Jan 2008 Issue No. 44

Know More About Attention Deficit / Hyperactivity Disorder & Specific Learning Disabilities

Attention Deficit / Hyperactivity Disorder & Specific Learning Disabilities

What are Attention Deficit / Hyperactivity Disorder (AD/HD) and Specific Learning Disabilities (SLD)? These terms have puzzled many parents and educators. In an attempt to provide answers and solutions, the Equal Opportunities Commission (EOC) invited leading experts in the field to explain these conditions and introduce the support network available in Hong Kong at an information session for educators, social workers, parents and EO Club members on 8 October 2007.



Experts share their knowledge and vision at the Information Session on AD/HD and SLD.

The EOC believes that every child should have equal opportunities in access to education. The Disability Discrimination Ordinance (DDO), which aims at eliminating and preventing discrimination against persons with disabilities, ensures that right. This principle is shared by the experts at the information session, including Dr. Chan Chok-wan and Dr. Catherine Lam of the Hong Kong Society of Child Neurology and Developmental Paediatrics, Professor Cheng Pui-wan and Professor Shiu Ling-po of the Chinese University of Hong Kong, and Ms. Tsang Shuk-man and Mrs. Katherine Yuen of the Education Bureau. The presentations and discussions are summarized as follows:

What is SLD?

Specific Learning Disabilities (SLD) is a term that refers to a group of disorders manifested as significant difficulties in the acquisition and use of listening, speaking, reading, writing, or mathematical abilities, despite access to conventional teaching. Dyslexia is the most common form of SLD, characterized by difficulties in word recognition, reading, written dictation or spelling.

How common is SLD in Hong Kong?

It is estimated that around 15% (about 225,000) of the children in Hong Kong have SLD. Around 80% (about 180,000) of them have dyslexia.

Is early intervention necessary for children with SLD?

Children "learn to read" at primary one and two and they "read to learn" from primary three onwards. For the loss of every one year of learning, they will need to spend two to three years to catch up. Catching up is very difficult after the age of 10. With effective and timely intervention, affected individuals can perform well despite the fact that certain features of SLD may still remain.

Does dyslexia exist in the Chinese language?

Dyslexia does exist in Chinese language learners and the situation is the same for learners learning languages using alphabets, such as English.

How does SLD affect students?

Though many talented and gifted individuals have been diagnosed with SLD and we rejoice at their success, students with SLD are sometimes unfairly labeled; they have little time for extra-curricular activities and their performance at school is often not satisfactory. Consequently many students with SLD have low self-esteem and poor self-image.

What can be done to help students with SLD?

Increasing resources for schools to make special accommodation, for parents to assist their children and to promote acceptance in the community is important. Teachers with appropriate training would look at students with SLD in a different perspective and this is a very important step to improve the learning environment for these students.

What is AD/HD?

AD/HD symptoms could either be hyperactive-impulsive symptoms (impaired ability to inhibit) and "inattention" symptoms (impairments in multiple cognitive functions). Early diagnosis (could be as early as Kindergarten 1 / Grade 1) is important because it will allow early intervention and treatment. Specific intervention techniques like parent education and consultation, school consultation and accommodation, medical treatment for specific symptoms, psychological treatment and behavioral management would be of assistance to students with AD/HD.



Attentive participants: While many agree that parents have a role to play to guide their children on the right track, support from schools and the government is just as essential.

How common is AD/HD in Hong Kong?

AD/HD is found in about 6-8% of the children population and 4-5% of the adult population in Hong Kong. It is more common among boys than girls and it can be found across all levels of IQ and socioeconomic status.

Can AD/HD be cured?

AD/HD symptoms could be managed / improved if the right support is given. For children aged 7-10 with AD/HD, well-delivered medication is superior to behavioral management. For other problems resulting from AD/HD, for example, parent-child conflict, academic difficulties and the lack of social skills, behavioral management may be preferable.

How can the school support students with SLD or AD/HD?

School support and appropriate behavioral management are critical. Of equal importance is accommodation by teachers, for it not only can facilitate learning but also reduce other undesirable behaviors / incidents. Students learn best when they have the motivation and incentive to learn; therefore, clear, observable and setting achievable goals for students are also vital.

