

MESSAGE FROM THE CHAIRPERSON

Be an Employer of Choice



Regardless of our background or stage in life, we do have a responsibility to care for others. Perhaps you are a parent to young children or a child of elderly parents. Perhaps you have a sibling who has a disability or a spouse who is chronically ill. The obligation to care for our family, in particular, runs deep in us.

Such obligations need not interfere with our work performance. Yet, we often feel we have to choose. Imagine, for instance, that you are a hardworking single mother who excels at work. But you have just been assigned a new night shift, and you feel pressured to resign because now you cannot take care of your young child. Or you are an only son who is responsible for the care of your elderly mother who has a serious illness. She needs constant attention, but your company does not support flexible work arrangement.

There are others who face additional barriers in their professional lives due to their gender, disability, race, or sexual orientation. Imagine being a top-performing salesperson, but as an ethnic minority you are constantly abused by discriminatory attitude inside the workplace.

In such instances, would you stay or leave?

In these scenarios, the organization risks losing valuable staff. Yet with slight reorientation in mindset and policies, employers can encourage talent, expand business opportunities, and improve working relations. Recently, I have spoken on two occasions on the importance of encouraging equal opportunities in the workplace. Many employers shared their desire to improve work-life balance and enhance diversity in their work environment.

Is it not time for us to rethink our corporate culture?

An equal opportunity workplace can help create an environment of mutual respect that must be good for business. It enhances good management practices and keeps employees engaged. There are four key elements here: The workplace needs to be inclusive, gender-friendly, family-friendly, and talent-oriented.

First, inclusive policies are becoming an increasingly important consideration for top young talent. Over the next decades, we face a looming talent crunch fueled by our ageing population and low birth rate. Consequently, younger workers will increasingly become an asset. As a generation, the Post-80s grew up with wider exposure through living and studying overseas, and through travels and access to the internet. They tend to have a wider range of interests, value opportunities to learn, and take diversity as a given. Consequently, the Post-80s are more likely to want an inclusive workplace and to look for healthier work-life balance. Employers who cannot fulfill these desires risk falling behind in the race for talent.



Second, employers need to show commitment to promoting gender diversity. More women than men are now graduating from universities worldwide. Women have increasing buying power and often make purchase decisions for the rest of the family. This means gender diversity matters, and will increasingly matter, in this city's workplace.

Yet according to the South China Morning Post, women make up only 9.2 percent of the board directorships of Hang Seng-listed companies in 2010. Those who lag behind on gender diversity risk losing out: some research has shown that companies with the most female managers tend to outperform their counterparts in the same field. Gender diversity, including senior management, widens the variety of inputs and better equips the company to anticipate the needs of their customers.

Third, family-friendly policies help retain talent, especially female workers. Many women leave the workplace before they reach the top, because they hit a glass ceiling in their careers or because it becomes too difficult to juggle the needs between work and family. This female brain-drain is a serious loss to the business and the community.

In truth, family-friendly policies can help ensure that employees do not easily burn out. A recent survey from Community Business indicates that almost one in five working respondents fall sick often. More than one-third do not feel that they have time for their family, and more than half feel extreme and prolonged fatigue. Tired and sick employees are neither productive nor engaged, and they are not good for business. Not surprisingly, nearly 40 percent said that they would leave their current job for better work-life balance. Policies which promote work-life balance cost little but can have long-term benefits in building up human capital.



Finally, fostering an equal opportunities culture means judging performances based on merit and talent, not on stereotypical factors. When companies value face-time over quality of output, it is the result of lingering stereotypes on what makes a good worker. Unfortunately, stereotypical attitudes about different groups remain prevalent. For example, in a 2009 EOC survey, almost one in four local Chinese respondents would not choose job applicants of South Asian or Middle Eastern descent. And according to a 2006 Home Affairs Bureau survey, almost one-third of respondents think it posed little or no problem for homosexuals to be denied a job because of their sexual orientation even if they are qualified.

In this globalised world, workplace diversity can help companies better cater to their customers' needs. It also fosters creativity and innovation, as well as improves productivity. For instance, according to a 2004 Harvard Business School research, there are measurable performance benefits when a racially diverse group chooses to learn from its members' different experiences rather than to ignore or suppress them. And according to a 2010 research from the UK's Stonewall, hiding sexual orientation at work reduces productivity by up to 30 percent. Therefore, a workplace which embraces diversity allows their workers to contribute their best without distraction.

