

**Message from the Chairperson – Consolidation, Capacity Building, Communication
– Our 3C Strategy**

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Communication – Our 3C Strategy**



Mrs Patricia Chu, EOC Chairperson

At our recent annual news conference, I shared with the media the work of the EOC in 2003 and how the public perceived the EOC as reflected in a survey. We also highlighted the 31% increase in enquiries and complaints, and how we managed the cases related to the SARS outbreak. There were a lot of questions on how the EOC would further build up its credibility in Hong Kong. To cope with the challenges faced by the EOC, our strategy is to adopt a 3C approach: Consolidation, Capacity Building and Communication.

2003 Review

In 2003, we received 13,626 enquiries and 1,032 complaints, a 31% increase over that of 2002. Of the total complaints, 393 involved staff dismissals affecting mostly pregnant women or members of disadvantaged groups, representing an increase of 44 per cent. During the SARS outbreak last year, we received 444 enquiries and 81 complaints. We witnessed that the public became more aware of protection offered by the equal opportunities ordinances, and more operators are now mindful of their responsibilities under the law.

In handling complaints, the EOC makes unflinching efforts to reach conciliation. However, when that fails, legal action becomes our last resort. In our consideration to offer legal assistance, we need to assess whether the case raises a question of principle, whether it relates to a matter of public interest, and if a precedent or clarification of the law is required. Last year we provided legal assistance to 23 cases, with 11 cases settled out of court.

We always believe that prevention is better than cure. Our Training and Consultancy Unit has been working closely with various sectors to mainstream equal opportunities. This ranges from holding workshops for social workers to improve their client services, providing e-learning for teachers on equal opportunities, developing an assessment plus information kit for SMEs and producing training modules for public servants. Close to 7,500 participants joined 130 training and development courses in 2003, an increase of 20% over the year before.

Public education remains a strong focus for the Commission. Apart from a successful TV docu-drama series on real life cases of discrimination, "A Mission for Equal Opportunities", which attracted an evening audience of 1.3 million, our school talks and drama performances also reached 60,000 participants. One very popular project was "Career Challenge 2003" for secondary students, which was designed to break down gender and disability stereotyping.

In 2003, policy support and research continued to play a pivotal role in understanding the problems caused by discrimination, which would assist decision-makers in formulating new policies and solutions to effect change. Apart from the "Survey on Public Perception", we also released results of a telephone survey on "SARS-Related Difficulties in Work and Social Lives in Hong Kong", and "The Telephone Survey on

Women's Knowledge of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)".

Plan for 2004

2004 will be a significant year for the EOC, as we look back on what we have achieved in the past seven years and plan for the future. To improve our services to the public, we are examining the possibility of setting up a tribunal to handle discrimination cases, offering a less time consuming and non-adversarial way to settle complaints. So far, there is general support for the principle of setting up a tribunal. We shall strive to identify a model that best suits the Hong Kong situation.

Another major task is to participate actively in the discussions on the introduction of the Race Discrimination Bill, and the role of the EOC in its implementation. Hong Kong, as an international city, needs to show a commitment to protect everyone from discrimination and harassment. Protection means safeguarding access to basic rights such as education, employment and accommodation. Equal opportunities and diversity are good for Hong Kong, as leveling the playing field would allow all of us to achieve our best.

3C Strategy - Consolidation, Capacity Building and Communication

Our current priorities are geared for consolidation and capacity building to enhance our effectiveness. The EOC Work Review which will be completed by mid-year looks at our current role, work efficiency and effectiveness, as well as how best to fulfill our mission. The study is designed to map out future directions, with enhanced corporate governance to deliver our targets. Meanwhile plans are being drawn up for appointing independent members to a Review Committee to look into Human Resources Management Policies, Practices and Procedures, with a view to strengthening our capacity to deliver the work of the EOC.