What is a three-tier intervention model?

Evidence-based practices have suggested that a three-tier intervention model may effectively help students with SLD and AD/HD. It is suggested that "whole class high quality core reading instruction" (tier one) should be provided to all students. When students fail to reach the benchmark goal, "small group supplementary instruction" (tier two) will assist a number of students to reach the learning goal. If the students still fail to reach the benchmark goal despite receiving small group supplementary instruction, "individualized intensive instruction" (tier three) will be needed. In this intervention model, support from schools and parents is of great importance.

What is done by the government in helping students with AD/HD and SLD?

The Hong Kong government has made a big step forward by including SLD in their 2007 Rehabilitation Programme Plan but some experts hope that more can be done. Currently the government is providing academic assessments and other support services for students with SLD / dyslexia and AD/HD through the Health Department, Hospital Authority and the Education Bureau. To facilitate a fair assessment of students' academic performance, special arrangements in homework and other assignments are available. The principles for arranging these special arrangements are available on the Education Bureau website (http://www.edb.gov.hk). Workshops, meetings with parent-teacher associations, counseling services, and other information and education material are also offered regularly. In recent years, the Education Bureau has adopted the "whole-school approach" to integrate students with different abilities into the schools. The "whole school approach" aims at fostering an environment conducive to learning through building up an embracive culture and the setting up of various peer support networks at schools. Interested parties may visit the Education Bureau's website for more information on the available support and services.

EO Club Corner

Case Study - Staff with Mental Health Issues

The seminar on "Managing Staff with Mental Health Issues" held in October 2007 attracted over 100 EO Club Members who were employers and human resources practitioners from NGOs, private and public sector organizations.



EOC Chairperson Mr. Raymond Tang (right) together with two seminar speakers Dr. Ng Fung-shing (center), specialist in psychiatry and Miss Lam Siu-wai, EOC's Chief Officer (Operations)

In the last EOC News, we reported the sharing of the guest speaker Dr. Ng Fung-shing, specialist in psychiatry, on common mental illnesses in the workplace (see http://www.eoc.org.hk/eoc/graphicsfolder/inforcenter/newsletter/content.aspx?itemid=7354). The presentation by the second speaker Miss Lam Siu Wai, EOC's Chief Officer (Operations), is summarized below:

The Disability Discrimination Ordinance and Employers' Liability

Disability discrimination occurs when a person is treated less favourably because of his/her disability. Apart from persons who presently have a disability, those who have had but no longer have a disability, those who may have a disability in the future, and those who are thought to have or are treated as having a disability, are also protected and considered to be persons with a disability under the law.

The Disability Discrimination Ordinance provides that, where the act of discrimination or harassment is done in the course of employment, whether with or without the employer's knowledge or approval, the employer is also liable. The employer may be able to discharge its liability if it can show that it has taken reasonably practicable steps to prevent the unlawful acts, such as having equal opportunities policies and complaint handling procedures in place for handling such matters, or providing training and information to staff.

Case Studies

Case 1 (Mood Disorder):

The complainant, an administrative manager, was diagnosed with mood disorder before joining company A. She took sick leave during the probation period and offered to resign if it helped the company. The company told her they would wait for her to return. When the complainant resumed work, no duties were

assigned to her. Instead, she was asked to consider resignation or suspension of employment. On a separate occasion when she spoke with the human resources manager (HRM) about her sick leave entitlement, the HRM teased her by saying, "I am also emotionally unstable". She eventually resigned and lodged complaints of disability discrimination and harassment with the EOC.

Company A explained it had no intention of terminating the complainant 's employment. It was she who first indicated her wish to resign. In view of her health condition, the company even offered her an ex-gratia payment as a gesture of goodwill. The HRM did make the alleged remark to the complainant but had intended to convey sympathy and understanding. She also comforted the complainant and encouraged her to think positively.