Everyone can be a leader in his or her own spheres of influence. As leaders, corporate executives have the ability to implement real changes and be a role model for future generations. By taking action, leaders can guide their own company to become an employer of choice and to inspire by example.

The EOC is ready to assist. Our website and this newsletter provide information on how we can help. Employees are more engaged in a workplace that promotes mutual respect and provides everyone with equal opportunities to succeed based on their own merit. That is what being an employer of choice is truly about.

Resources:

- A World of Colours – EOC’s Web Resource for Ethnic Minorities
- Barrier-Free Life – EOC’s Web Resource for People with Disabilities
- EO Partners – Web Resource on gender and other EO issues
- Community Business’ *LGBT Resource Guide for Employers* on the EOC’s Community Resource Webpage

EOC Website: <http://www.eoc.org.hk>

Access for All

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The Equal Opportunities Commission has set up a “Working Group on Access” (WG) to spearhead and monitor measures to improve accessibility in Hong Kong. EOC Members and Co-convenors of the Working Group, The Hon. K.K. Fung and Ms Garling Wong, said, “To improve accessibility, the concept of universal design must be mainstreamed into the planning and policy formulation stage.” The four key focus areas of the WG are:

- Improving physical access of buildings and developments;
- Enhancing accessibility of public transport;
- Making information and communication technology accessible to all; and
- Enhancing full participation of persons with disabilities in economic, social (including education), cultural and political activities.



The EOC will continue its dialogues with government bureaus and service providers for barrier-free improvement initiatives. The EOC has been organizing sharing sessions to obtain views and suggestions from NGOs and persons with special needs on how to make Hong Kong an accessible place.

The EOC welcomes the positive follow-up actions announced by the Government and the Link in recent months, in response to the EOC’s Formal Investigation Report on Accessibility in Publicly Accessible Premises released in June 2010.

The Government has committed to improving access with an extensive retrofitting programme covering 3,900 premises and facilities, with most of the improvement works to be completed by mid-2012. The Link has announced its plan to invest \$200 million on its Total Improvement Plan for the next 5 years, with over 90% of the improvement planned to be completed by July 2014. These commitments are major breakthroughs on addressing accessibility issues in Hong Kong and will benefit hundreds of thousands of people with disabilities and elderly people, representing an important step towards building an inclusive society.

Educational Needs of Ethnic Minority (EM) Students

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The EOC has recently established a Working Group, convened by EOC Member Dr. Agnes Law, to discuss issues related to specific educational needs of ethnic minority (EM) students in Hong Kong. The Working Group aims at coming up with a framework of action.

As Chinese is not the first language of newly arrived EM students, their choice of school is often restricted to the limited number of schools offering special curricula for non-Chinese speakers. Language barrier results in low academic achievements, which minimizes their opportunities for educational advancement and future employment.



The EOC has been hosting sharing sessions with representatives from the education sectors, different NGOs and EM parents. The sessions aim to identify problems in the current education system and explore options for better education opportunities in order to assist EM students to integrate into the mainstream community.

The key suggestions from the Working Group are –

- The Education Bureau should review the current education system and policies so as to improve education opportunities for EM students and provide them with better support services;
- Local assessment tools could be developed in order to provide an alternative avenue for EMs to pursue a recognized qualification of Chinese proficiency for education advancement and career development;
- A comprehensive information kit on services for EMs in Hong Kong should be made available to the community.



Uniquely Me!



Uniquely Me! The EOC's new youth development programme to encourage young people to embrace their individual differences and overcome stereotypes to reach their goals.

On 11 December 2010, the normally-calm Saturday afternoon at the EOC office became alive with youthful excitement and anticipation. Chatters of young voices filled the air, groups of teens posed for pictures, and laughter could be heard ringing through the hallways.

Over 80 secondary school students packed the Conference Room of the EOC for the first session of our new programme for English-speaking youths, "Uniquely Me!". The event, run in English, featured sharing from two successful guest mentors, an introduction to the anti-discrimination ordinances, and youth performances. Additional participants also joined in via teleconference from the Christian Action SHINE Centre, International Social Service HOPE Centre, and Yuen Long Town Hall Support Service Centre for Ethnic Minorities. The session aims to encourage young people to embrace their differences, gain a new perspective, and be inspired to break down stereotypes to achieve their goals. As Mr. LAM Woon-kwong, Chairperson of the EOC, said in the session's opening remarks, "It is important to remember to appreciate each other's differences and individuality. You are uniquely you, and you can make unique contributions to a better Hong Kong."



