

# **RESEARCH ON FAMILY STATUS DISCRIMINATION**

## **Executive Summary**

### **Overview**

1. The Equal Opportunities Commission (EOC) in 1999 has commissioned the Faculty of Social Science at the Chinese University of Hong Kong to conduct a research study on family status discrimination to have a better understanding of the issues involved in discrimination based on family status, to consider areas for future legislative review, to develop operational priorities, and to conduct public education programmes.

2. The overall objectives of the research included: (1) examining how family status might possibly be related to some variables in work and education, etc. by using Census data; (2) collecting personal perceptions and experiences of family status discrimination by focus group discussions and in-depth interviews; and (3) collecting baseline information by conducting a community-wide public opinion survey on public perceptions on family status and areas of public concern related to family status discrimination in education, employment, and provision of goods, facilities and services, and civic participation.

### **Analysis of Census Data**

3. Census and By-census data of 1981, 1986, 1991, and 1996 were analysed to examine how family status might possibly be related to median monthly personal income (income), labour force participation rate (LFPR), unemployment rate, household rent and further study. No variable was available in the Census data to indicate directly whether a person had care responsibility to their immediate family members (i.e. had family status) and the level of such care responsibility the person had. The analysis of Census data, therefore, had to rely on the use of proxy indicators. The proxy indicators of family status were: the presence of children under the age of 15 (children) and the presence of elderly persons above

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the age of 60 (elderly persons) in the household \*. Marital status and the presence of resident domestic helpers and homemakers were also used as proxy indicators as the responsibility of care might be alleviated by the presence of spouses, homemakers and resident domestic helpers.

4. Across the four Census years, the incomes were lower for persons without children than for persons with children in the household; for never married persons with children than for never married persons without children in the household; for persons with elderly members than for persons without elderly members in the households; and for men without homemakers than for men with homemakers in the households.

5. From 1981 to 1996, the LFPR were lower for persons with children than for those without children in the household. This pattern was more marked for women than for men, and for those who were never married than those who were widowed or divorced/separated. But, a reverse pattern was found for those who were married. In general, persons with domestic helpers had higher LFPR than those without domestic helpers in the households, with greater increase in LFPR for women than for men. The LFPR for both men and women were higher for those without elderly persons than those with elderly persons in the households. For men having children or elderly members in the household, those who had homemakers at home tended to have higher LFPR than those who did not have homemakers.

6. Among those who were married, widowed, or divorced/separated, the unemployment rates were lower for persons with children in the households than for persons without children. However, this pattern was reversed for never married persons. For those who had children in the household, the unemployment rates were lower for persons with domestic helpers in the household than for persons without domestic helpers; and this tendency is stronger for women than for men. Regardless of whether having domestic helpers or not, the presence of elderly persons was not systematically related to the unemployment rates of men and women. For men having children or elderly in the household, those who had homemakers in the household tended to have lower unemployment rates as compared to those who did not have homemakers.

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\* There is a limitation in such usage as persons with children or elderly persons in the household are not necessarily having the caring responsibility although children and elderly persons are very likely to require care from the household members.

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7. Across the four Census years, persons with children in the households paid higher rent than those without children. However, persons with elderly persons in the households did not pay higher rent than those without elderly. Compared to other occupations and industries, agricultural, forestry, and fishery workers were more likely to have children and elderly in the households. Among persons in the agricultural, forestry, and fishery occupation or industry, those with children earned less than those without children in the household. Across men and women, the percentages of persons who were currently studying were higher for those without children than for those with children in the households. However, this pattern was not observed when examining if the persons had or did not have elderly members in the household.

8. According to the 1981 Census data, which was the only year that had disability information, although there was no systematic relationship between LFPR and presence or absence of persons with a disability in the households, unemployment rates were higher for those who had persons with a disability in the households than those who did not, and this pattern was evident across both genders. Men who did not have persons with a disability in the households earned more than those who did, but this situation was not found among women.

9. The relationships between explanatory variables, such as family status, marital status, presence of homemakers or domestic helpers, and dependent variables, such as income, LFPR, unemployment rate, household rent and further study in above-mentioned paragraph 4 to 8 were only phenomena observed from the analysis of Census data. There should not be any causal relationships. Some other factors such as age, motivation, household structure and education could confound the relationships. For examples, the fact that persons with children in the household had higher income than those without children in the household might be explained by seniority in the career, or higher motivation to earn more to cover the extra expenses due to the family status.

### **In-depth Qualitative Study**

10. This part included four focus group discussions and eight in-depth interviews. There were four focus groups consisted of the General Public, Employers, Employees, and Employment Agencies Groups; with the total number of participants being 39 (12 men and

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27 women). The in-depth interviewees were six men and two women. Participants came from a variety of demographic and occupational background.

11. Case examples as reported by the participants indicated that gender and age were two important factors contributing to discrimination against individuals with family status, and these two factors were further complicated by social class, job nature, and marital status. From the experiences shared and discrimination cases reported, parties affected were overwhelmingly women who were above 30 years. Discriminatory practices on the basis of family status mainly pertained to recruitment and working conditions, although the provision of educational, welfare and social services, and housing were also affected. These discriminatory practices were typically built on the stereotypical views of gender and gender roles.