Communication with our stakeholders is a prime concern. The needs and views of NGOS and concern groups provide us with insightful ideas to enhance our work. Discussions with our Members, staff and other stakeholders are continuing. More than one hundred organizations will be consulted for their views on the Commission. It is an extensive initiative with far reaching effects, but I am sure it is well worth the effort of all those concerned. The EOC's goal is to eliminate discrimination - our first and foremost task. This is not an easy task but we are committed to enhancing our services to the public by strengthening liaison with our stakeholders and assessing feedback from the community.

A Closer Look at Family Status Discrimination

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Seven-year-old Timmy had been standing in front of a commercial building for 3 hours, getting double glances from passers-by. They were curious to know why this little boy was alone, shivering in the street corner. As it turned out, his mother had brought him along to the building to submit her job application form. His mother told him to stay outside, thinking that he would not have to wait for long. The company, however, arranged for her to undergo an interview right away. This opportunity was hard to come by, so she agreed immediately. But she did not dare to tell them that her son was waiting outside, and became very anxious. She knew she would not get the job, no matter how relevant her experience was - if they found out that there was no one else to take care of her son.

Based on the experience of a member of the Hong Kong Single Parents Association, stories such as Timmy's happen all the time. In an interview with the EOC News, Ms. Jessie YU Sau-chu, EOC Member and Founder of the Hong Kong Single Parents Association, talked about the difficulties faced by single parents in everyday life, and how the Family Status Discrimination Ordinance can offer protection.



EOC News: Are difficulties faced by single parents mainly related to employment?



Yu: Discrimination in the job application process is just the tip of the iceberg. In fact, single parents encounter varying degrees of discrimination in employment. There was a case of a sales representative, who had achieved the highest sales volume for two years in a row. The company had intended to promote him to the post of Sales Manager. However, when the management realized that he was recently divorced and had custody of his two children, they assumed that he might not be able to concentrate on his work and the promotion went to someone else. Employers often assume that divorced employees with children cannot focus on their work, but we should look at issues from both sides. It is precisely because single parents have the responsibility of their children that they value their jobs more, and they often put in extra effort. Employers should focus on their abilities, and should not let irrelevant factors affect their decisions.

A good employer is someone who adopts special measures to accommodate the needs of employees with family status, such as permitting them to work part-time if they wish, adopting flexible work-hours, or allowing employees to take compensation leave. With such positive measures, employees would have a stronger sense of belonging. It will be good for business as well; one example is the possible extension of service hours.

EOC News: Besides discrimination in employment, what are the other difficulties that single parents encounter?

Yu: Single parents are often treated with disdain when they are looking for a flat. Many landlords are unwilling to rent their flats to single-parent families. They often feel that children in these families are unruly and that single parents cannot afford the rent. A member of our Association had a bad experience. After she had reached a verbal agreement with a landlord on the rent and had provided proof of income, the landlord raised the rent when he realized that she was a single parent. The landlord explicitly told her he did not want to rent the flat to a single-parent family.

Sometimes, single parents are also treated unfairly in accessing services. A travel agency once used the gimmick of "Family Fun Day" to attract business by offering half-price discounts to children under 12.

However, children from single-parent families were denied the offer.

Very often discriminatory behaviours stem from prejudice or deep-rooted traditional concepts. What is most disheartening is that even some social workers treat single mothers and single fathers differently. I know that a social worker from a family service centre helped a single father place his children in a foster home within a short period of time so that he could go to work; but a single mother asking for help had to wait a long time. She later found out that the social worker thought single mothers should stay at home to take care of their children, so there was no urgent need to find jobs for them. Obviously this social worker was influenced by traditional gender stereotypes.



EOC News: According to your experience, do children from single-parent families experience discrimination?