EOC Chairperson Mr. Lam Woon-kwong reminds students to appreciate each other's differences and individuality.

Sharing of Experiences



Ody Apostol LAI, the only Filipina barrister in Hong Kong, urges the “Uniquely Me!” participants to reflect on their own character, appreciate their individuality, and pursue excellence. She tells the participants, “Start small, persist, and remember that crisis can mean opportunity.”

The sharing session opened with an energetic talk from Ms Ody Apostol LAI, the only Filipina barrister in Hong Kong. Her speech emphasized how everyone can use their differences to their advantage and self-improvement. People, she said, “are made to believe, accept, and follow self image patterned after stereotypes.” So how can young people break away from these stereotypes and find success?

“By taking stock of your positive and negative attributes,” said Ody, “you can learn how to maximize your assets and specialize, while repackaging and improving on your weaknesses.” Everyone is different, and these differences can be leveraged to give each person a particular niche. Ody shared her own example of using her unique background to jump start her legal career. “I took many cases from the Filipino community pro bono,” said Ody. “With that, I was able to expand my practice.”

Ody urged young people to study hard as “education is the gateway to opportunities”, form strong networks, and to remember to give back to their community. In the end, “you should excel in whatever you do. Start small, persist, and remember that crisis can mean opportunity.”

The accident that left Ajmal SAMUEL paralyzed from the waist down at the age of 21 did not deter him from pursuing his dreams. Now a successful businessman and competitive athlete, he advises youths to develop five attributes to help them achieve their goals: attitude, discipline, adaptability, communication and integrity.



Following Ody, the audience had the opportunity to learn from the sharing of Mr. Ajmal SAMUEL, CEO of ASAP Transaction Limited. His talk focused on turning an impossible dream into a potential opportunity. He recounted how, while a soldier in the Pakistani army, his life changed when he had an accident at the age of 21 which left him paralyzed from the waist down.

“I understood that the world I had mapped out for myself had come to an end,” said Ajmal, “I was devastated.” However, he drew strength from seeing his doctor, a spinal injury specialist who was also a wheelchair user. “The only thing that would prevent me from living a life of potential and making a contribution was myself. No excuses!”

So what should a young person do if they want to make a difference? Ajmal advised the youths to develop five attributes: attitude, discipline, adaptability, communication, and integrity. He credited these five traits with getting him through the difficult times when he first arrived in Hong Kong with no job prospects, no money, and no Cantonese language skills. As a university graduate in computer science from Germany, he was offered a job in a small company to repair computers. Even though Ajmal was overqualified for the job, he devoted himself to doing his best. Eventually, Ajmal overcame the rejections, rose to become CEO of CityLine Hong Kong, and later started his own company.

Ajmal also deployed the attributes he learned in his career to become an international competitor in handbiking, iron-man competitions, marathons, and triathlons. He told the youths, “What once was an impossible dream had become a great opportunity to meet new people, to improve my health and to test the limits of my own accomplishments.” In the end, he urged the students work hard to make a contribution to society. “With our uniqueness,” said Ajmal, “this is not an impossible dream.”



Playback Theatre

“Uniquely Me!” participants enjoyed two youth performances to capture the spirit and energy of the event. The afternoon opened with a performance from the Nepalese Dance Group of the Islamic Kasim Tuet Memorial College to commemorate ‘Tihar’, the Nepalese festival of light. The beautiful dance captivated the audience and was an energetic way to kick off the event.

The afternoon ended with an exciting session of “Playback Theatre” from Li Po Chun United World College. Playback is a form of improvisational theatre involving interaction between the performers and the audience. In playback theatre, a feeling or a story shared by a participant is interpreted and “played back” to the audience immediately by the performers. The “Uniquely Me!” participants shared their feelings and experiences of discrimination as well as their hope for an inclusive society. For many, this was their first experience of playback theatre, and the performance was both a widening of perspectives and a memorable way to end the event.