12. In general, participants of both the focus groups and the interviews had very limited knowledge about the Family Status Discrimination Ordinance (FSDO), with the General Public and Employee groups having the least knowledge, followed by the Employer group. The Employment Agency group was relatively the most knowledgeable about the FSDO. A majority of the participants found it difficult to distinguish the FSDO from other anti-discrimination ordinances, were easily confused it with the Sex Discrimination Ordinance (SDO), and commonly misunderstood the role of the EOC as promoting gender equality only.

13. The Employer Group generally did not understand the FSDO, and were concerned about the definition of “immediate family member” being too broad, which might have a serious implication for fringe benefit policies. They sometimes confused the relations of having family status with demanding special treatments in attending to personal matters during the office hours. Some employer representatives also admitted that family status could be one of the considerations in the hiring processes especially for those jobs that “needed more commitment” such as working on weekends and holidays. Employers of the small/medium size companies in the private sector worried that the FSDO would bring difficulties to them in handling personnel matters and would further contribute to what they saw as an already unfair market that privileged the large-size companies.

14. The Employee and General Public groups had very limited knowledge about the FSDO. They thought that the FSDO was more beneficiary to women and it was relatively difficult for men to claim their needs of looking after family members because women were assumed to have greater responsibilities for the care of their family members. The Employee group thought that job nature also contributed to the difficulty in implementing the FSDO. They also considered that rank-based working conditions could give rise to unfair situations in respect of caring for family members. Persons of higher ranks could take holidays and leave to attend to their families easier than their subordinates. Some participants in the Employee group also worried that employers might be reluctant to dismiss unsatisfactory employees with family status, or to promote employees without family status for fear of family status discrimination allegations.

15. Representatives from the employment agencies accepted family status discrimination as a fact of life because of cultural and traditional reasons, and opined that they were unable to intervene. They usually tried not to reveal job applicants' family status to the potential employers, but it was still possible for the employers to acquire such information at the recruitment interviews. Members of this group also thought that more women than men with family status were discriminated against, especially in the service sector, such as restaurant jobs, and those occupations with irregular working hours.

16. Participants suggested various means of eliminating family status discrimination, which were included in the subsequent section on recommendations.

### **Public Opinion Survey**

17. The survey was conducted from June to September of 1999. A total of 2,065 (944 males and 1,121 females) Hong Kong Chinese people aged 16 and above were successfully interviewed, yielding a response rate of 42.4%. Comparison of the present sample with the Hong Kong 1996 By-census population data revealed no significant discrepancy in socio-demographic characteristics. A multi-stage design with three separate stages of selection was adopted. A face-to-face interview was used to conduct the opinion survey.

18. Over 90% of the respondents viewed spouses and blood-related relations such as parents, siblings, children, grand-parents, and grand-children as immediate family members,

while slightly less but still 74% to 82% of the respondents considered parent-in-laws, children with previous spouses, and adoptive relations as immediate family members. About one-third of the respondents also classified cohabitated partners as immediate family members. A great majority (over 93%) would not accept extra-marital lovers as immediate family members.

19. Respondents felt that the self-care abilities of the immediate family members were the main criteria for determining the degree of caring responsibility. In addition, respondents felt that if people had to care for their immediate family members for an average of 7.47 hours per day, then they should be considered as having a caring responsibility towards these immediate family members. Special care of medical conditions or preventing accidents, teaching or supervising children's homework, transporting to hospital or clinic and to school, workplace or home, and assisting in daily self-care activities were regarded as major types of caring responsibilities for immediate family members. Also, it was considered that being a single parent implied having certain extent of family care responsibility. Results also showed that more women than men reported having various caring responsibilities towards their immediate family members, i.e., having family status.

20. Certain descriptions on negative views of persons with family status were presented to the respondents to examine whether they agreed or disagreed with these descriptions on persons with each of the three types of family status. The three types of family status included single parents, those caring for the young or old immediate family members, and those caring for immediate family members with physical disability, chronic illness, or mental retardation. More respondents disagreed with the negative views of persons with different family status posted to them than those who agreed. However, some negative perceptions against these persons still existed including such as media's portrayal of them as weak and pitiful (38.2% to 48.1%), and respondents' impression of lower employability among persons with family status (29.9% to 44.6%). When comparing respondents' perceptions of the three types of family status, they were most negative towards people caring for immediate family members with mental/physical disability or chronic illness, followed by those caring for old or young family members. Respondents had the least negative views towards single parents.

21. Different potentially discriminatory situations in relation to family status were presented to the respondents in each area of education, employment, and provisions of goods/services in order to explore their perceptions and actual experiences of family status discrimination. It must be noted that these generalized discriminatory scenarios and respondents' perceptions or experiences of discriminatory treatments should be distinguished from unlawful discrimination in the legal sense.

22. Respondents were asked of their perceptions in four potentially discriminatory situations in education in relation to family status: 1) admission to school, 2) use of school facilities and services, 3) application for financial support, and 4) course enrolment. About one-fourth to one-third of the respondents perceived the above situations as being common in Hong Kong. Most respondents (about 61% to 87.5%) considered the given situations as being discriminatory. In addition, about 4.3% to 6.2% of them had personal experiences of these situations.