Analysis of Case 1:

- Even if the complainant did indicate her wish to resign, she did so while on sick leave for mood disorder. The company should assess such indication carefully before accepting it.
- An employee may feel discriminated against by not having his/her usual work assigned to him/her. If
 an employer intends to accommodate an employee through work reassignment, they should discuss
 this with the employee first followed by an assessment of the employee's abilities based on his/her
 medical information.
- Even if a colleague means well, responding in jest to another colleague's mental illness could be viewed as insensitive and humiliating.

This case was successfully conciliated with company A making a monetary payment to the complainant. The complainant also requested the HRM to pay her \$1, which the HRM agreed, as a symbolic acknowledgement of having caused her unhappiness. The payment also served as a reminder that the HRM should be more sensitive towards staff with mental illness.

Case 2 (Schizophrenia):

The complainant had worked in company B for over 10 years and he said that he had always received positive feedback on his performance. When he was diagnosed with schizophrenia, he informed his supervisor of his illness. Later, due to work-related stress, he requested a transfer to another unit. He did not directly inform his new supervisor of his health condition.

The complainant complained to the EOC that his new supervisor had made negative comments about his performance in his appraisal report based on his mental illness. He believed his new supervisor was aware of his disability due to remarks he once made about his sick leave application, "With your health condition, how can we decline your sick leave application?"

Analysis of Case 2:

- The new supervisor's comments on the complainant's sick leave application may indicate his knowledge of his disability but does not mean his subsequent comments on the complainant's performance were made on the ground of his disability.
- After the job transfer, the complainant's duties had changed and his new supervisor noted that he needed time to adjust to the new post.
- Comments in the complainant's appraisal report were in fact consistent with previous reports, which rated his performance as average and concluded he was not suitable for promotion.
- A person claiming he/she has been subject to disability discrimination needs to show he/she has suffered a detriment. In this case, the complainant's detriment was not clear because the information did not show that his latest appraisal report would have a more adverse effect on his career prospect than previous ones.

Under the law, the EOC has the discretion to decide on not to conduct, or to discontinue, an investigation into a case for reasons as prescribed by law. The investigation into the complainant's case was discontinued on the basis that it was lacking in substance.

Case 3 (Early Psychosis):

The complainant was a kindergarten teacher from August 2000 to May 2005. She was diagnosed with early psychosis in 2002. She fell ill in August 2004 and took sick leave until November 2004. She resumed work and in June 2005, her contract was not renewed.

The complainant complained to the EOC that her employer had discriminated against her on the ground of her disability. When her sick leave ended, she was asked to submit a medical certificate proving she was fit for work before she could resume duty. She complied with the request but on return to work, she was assigned clerical instead of teaching duties. The kindergarten told her that since they did not know when she could resume work, they had hired a replacement for her.

The kindergarten explained they had not renewed the complainant's contract out of goodwill. They considered that she might not be able to cope with the teaching duties and added that an employer should have the right to not renew an employee's contract.



Over a hundred EO Club Members attend the seminar, which provides a platform for them to exchange views on effective management of staff with mental health issues.

Analysis of Case 3:

- Compared with other employees who took sick leave, only the complainant was required to submit a medical fitness certificate before she could resume work.
- The kindergarten's reason for hiring a replacement for the complainant may not be justified because the complainant had kept her supervisor informed of her progress during her sick leave period.
- Even if the kindergarten's decision to not renew the complainant's contract was well-intentioned, this decision had a discriminatory effect by causing the complainant to lose her employment.

Prior to investigation, the kindergarten and the complainant agreed to consider an early resolution of the complaint. The kindergarten prepared a draft apology stating that it regretted its good intention had caused the complainant's misunderstanding. The complainant rejected the wording of the apology and later withdrew her complaint, as she felt by then her complaint had already achieved her aim of letting her employer know that it was wrong to dismiss an employee with mental illness.

Miss Lam Siu Wai reminded the seminar participants that handling complaints involving mental health issues was no different from handling other disability- related complaints. Human resource practitioners should be impartial and sensitive in handling discrimination cases. The principle of confidentiality should be observed and decisions made should be based on facts.

Anti-employment Discrimination – Education or Legislation?