Yu: Discrimination against them is quite prevalent, as some teachers label them as problem students. A primary four student once told us that his teacher talked about family values during an ethics lesson and asked if any of the students came from single-parent families, so he raised his hand. The teacher went on to say that since this student did not have a father, his academic results were poor and he had caused a lot of trouble to other people. Hearing this, he could not help crying and he did not want to go to school any more. When we learnt about this, we consoled him and told him that he did have a father - it was just that his father did

not live with him. We reassured him that single-parent families were not "flawed". Fortunately, when he was in primary five, another teacher taught the students about mutual respect and acceptance, which helped him gradually regain his confidence.

EOC News: What can single parents do when they are discriminated against?

Yu: If single parents are discriminated against on the ground of their family status, they can lodge a complaint with the EOC, under the Family Status Discrimination Ordinance.

"Family status" means the status of having responsibility for the care of an immediate family member. Immediate family member means a person who is related to you by blood, marriage, adoption or affinity. It is unlawful for a person or an organization to discriminate against another person on the ground of his/her family status. The law covers a wide variety of areas, including employment, education, management of premises, and provision of goods, facilities and services.



EOC News: Are single parents the only ones who are prone to family status discrimination?

Yu: In fact, most adults have a family status. Many of us need to take care of our parents or children, and may face family status discrimination. I hope that employers, landlords, educators and service providers do not give someone less favourable treatment just because of their family status. Try to put yourself in others' shoes and be more open-minded and understanding. Everyone should be able to reap benefits from equal opportunities, our entire society will stand to gain.

Promoting Acceptance of “Different” Families

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Primary school students clapped and cheered during the EOC's latest school play on inclusion and equal opportunities. The "3-D Interactive Machine", a drama performance recently developed by the Commission and the Jumbo Kids Theatre was produced to raise awareness of the Family Status Discrimination Ordinance.

Thirty performances of "3-D Interactive Machine" were staged before 8000 students, in February and March this year. Promoting the importance of accepting people with non-traditional family roles, the play portrays children and adults experiencing discrimination because of the different situations each face. Through interactive play, the young audience pinpointed the discriminatory behaviour portrayed in the show.

The "3-D Interactive Machine" is one of a series of school plays sponsored by the EOC to promote equal opportunities to students. This play helps children learn about the sometimes devastating effects of discrimination on the ground of family status, and aims at eliminating discriminatory attitudes against people with family responsibilities. The EOC plans to re-run the play, which is heavily oversubscribed, in the coming months.

“Have Your Say on Family Status” Youth Debate Competition

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According to the "Survey on Public Perception on the Work of the EOC 2003", public awareness levels of the Sex Discrimination and Disability Discrimination Ordinances are higher than that of the Family Status Discrimination Ordinance (FSDO).

To enhance public awareness of the FSDO and to encourage young people to reflect on issues related to family status discrimination, the EOC and the Kowloon Women's Organizations Federation have jointly organized a secondary school debate competition, "Have Your Say on Family Status" during March and May 2004. Applications from over 60 schools were received and sixteen of them were selected to take part in the competition. Beginning 17 April, four rounds of debate will be held in the following weeks, with the finals scheduled for 30 May. Details and updates of the competition are now available on the EOC homepage at <http://www.eoc.org.hk>.

New E-learning for Teachers

New E-learning for Teachers

The EOC has launched a new web based programme "Equal Opportunities Begin at School" (<http://equaled.hkedcity.net>) for teachers at the primary and secondary levels. It aims to familiarize teachers with the Disability Discrimination Ordinance and the impact the law has on the educational environment. The programme also aims to provide practical advice on integrating students with disabilities into the classroom.

The learning package is self paced and contains three modules. Successful completion of the three modules will be counted as four hours in the core area of "Learning, Teaching and Curriculum" under the continuing professional development programme for teachers.