Nepalese Dance

Reflections from the Youth Participants



The “Uniquely Me!” programme saw an overwhelmingly positive response from the youth participants. 94 percent of respondents rated the programme “good” or “excellent”, while 97 percent rated the speakers as “good” or “excellent”. 95 percent said they would recommend their friends to join this programme.

“It was great and I enjoyed all the speeches from all three speakers, especially Ody. She gave us motivation to become successful and showed us that everyone is unique and have their own way to success no matter what.”

“I found it most useful and interesting while the speakers were giving their speech. They have given us a motivation to move forward in our life even if we fail or face any discrimination.”

“Ajmal’s sharing was very useful because it tells us what life is. I’m going to make the impossible possible like what Ajmal did.”

“It was inspiring. Everything was useful for me because it is related to our daily life in Hong Kong. And I enjoyed it very much!”

Visit Uniquely Me on Facebook, and stay tuned for our next sharing session, scheduled for April 2011. All young people are welcome!



Around the World

India

India Introduces Sexual Harassment Bill

The Indian Parliament recently introduced The Protection of Women Against Sexual Harassment at Workplace Bill. The legislation aims to provide a safe, secure and enabling environment, which is free from all forms of sexual harassment against women irrespective of her age or employment status. The bill mandates every organization to set up an internal system to handle complaints pertaining to sexual harassment. In addition, the bill has provisions to treat victims of sexual harassment in the workplace on par with rape victims.



Information source:

<http://timesofindia.indiatimes.com/india/Bill-on-sexual-harassment-at-workplace-introduced-in-Lok-Sabha/articleshow/7059146.cms>

Hong Kong

Accessible Landing at Hong Kong International Airport

The new North Satellite Concourse (NSC), designed to accommodate smaller aircrafts with ten parking stands, was recently opened at Hong Kong International Airport.

Passengers taking a shuttle bus from Terminal 1 to their plane on the NSC can enjoy a smooth and weatherproof transfer. Both comfort and accessibility was taken into consideration, particularly for those on wheelchairs or with special needs, as all boarding platforms at the NSC are covered and equipped with mechanical extended landings to bridge the gap between the platform and the shuttle bus. This allows passengers to move on an even surface from their shuttle bus to the NSC without having to step on or off the bus.



Content contributed by the Hong Kong Institute of Architects

Information source:

<http://asia.businessstraveller.com/asia-pacific/archive/2010/april-2010/special-reports/hkia-expanding-and-evolving>

Discriminatory Bank Service



The complaint

Mr. X, who has lived in Hong Kong for over a decade and holds a Hong Kong Identity Card (HKID), wished to open a bank account. After relaying his request to the bank teller, he was immediately asked, “Are you Pakistani? Can I see your passport?”

Mr. X was puzzled by this. “Just because my skin colour is different, it does not mean that I am not a citizen of Hong Kong,” said Mr. X, “I have lived in Hong Kong for ten years and have a HKID. Why should I have to show my Pakistani passport to open a savings account when it is not a requirement for someone who already has a HKID? ” Mr. X repeatedly told the teller that he holds a HKID and reiterated his intention to open a bank account.

After a short while, the branch manager appeared and endorsed the bank teller’s request for Mr. X’s passport. As Mr. X did not have his passport with him, they refused to open the bank account.

“After receiving this kind of treatment, I decided to go to a different branch of the same bank where I was able to successfully open my bank account by just showing my HKID,” said Mr. X, “There was no mention of a passport requirement at all. This further proved my suspicions that I was being unfairly treated.”

He returned to the first branch and informed the manager that he was able to open a bank account at another branch without the need for a passport. The branch manager informed him that it was the other branch that had made a mistake by not paying attention to bank policy.

What the EOC did

The inflexible attitude of the branch manager led Mr. X to lodge a complaint against the bank for race discrimination. The EOC investigator informed the bank of the details of the complaint and the Race Discrimination Ordinance (RDO) in relation to section 27, namely the provision of goods, facilities and services. Both the complainant and the respondent agreed to attend an early conciliation meeting to resolve the conflict.

The case was settled by way of amicable and fast reconciliation, with the bank offering an apology letter and a souvenir. The head office of the bank thanked Mr. X for taking the time to relate his views and concerns to them so that they could improve their service. Mr. X was pleased with the fact that the bank will reflect on its actions and avoid committing the same mistake again in the future.