Anti- employment Discrimination - Education or Legislation?



Mr. Raymond Tang, EOC Chairperson (front row, 6th from left) and Ms Constance Thomas, Director, International Labour Office – Beijing Office (front row, 5th from right) share their experiences in implementing anti -employment discrimination laws at the invitation of mainland universities, the Domestic Law Centre and the Legal System Committee.

In the last two decades, our country has been developing rapidly and there has been an influx of information. People become more aware of their civil rights and legal protection. They are increasingly concerned about matters relating to equal opportunities and anti-employment discrimination. In 2004, a provision on the respect and protection of human rights by the State has been added into the Constitution.

Upon the invitation by the Legal System Committee of the Standing Committee of Jiangxi People's Congress, the China University of Political Science and Law, the Beijing University, the Nanchang University and the Jiangxi Domestic Law Centre, Hong Kong EOC Chairperson Mr. Raymond Tang attended a two-day seminar on the legislation on promotion of equal employment opportunities as an expert speaker. Participants of the seminar were members of the Legal System Committee of the Standing Committee of People's Congress from various provinces and cities, law school professors and legal experts. According to the attendees of the seminar, employment discrimination was prevalent in the Mainland and it was important to work out ways to effectively eliminate it. EOC Chairperson Mr. Raymond Tang shared his experience in implementing anti- discrimination laws in Hong Kong. He said that there were presently two approaches in eliminating discrimination: education and legislation.



Legal experts from various provinces and cities engage in extensive and indepth discussions about issues relating to anti-discrimination legislation.

Through Education

Those who support the education approach think that:

- Discrimination stems from our stereotyped concepts about people with certain attributes. These concepts affect what we think and how we act. Therefore, to combat discrimination, we should first work on changing people's mindset. Education is the best way to change people's attitudes.
- Education is relatively a moderate means which will be more easily accepted by the public.
- The implementation of anti-discrimination laws will open floodgates to litigation, and this would damage our harmonious atmosphere.
- The legal system could be abused, causing an increase in social costs.

Through Legislation

Those who support the legislation approach think that:

- The law can provide effective remedies and channels of redress to people who have been subjected to discrimination.
- Victims of discrimination are mostly disadvantaged groups in the society. A formal mechanism through legislation and an independent body with statutory power should be established to handle complaints.
- Only with legislation, "discrimination" and what constitutes unlawful acts could be clearly defined.

The Hong Kong Experience

Whether litigation will increase with legislation depends on whether an alternative resolution mechanism is available. In Hong Kong, aggrieved persons may lodge their complaints with the EOC. After receiving a complaint, the EOC will conduct investigation and conciliation. This means of dispute resolution is an alternative to litigation, which allows a matter to be dealt with rationally and a consensus be reached. The result is a win-win situation whereby costly and lengthy litigation can be avoided. Most people will make good use of the EOC's resolution mechanism to settle their disputes. In the past, the EOC has successfully settled as many as 70% of our cases by way of conciliation.

Some people worry that legislation causes an increase in operating costs. From the business point of view, however, the loss due to discrimination within an organization are far greater than the costs of implementing an equal opportunities policy. Employment based on meritocracy enables employers to recruit the best persons for the jobs. In an equitable workplace, employees become loyal and their work morale could be increased. Besides, by legislating against discrimination, a country can enhance its image in the international community and attract foreign investors.

Conclusion

To eliminate discrimination, legislation and education are means that are mutually reinforcing. Promotional and educational effects can be achieved through legislation. For example, many anti-discrimination court cases in Hong Kong, after being widely reported by the media, have aroused public attention and discussions. This will help the public understand how they are protected under the law.

By legislating against discrimination, an impartial and independent regulatory system can be established, which sets standards for the society and enables aggrieved persons to seek redress through prescribed and effective means. This is the essence of a regulatory framework and the law is the basis of the whole system.

International Links

The EOC connects with human rights experts around the world to exchange information and experience in promoting equal opportunities for all.