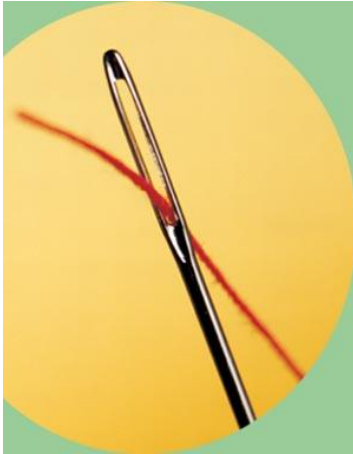
Sex Discrimination Case – Simply Because I am a Woman

Sex Discrimination Case

Simply Because I am a Woman

The Complaint

"I cannot imagine that this is happening in Hong Kong, a so-called modern city; I was fired simply because I am a woman."



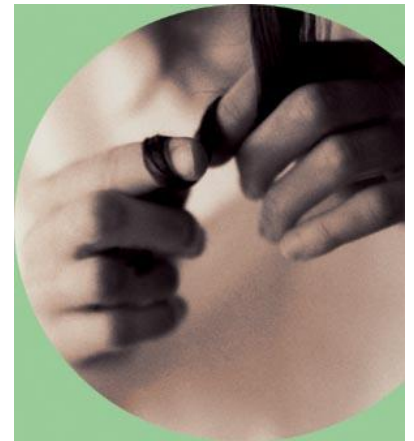
"I joined a small company a few years ago as an officer. My duties were wide-ranging which included marketing, accounting and office administration. The company is owned by a couple, Leonard and Liza. In less than three years I was promoted to Assistant Manager. My hard work seemed to have paid off. But about two years later, I was sacked, not knowing why and distressed, I turned to my husband. The next morning he asked Leonard, my former boss, for an explanation of my dismissal. Leonard told my husband that his wife Liza was uncomfortable with a female employee taking up a managerial post. She worried about the close working relationship between a woman and her husband."

"Very clearly, I was discriminated against because of my sex," sighed the complainant.

What the EOC did

The EOC investigator looked into the complaint and sought information from the company. Leonard attempted to defend himself against the accusation of discrimination, and said that the post of manager was no longer required due to restructuring of the company.

The EOC's complaint system aims at resolving disputes between parties through conciliation. After the EOC had explained the provisions of the Sex Discrimination Ordinance to the employer, he agreed to conciliate. Rounds of negotiation between the two parties and private sessions were conducted. Eventually, the employer agreed to pay the complainant approximately six months' salary to settle the case.



What the law says

Under the Sex Discrimination Ordinance, it is unlawful to discriminate in employment on the ground of sex. Acting upon stereotypical assumptions based on sex, (in this case, the female employer thought that it was not suitable for a woman to manage the company) could lead to unlawful discrimination.



Disability Discrimination Case – A Pretext for Disability Discrimination

Disability Discrimination Case

A Pretext for Disability Discrimination

"Your services are no longer needed," David was told after he informed his supervisor about his mental illness. But the reason given - poor performance, could have been a pretext for disability discrimination.

The complaint



David, a technician, joined a production company as a trainee in 1997. He was assigned to work the overnight shift. His appraisal record reflected that he was diligent and was able to work independently. Subsequently, he was promoted to technician. In 2000, he developed insomnia. His doctor suggested that working the overnight shift for a long time could lead to sleeping problems. David handed in his medical certificate to his supervisor and requested to change his shift.

However, David's supervisor was furious and told him not to submit the medical certificate again.

David continued his night shift for several years, as he struggled to cope with his insomnia. In 2002, he decided to raise the issue with his supervisor again, with a new medical certificate confirming that he was suffering from mental illness. This time, his supervisor seemed very responsive and shortly afterwards, David was transferred to work the day shift. But two days later, he received a warning letter about his concentration problem at work. A month later, he was dismissed for poor performance.

What the EOC did

David was shocked when he received the dismissal letter. Not knowing what to do he sought help from his relative, who later represented David to lodge a complaint with the EOC.

The EOC case officer asked the employer for an explanation. "I have never received a so-called medical certificate from David in 2000. He did give me one in 2002 stating his problem. Knowing how much distress insomnia could cause, I accepted David's request immediately by transferring him to work the day shift. It was his poor performance, inability to concentrate at work and frequent mistakes ... not to mention other reasons, that led to the dismissal," the supervisor protested.

