolved through early conciliation. Both Mr Wong and the employer agreed to withdraw the warning against Ah Wing and issued a letter of apology to her. The management promised to clarify to all staff that the alleged dress code did not exist, and female staff members were allowed to wear uniform pants whenever they wished.

What the law says

While nothing in the anti-discrimination ordinances explicitly states that dress codes are unlawful, the EOC advises employers to avoid setting up dress codes as provisions in specific dress codes may inadvertently discriminate, directly or indirectly, on grounds of gender, pregnancy, marital status, or disability.

A requirement in the dress codes may be unlawful under Sex Discrimination Ordinance if one sex is treated less favourably than the other sex. This does not mean that it is necessarily unlawful to require men and women to dress differently. But dress requirements for both sexes have to be even-handed. For example, requiring men and women to dress in accordance with accepted social norm would be even-handed. However, requirements on one sex only, which impose limits with the accepted social norm, may amount to sex discrimination. The EOC has published a series of leaflets on good management practice, in which it provides guidelines in developing and implementing dress codes in the workplace.

Around the World

Around the World



Women's Spending Power



"Every one out of four women in the US earns more than her husband. Women control about 80% of household spending and, using their own resources, make up 47% of investors. Women buy 81% of all products and services, buy 75% of all over-the-counter medications, make 81% of retail purchases, and buy 82% of groceries. Eighty percent of the cheques written in the US are signed by women. Forty percent of all business travelers are women."

The latest statistics on female spending power in the US is to be found on a new page "Snippets" of the New Zealand's Equal Employment Opportunities Trust website. It contains useful and interesting information gleaned from 100 or so publications and snippets will be added to the website each month.

More Information:

<http://eeotrust.org.nz/information/snippets.shtml>

New Web-based Sign Language glossary



UK's deaf students are to benefit from the launch of the biggest collection of British Sign Language (BSL) on the Internet. The glossary contained in a new website (www.artsigns.ac.uk), is created by the University of Wolverhampton, which has approximately 1150 specialist signs and is with the largest corpus of BSL on the net. It boasts the most extensive reference work for specialist BSL vocabulary in existence.

The project aims to create an online glossary in BSL/English for art and design education. The new website serves as an easy-access resource centre for deaf students, sign language interpreters, communication support workers, note-takers for deaf people and advanced BSL students. It uses high quality videos, optimized for the web and it is fast, easy to use and professional in appearance.

More Information:

<http://www.artsigns.ac.uk/home/glossary.asp>

World Rural Women's Day

The United Nations Food and Agriculture Organization estimates that women produce more than 50% of the food grown worldwide. In order to mark women's special contribution to rural communities around the world, the International Cooperative Alliance (ICA) has designated 15 October as World Rural Women's Day. ICA is advocating for equal access to education and training for women as studies conducted by the World Bank has shown that when female farmers receive appropriate education and training, they are able to make better decisions on crop selection, crop and technology selection, capital allocation, and credit schemes.

ICA campaigns for investment in women's education and training as a way of leading to poverty eradication and sustainable development.

More Information:

<http://www.ica.coop/gender/wrw2002.htm>



Accessible Hotel for People with Disabilities

A hotel in Berlin offers wheelchair accessible rooms, which is managed by people with disabilities. In this 15-room building, 7 rooms are suitable for wheelchair users and each has its own bathroom. It is located in the centre of the city, with easy access to nightlife and other attractions in Berlin.

The Hotel Mit-Mensch Berlin also arranges tours in conjunction with local travel agencies that are adjusted to wheelchair users and those with mobility impairments. A ticket service agency is also available, which offers accessible seating to cultural and sport events.

More Information:

http://www.disabilityworld.org/0910_02/access/hotel.shtml



社區活動巡禮

events calendar

「婦女健康月」開幕禮暨專題講座

"Women's Health Month"
Opening Ceremony & Health Talk

22/03/2003

香港各界婦女聯合協進會
Hong Kong Federation of Women

2833 6131 (何小姐 Miss Ho)

「美沙酮治療在愛滋病預防之應用」 工作坊

Training Workshop on Methadone Treatment
for HIV Prevention

02/04/2003-04/04/2003

United Nations Regional Task Force on Drugs Use and HIV Vulnerability
<http://www.info.gov.hk/aids/chinese/news.htm>

「香島視緣傳愛心慈善演藝晚會」 Heung To Charity Show for the Visually Impaired

29/06/2003 (19:30-22:30)

香島中學校友會/香港視弱眼病愛協會/
香島校友基金會有限公司
Heung To Middle School Alumni Association Ltd/
Retina Hong Kong/Heung To Middle School Alumni
Association Foundation Ltd

2708 9363 (葉小姐 Miss Yip/呂小姐 Miss Lui)

2381 7262 (林小姐 Miss Lam/陳小姐 Miss Chan)

婦女三八顯能量 Women's Talent Show

08/03/2003 (14:00-18:00)

香港婦女中心協會
Hong Kong Federation of Women's
Centres

2386 6256

「豪仔的一天」認識弱智漫畫巡迴 展覽

Roving Exhibition of Comic Drawing on Mental
Handicap

03/03/2003-24/03/2003

瑞和街公共圖書館
Shui Wo Street Public Library

01/04/2003-22/04/2003

三家村公共圖書館
Sam Ka Tsuen Public Library
香港弱智人士家長聯會
The Hong Kong Joint Council of Parents of the Mentally
Handicapped
<http://www.hkjcpmh.org.hk>

2778 8131

傷健共融一家親 社區教育活動展覽 "Inclusion & Integration" Community Education Exhibition

13/04/2003

協康會慶華中心
Heep Hong Society Catherine Lo Centre

2817 2214 (簡小姐 Miss Kan)

躍動2003舞蹈大賽 Dance Dynamics 2003

24/05/2003 (初賽) (semi-final)

26/07/2003 (總決賽) (final)

聖雅各福群會復康服務
St. James' Settlement Rehabilitation Services
<http://www.sjsrd.org/>

2835 4385 (秦先生 Mr Chun)

2893 4322 (楊小姐 Miss Yeung)

Equal Employment Opportunities for All

Equal Employment Opportunities for All

The Equal Opportunities Commission (EOC) joined hands with Lok Kwan Social Service and Radio Television Hong Kong (RTHK) in organizing the "Equal Employment Opportunities for All" Variety Show at the Dragon Market in Wong Tai Sin on 19 January 2003. Hundreds of participants enjoyed the experience sharing, drama and stage performances, which conveyed the message that equal employment opportunities could benefit everyone.

Officiating guests preparing to hang their wishes on the "Wishing Tree".

(From left: Ms. Ava WONG, Head, RTHK Radio Division – Chinese Programme Service; Ms. Anna WU, EOC Chairperson; Ms. CHAN Yuen-han, Legislative Councillor and Mr. Eddie POON, Principal Assistant Secretary for Home Affairs)



Breaking Stereotypes! Pop group "Cookies" and male students from the St. Francis Xavier's College are all winners in the floral arrangement competition.

Visitors from Hanoi

Directors and lawyers of Vietnam Research Centre for Human Rights met with Herman POON (first right, center row), EOC's Assistant Legal Adviser. Common concerns about discrimination in Vietnam and Hong Kong, particularly in relation to women and persons with a disability, were discussed.