Mr. John von Doussa (centre), President of the Human Rights and Equal Opportunity Commission of Australia, Mr. Michael Chan (right), EOC Director (Planning and Administration) and Mr. Josiah Chok, EOC Chief Officer (Operations) discuss strategies in creating a culture of equal opportunities compliance.

Mr. Raymond Tang (centre right), EOC Chairperson meets with Mr. Billy Kelleher (centre left), Minister for Labour Affairs, Ireland to discuss workplace equality issues in Hong Kong.





Ms. Anne-Marie Bergstrom, Equal Opportunities Ombudsman of Sweden (centre right) shares experience with Mr. Raymond Tang (centre left) and Mr. Herman Poon (first left), EOC's Chief Legal Counsel on the promotion of an inclusive society.

EO Reaches the Community



Kick-off ceremony of the Equal Opportunities Diversity Project" cum book launch of the EOC 10th Anniversary Commemorative Publication - Advancing Equal Opportunities"







EOC staff and their family members visited students with disabilities of the Haven of Hope Sunnyside School. We also participated as volunteers in Haven of Hope's Charity Cookies Sale. Money raised was used for elderly services.

Events Calendar

Please click to enlarge.

特別合作項目

任何機構欲申請超過港幣30.000元的資助,以進行與平等機會有關的項目,可向平等機會委員會(平機會) 提交建議書、申請「特別合作項目」的資助。

平機會期望合作夥伴在平等機會課題上有專門知識和經驗。在考慮有關申請時,平機會會視乎有否足夠資

Special Partnership Project

Organizations with funding proposals on equal opportunities (EO) related projects exceeding

詳情 Details: http://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=Special%20Partnership%20Project

17/2/2008 - 24/2/2008 「種族共融齊歡慶」攝影展覽(香港中央圖書館) "A Celebration of Racial Harmony" Photo Exhibition (Hong Kong Central Library)



政制及內地事務局 The Constitutional and Mainland Affairs Bureau 2835 1579 www.cmab.gov.hk

23/2/2008

藝術多面體工作坊(精華版) Arts and Disability Workshops for Teachers and Activity Facilitators



香港展能藝術會 Arts With the Disabled Association HK 28559548 www.adahk.org.hk

2/3/2008

香港傷殘人士草地滾球錦標賽

Lawn Bowls Competition for Persons with Physical Disability

23/3/2008

香港傷殘人士輪椅網球錦標賽

Tennis Competition for Persons with Physical Disability

香港傷殘人士足球錦標賽

Football Competition for Persons with Physical Disability

香港發疾人奧委會暨傷發人十體育協會 Hong Kong Paralympic Committee & Sports Association for the Physically Disabled 26028232 www.hkparalympic.org

22/3/2008

治療性康樂活動課程

Therapeutic Treatment for Persons with Chronic Illnesses



香港痙攣協會 The Spastics Association of Hong Kong 2529 1002 www.spastic.org.hk

12/2/08-29/4/08

(逢星期二 Every Tuesday) 中文唇讀班 I (初班) Chinese Lip-Reading Class



香港聾人福利促進會將軍澳綜合服務中心 Tseung Kwan O Multi-Services Centre, the Hong Kong Society for the Deaf 2711 1974 www.deaf.org.hk

全年活動

Year-round Programme 「新生相識」婦女民互助小組 Mutual Support Group for New Arrivals



明愛屯門綜合家庭服務中心 Caritas Integrated Family Service Centre -24668622 http://family.caritas.org.hk

全年活動

Year-round Programme

(每月最後一個星期五 Last Friday of every month) 暢談女人心 Women Support Group



明愛筲箕灣綜合家庭服務中心 Caritas Integrated Family Service Centre -Shau Kei Wan 28960302 http://family.caritas.org.hk

全年活動

Year-round Programme 家長分享聚會

Workshops for Parents of Children with SLD



香港特殊學習障礙協會 Hong Kong Association for Specific Learning Disabilities (SLD) 60265533 www.asld.org.hk

SD Case – The Sexual Harasser

Sex Discrimination Case

The Sexual Harasser

The complaint

Miss Chan had been teaching History and English in a secondary school since 2003. She enjoyed her work and had no problem in getting along with the students. However, she could never imagine that she would be sexually harassed by her student.