While each side was telling its own story, the company finally agreed to conciliate but denied any wrongdoing. After a lengthy negotiation, the company agreed to pay David a monetary compensation equivalent to his annual salary.

What the law says

People with mental illness often face prejudice and discrimination in the workplace. Under the Disability Discrimination Ordinance which has been in force in 1996, it is unlawful for an employer to discriminate against an employee on ground of his/her disability. Disability discrimination is prohibited in every stage of employment. This includes advertisement on job vacancies, interview and selection of candidates, employment benefits, promotion, dismissal, etc.

An employer should provide "reasonable accommodation" to an employee. Reasonable accommodation refers to any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to have equal employment opportunity.



EO Reaches the Community

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Patricia CHU, EOC Chairperson (right) receives a souvenir from Prof Guo Jie (left), Vice-president of Northwest University of Politics and Law (Xi'an).

The law school delegates visited the EOC and shared common concerns about discrimination in relation to women and persons with a disability.



Young persons with a disability shared a fun afternoon with youth volunteers from SKH Ma On Shan (North) Children & Youth Integrated Service Centre.

One volunteer said, "I have gained a better understanding about the children through learning together in today's art class. Just like other kids, they each have their own strengths and deserve our respect." The activity is sponsored by the EOC's Community Participation Funding Programme.



"Check Walk" was conducted by Retina HK in different areas of Hong Kong. The project checks accessibility for persons with low vision in crossing roads, tunnels and footbridges.

Their findings highlight problems such as (1) lack of street lamps; (2) footbridge with design defects posing problems for persons with low vision; (3) lack of suitable nosing tread on stairways. These findings and related recommendations have been forwarded to the concerned government departments for consideration.

New Resources on Disability and Education

New Resources on Disability and Education



The EOC's "Disability and Education" series has produced four new leaflets on chronic illness, mental illness, visual impairment and hearing impairment. The leaflets help to create an inclusive environment for students with disabilities, suggest ways to provide accommodation and list useful telephone numbers and websites addresses. If you are a teacher or a parent who is looking for help, these information leaflets may be of assistance.

To obtain leaflets in this series (which also includes topics on physical disabilities, intellectual disabilities, specific learning disabilities and autism), please visit the EOC Office or our website at <http://www.eoc.org.hk/EOC/GraphicsFolder/DisEdu.aspx>

Around the World

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Art Awards for Persons with Intellectual Disabilities



Hundreds of artists with intellectual disabilities, representing communities around New Zealand have entered the country's first nationwide art competition, IHC Telecom Art Awards.

The competition, for persons with intellectual disabilities, encourages the use of art to express experiences in extraordinary and inspirational ways. The results often show great beauty, technique and acute insight. The winner of the Art Awards was announced following a National Exhibition and a National Awards event held in Auckland in March.

Information Source:

<http://www.scoop.co.nz/mason/stories/ CU0402/S00073.htm>

Equal Opportunities in British Film Industry



According to research findings, only eight out of 350 films produced in the United Kingdom were directed by women. Though most cinema cleaners were female, only 10% of the camera crew and 8% of the lighting technicians were women.

In a new drive to increase the number of women working in the film industry, the UK Film Council is encouraging a more diverse workforce in the industry as well as among cinemagoers.

Marcia Williams, Head of Diversity of the UK Film Council explained, "Studies have shown that there is a direct link between good diversity policies and improved performance of organizations. Diversity is a

catalyst for creativity and innovation, and it's vital that such a highly competitive industry makes the most of the talent available across all sections of the population."

Information Source:

http://www.ananova.com/news/story/sm_846072.html?menu=

South Africa's First Woman Newspaper Editor



Ferial Haffajee, aged 36, has been appointed the new editor of South Africa's weekly newspaper, Mail and Guardian. She is now the first female editor of a major newspaper in her country.