What the law says



Under the RDO, it is unlawful for service providers (including financial institutions and their employees) to discriminate against a person who seeks to obtain or use goods, facilities or services on the ground of his/her race. Discriminatory acts may include: refusing to provide service, or providing service of lesser quality, manner and terms.

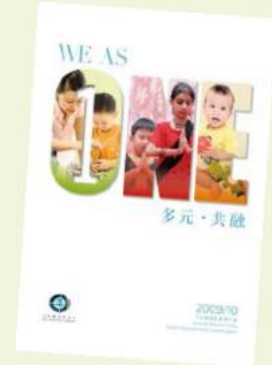
While the anti-discrimination ordinance does not explicitly state that dress codes are unlawful, employers should avoid setting dress codes that may inadvertently discriminate on grounds of gender, pregnancy, disability or race. For instance, any rule which requires members of both sexes to dress in a comparable standard of smartness and conventionality in order to present a clean and decent appearance should be applied in an even-handed manner.

The EOC's Latest Annual Report

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The EOC's Annual Report 2009/10, with the theme "We As ONE", has been published. In designing this Annual Report, a number of new initiatives were implemented, including:

- New chapters on "Corporate Governance" and "Our People, Our Community" were created to increase transparency and ensure public understanding of the EOC's functions and people;
- Summaries of the year's achievements are illustrated in the Highlights and Milestones, to allow busy Hongkongers easy access to the information in a concise format;
- Real-life cases were presented; and
- Messages of equal opportunities were highlighted in full-page posters dividing the chapters.



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<http://www.eoc.org.hk/EOC/GraphicsFolder/InforCenter/Annual/default.aspx>

DISABILITY DISCRIMINATION CASE

A Child’s Struggle for a School Place



The complaint

Liza was an 11-year old student with Attention Deficit and Hyperactivity Disorder, which impairs her ability to concentrate on her studies. Her educational needs were made known to ABC primary school when she was first admitted. At the beginning of the school term, all Primary 6 pupils, including Liza, were asked to pay a deposit to secure a school place to advance to Form 1 via the “through train” mode, which allows secondary schools to admit all Primary 6 pupils of their linked primary schools in order to enhance continuity between primary and secondary education. Liza did so.

Towards the end of the school year, however, the primary school asked Liza to withdraw her application for admission to Form 1 of the linked secondary school. The alternative is to provide an updated assessment report on Liza’s disorder within a few weeks. Additionally, Liza’s parents were required to guarantee that they would follow all the recommendations in the updated report before the linked secondary school could consider admitting Liza.

Shocked by the news, Liza’s parents had a meeting with the Headmaster of ABC primary school, during which they explained to the school that they could not provide the assessment results within such a short period of time as a report always takes a few months to complete. They pleaded with the school to give Liza an equal education opportunity, but the request was refused. Filled with frustration and deeply concerned for their daughter’s future, the parents turned to the EOC for help and lodged a complaint against the school for discriminating against Liza due to her learning disability.

What the EOC did

Upon receiving the complaint, the EOC case officer explained the EOC’s complaint handling procedures as well as the legal provisions of the Disability Discrimination Ordinance (DDO) in relation to the field of education. Both parties were willing to resolve the matter through early conciliation. Early conciliation offers an alternative means for the complainant and respondent to settle a case in a more expedient manner. Upon the request of Liza’s parents, the ABC primary school agreed to provide an apology letter to the parents, pay monetary compensation and review the admission policy and procedures.

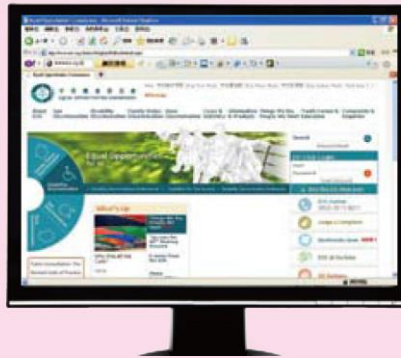
What the law says



Under the Disability Discrimination Ordinance, it is unlawful for educational establishments to discriminate against a person with a disability. Reasonable accommodation should be provided unless the provision of which would impose unjustifiable hardship on the institution. Schools have a responsibility to ensure that persons with disabilities, like other students, have equal access to quality education.