When I was on my way home, Tom, my student, suddenly came to me. He kept staring at me and made lewd sexual remarks about me. He even asked intrusive

questions about my private life. I pretended to stay calm and asked him to go home. I always thought that the sexual harasser was a person who was in a position of authority. It is unbelievable that my student would do this to me." Miss Chan reported the incident to the school and also turned to the Equal Opportunities Commission (EOC) for help.

What the EOC did

As Tom has not yet reached the legal age of adult, the Commission decided to inform his parents about the complaint. Before starting the investigation, the parents, Tom and Miss Chan agreed to resolve the matter by early conciliation, which aimed to settle the case within a shorter period of time. Tom had written an apology letter stating he did not know that it was wrong to humiliate others and he regretted for what he had done. He would enrol in training courses to improve his interpersonal skills and cultivate empathy for others. Miss Chan accepted his apology as Tom had demonstrated strong determination to correct himself. The case was settled speedily and amicably.



What the law says

Sexual harassment is often dismissed by those not suffering from it as just a bit of fun'. In fact, it is a form of sex discrimination and is against the law. Sexual harassment includes any unwanted and uninvited sexual behaviour which would make a reasonable person feel offended or intimidated.

It is worth noting that acts of sexual harassment may be done by any person to a man or a woman, and may be physical or verbal.

Free Training Module

Free Training Module : "A Mission for Equal Opportunities 2007" DVD Package consisting of TV docudrama series on discriminatory cases and a user manual is now available. Interested parties, please call 2106-2250.

Around the World

Court Rules in Favour of a Female Lecturer

The Labour Court of Ireland has ruled that a senior lecturer at Dublin City University (DCU) was treated less favourably because of her sex when she was turned down for a professorship. The court ruled in favour of



her and she could now get the job backdated and €10,000 compensation. Ms Jane Horgan told the court that she was discriminated against at all stages of the selection process because she was a woman.

The court said that the DCU should set out clearly the minimum requirement in respect of the gender composition of interview panels. The university should also introduce a policy obliging all members of interview panels to make notes of interviews, which should be retained for a year.

Information source:

http://www.ireland.com/newspaper/ireland/2007/1015/1192396327826.html

New Task Force to Improve Work-life Balance

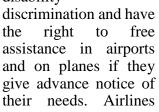


The Japan government has set up a task force recently to work out measures to improve the work-life

balance among Japanese as part of its efforts to fortify the workforce in a rapidly aging society. The task force will explore ways to balance individual's work and personal life including family needs, community activities and self-improvement. There are representatives from both business corporations and labour unions in the task force. By introducing measures for a better work- life balance, companies could boost the productivity for their employees because they will try to finish work in a limited time.

New Rights for Disabled Air Passengers

Under the new regulations introduced recently by the European Union (EU) ministers. air passengers with disability in the EU are protected from disability





and travel companies cannot refuse to accept bookings from persons with disabilities. They also have to provide disability awareness and equality training to their staff.

In 2008, cabin crews will be required to assist a passenger with a mobility impairment to get to the toilet and to provide essential information in alternative formats for persons with different disabilities, e.g. information in large print for persons with visual impairment.

Information source:

 $\frac{http://www.iht.com/articles/2005/10/06/travel/trav}{el7.php}$

Job Scheme for Persons with Visual Impairment



Action for Blind People has joined hands with JobCentre Plus in Cumbria, the third largest county in England, to offer help and advice to persons with visual impairment with CV writing and interview techniques.

Samantha Dawson, service manager of

Action for Blind People, said, "We know that 66% of blind and partially sighted people of working age in the UK are currently unemployed. Our work is vital to ensure that persons with visual impairment

Information source:

http://search.japantimes.co.jp/cgibin/nn20070307b4.html

are given the same opportunities as other people when applying for job or pursuing their chosen career path."

Information source:

 $\frac{http://news.bbc.co.uk/2/hi/uk_news/england/cumb}{ria/6942953.stm}$