Ms. Haffajee started as a journalist trainee and worked her way through the company for 13 years. As a female editor, Ms. Haffajee would like to use the company's investigative resources to look at some serious gender problems, including crimes such as rape or sexual violence. She is also interested in racial issues, and plans to profile some young, black or coloured women who excel in particular fields, and are able to demonstrate a different kind of leadership.

The new editor says she has experienced stereotyping in her career. According to Ferial, people have been concerned that she is quite quiet and soft-spoken. However, with her decisiveness and creativity, she is definitely the right person for the job. Information Source: <http://allafrica.com/stories/200401260055.html>

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<http://allafrica.com/stories/200401260055.html>

Ski Races for All



In the United States, the Wells Fargo Bank Cup ski race, raises money for the National Sports Centre for the Disabled. The sports centre offers programmes such as alpine and Nordic skiing, snowboarding, rafting, fishing, camping, hiking, rock climbing and golf.

The ski race started in 1970 and has become one of the largest adaptive sports and outdoor therapeutic recreation programs in the world. Both the able and persons with disabilities are encouraged to participate in the competition, as long as they love skiing.

The cup raised US\$250,000 last year and participants enjoyed the game. This year, the outstanding ski racers will also take part in the World Disabled Invitational Race.

Information Source:

<http://www.denverpost.com/Stories/>

“A Mission for Equal Opportunities” Wins International Awards

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Two episodes of "A Mission for Equal Opportunities", our third TV docu-drama series jointly developed by the EOC and Radio Television Hong Kong, received awards in the 40th Chicago International Television Competition in March 2004. "Destined Equality" was awarded a Gold Plaque while "Twins" received a Certificate of Merit. Based on real life stories on discrimination, the TV series explains the anti-discrimination ordinances in a lively approach. The television competition which aims at acknowledging and awarding film-makers for their artistry attracts hundreds of entrants from around the world every year.

See videos: <http://www.eoc.org.hk/EOC/GraphicsFolder/InforCenter/MediaCentre/VideoList.aspx>
(in Cantonese)

New Special Needs Centre Opens in Tung Chung

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New services for children with disabilities are now available with the opening of Heep Hong Society's Tung Chung Centre. Its sensory integrative therapy room equipped with state-of-the-art facilities provides sensory integration training to children with disabilities. Mrs Patricia Chu, EOC Chairperson (3rd from left) and Mr Paul Tang, JP, Director of Social Welfare (centre) attended the opening. For more information, please visit the Society's website <http://www.heephong.org> or call its hotline at 2776 3111.

Events Calendar

社區活動巡禮 Events Calendar

「康復何時了?!」座談會

Talk On "Disabilities and Rehabilitation"

30/04/04

浸會愛群社會服務處精神健康綜合服務 (沙田及大埔區)
Baptist Oi Kwan Social Service Mental Health Integrated Service (Shatin and Tai Po District)
www.bokss.org.hk
2608 2698

「如何改善自閉兒童的情緒問題」分享會

Sharing Session - The Truth about Temper Tantrums

20/05/04

協康會
Heep Hong Society
http://www.heephong.org

屯門晨曦小畫廊

Morning Light On-Line Art Gallery
區智屯門晨曦學校
Hong Chi Tuen Mun Morninglight School
http://ml.hkcampus.net/

全港傷健康樂棋大賽2004

2004 Hong Kong Happy Chess Competition for Persons With and Without a Disability

13/06/04

樂智協會
Lok Chi Association
http://hk.geocities.com/lokchi8/
2428 6261

第二十五屆聾人籃球比賽

The 25th Basketball Competition for Persons with a Hearing Impairment

23/05/04

康樂及文化事務署和香港聾人福利促進會
Leisure & Cultural Services Department and the Hong Kong Society for the Deaf
www.deaf.org.hk