EOC Website Wins iProA's Ruby Award for Web Accessibility

The EOC website has been granted the “Ruby Award” in the 2010 Web Care Campaign by the Internet Professional Association (iProA) for its barrier-free internet environment. Ruby Awardees are first assessed in 14 criteria including the provision of alternative text to graphics, colour contrast in design, choice of larger font size – all of which are examples of features to improve accessibility for persons with different needs, including persons with visual impairment. In addition to meeting the 14 criteria, Ruby Awardees also have to fulfill the recommended technical specifications for making the web content accessible to people with disabilities from the World Wide Web Consortium (W3C), an international organization with a mission to ensure the long-term growth of the web. The EOC website currently has six modes, including Chinese and English colour, monochrome and text-only modes.



Understanding the Race Discrimination Ordinance: A Guide for Foreign Domestic Helpers and their Employers

Understanding the Race Discrimination Ordinance

A Guide for Foreign Domestic Helpers and their Employers

A domestic helper complains to her employer that she was harassed by one of the employer's family members, who hurled racial slurs at her. She informs the employer that she would lodge a complaint to the Equal Opportunities Commission (EOC) if the practice does not stop. As a result, the employer decides to terminate the helper's contract.



Did you know that, in such a situation, the helper can claim under the Race Discrimination Ordinance (RDO) that she has been discriminated by way of victimization (Note) by the employer?

Cultural differences and lack of knowledge about the laws can sometimes strain the relationship between employers and their foreign domestic helpers. When difficult situations arise, unlawful actions may be taken without realization of the implications. Both employers and foreign domestic helpers should be aware of the protection of the RDO over the course of the employment, in addition to those provided by the labour laws and other existing laws.

As more than half of the ethnic minority population in Hong Kong work as domestic helpers, the EOC has produced a booklet, *Race Discrimination Ordinance: A Guide to Foreign Domestic Helpers and their Employers*. The guide aims to raise awareness among employers and foreign domestic helpers on their rights and responsibilities under the ordinance as well as how to seek redress from the EOC.

The booklet gives a general overview of the ordinance and the provisions applicable to foreign domestic helpers and their employers. To make it easy to understand, the booklet also provides some examples on situations that could constitute racial discrimination. For example, the guide explains whether or not an employer can: ask the domestic helper not to wear head scarf (hijab) at home, pay less salary to one helper than another, select a helper based on race, or exchange statutory rest day/holiday with the helper's cultural holiday.

Based on the ethnic composition of the domestic helpers in Hong Kong, the booklet has also been translated into five ethnic minority languages—Indonesian, Tagalog, Thai, Nepali and Sinhalese. As at end of 2010, there are 285,681 foreign domestic helpers in Hong Kong, of which 140,941 are Indonesian, 137,313 are Filipino, 3,695 are Thai, and about 3,700 from other nationalities comprising primarily of Nepalis, Sri Lankans and Indians.



Note: To victimize a person means to treat a person less favourably because he/she has asserted a right protected by the four anti-discrimination ordinances

Developing an EO Policy in the Workplace

At a recent workshop, EOC Senior Training Officer Florence Chan shared with EO Club members examples of practicable steps to prevent discrimination in the workplace, key elements of an effective EO policy, and strategies for effectively implementing EO. A sample of EO Policy Checklist was also provided for participants' easy reference.

Hong Kong's anti-discrimination ordinances make discrimination on the grounds of sex, pregnancy, marital status, disability, family status and race unlawful. Under the laws, employers would be liable for the unlawful acts of their employees unless they have taken reasonably practicable steps to prevent such acts from happening. It is, therefore, imperative for employers to draw up policies and procedures on EO and good management practices.



Join the EO Club

The EO Club offers information, training and advice to a wide network of employers, human resources practitioners and equal opportunities officers. If you wish to join the EO Club, please call us at 2106-2155 (Ms Cheung).



平等機會多元共融行動2011

Equal Opportunities Diversity Project



2/2011 - 2/2012

星期 3 下午
WED 2:00pm

香港電台第二台
RTHK Radio 2
(FM94.8-96.9)

「Made in Hong Kong 李志剛 (Alex Lee)」

主 題：種族融和、傷健共融、兩性平等及
尊重別人的家庭崗位

Themes : Racial harmony, inclusion of
persons with disabilities, gender equality
and accommodation for persons
with family status

內 容：嘉賓專訪及聽眾來電環節

Content : Celebrity Interviews & Phone-in Sessions



主 持：李志剛、超B、區文詩



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