23. Respondents were asked to consider whether each of the 12 potentially discriminatory situations in employment field constituted family status discrimination. The majority of the respondents considered the given situations as being discriminatory. They also perceived that most of the situations were commonly found in Hong Kong, especially in situations involving hiring (69.3%), dismissal (67.3%), terms of employment (66.5%), and benefits of employment to other immediate family members in addition to spouses (65.9%). About 5% to 20% of the respondents had personal experiences of the given situations in employment. Women as compared to men, and respondents with family status as compared to those without family status, were more likely to perceive some of the 12 given situations as being prevalent. On the other hand, men or respondents with family status reported more experiences of being discriminated against on the ground of their family status in many employment-related situations.

24. Among the given eight potentially discriminatory situations that involved the provision of goods, facilities and services, and civic participation, respondents perceived that family status discrimination occurred most commonly in the renting of houses. About 5% to 14% of the respondents had personal experiences in various given situations. Men were more likely than women to pay higher rents and insurance fees and to experience difficulty in getting financial assistance from a bank because of their family status. Results also showed

that people with family status were more sensitive to the occurrence of family status discrimination and were more likely to experience discrimination in the provision of goods, facilities and services, and civic participation.

25. The most common reactions of the respondents, when they encountered family status discrimination, were to complain to the directors/managers of the organization (76.2%) or to refer the case to the EOC (72.2%). Respondents were more likely to suggest information support, group support, or referral to the EOC for mediation than to suggest financial compensation as redresses for those who had been discriminated against due to their family status. Respondents also proposed various means to eliminate family status discrimination. These suggestions were integrated into the subsequent section on recommendations. Over 90% of the respondents perceived public education, policy support to the employers in equal opportunities, consultation to the government, and mediation of complaints about family status discrimination as the major roles of the EOC. About half of the respondents were satisfied with the EOC's performance in the elimination of family status discrimination.

26. Only about 30% of the respondents had heard about the FSDO before the survey, with the most common channels being television (76.8%), newspaper (43.9%), and radio (26%). Generally, respondents considered that they had more knowledge on the concept of family status after the survey. As compared to five years ago, respondents perceived that there was less family status discrimination in education and provision of goods, facilities and services, and civic participation, but perceived that situations involving family status discrimination in the work setting had increased.

### **Discussion**

27. The concept of family status is quite new to most people in Hong Kong. Furthermore, the respondents tended to have different understanding of the taxonomy and hierarchy of family relations existing in Chinese traditions. Such different perceptions acting together aggravated the misunderstanding of the FSDO in the community. Some misunderstood that the FSDO protects women only. Thus, the philosophy and purposes of the FSDO need to be clearly delineated to the public to facilitate their understanding and acceptance of the FSDO.



28. Some respondents still held negative views against people with different types of family status although a large proportion of them did not do so. The negative views are often the public's justification for unfair treatment of people with family status in employment and social participation. Thus, elimination of family status discrimination must be targeted at changing people's gender-based attitudes and negative perceptions of persons with family status.

29. Findings have indicated that family status discrimination is more evident in employment and provision of goods, facilities and services, and civic participation than in education. Discriminatory practices seem to be most wide-spread in employment-related situations. Thus, top priority should be given to eliminate family status discrimination in the workplace among the various domains. Vigorous efforts should be targeted to both employers and employees to promote the understanding of the FSDO and to assist the companies to devise policies and guidelines to eliminate family status discrimination.

30. The Census data include highly reliable information of the general public that not only reflect the current status of some concerned issues, but also the trend of changes across different Census years. Although many variables were measured in the Census, these variables did not indicate directly whether a person had care responsibility to their immediate family members and the extent of responsibility the person had. Thus, efforts should be made to include relevant information in the future Census or General Household Survey to directly measure family status.

### **Recommendations**

Based on the above findings, the following recommendations are made:

#### **31. Public Education**

31.1 Vigorous public education should be launched to explain the concept of the family status as well as provisions under the FSDO. Community-wide public education programmes should aim to provide the public with the basic information about the FSDO; and workshops and seminars should be tailor-made for specific groups such as employers, employees, labour union leaders, employment agency operators, and public

service providers for more detail information of the FSDO as well as how to devise operational guidelines to prevent or eliminate discriminatory practices in their own setting.

31.2 The most effective means for delivering public education programmes might be through the mass media, such as television, radio, newspapers, and internet, using brief media messages as well as more detail case illustrations. The EOC has produced information leaflets/pamphlets and video-tapes on FSDO to provide readily available and easily comprehensible information about the FSDO. The efforts should be continued and the information should be made available to the public and special groups.

31.3 The public should also be educated to change the stereotypes on gender and the negative views on family status by providing positive images of family. Those views are often perpetuated through textbooks and media. Thus, textbook writers and media workers should be educated to become more sensitive in their writing, reporting, and portrayal of men, women, and people with various family status. It is also important to promote family education that is free of gender and family status discrimination.

31.4 The younger generation in Hong Kong should also be the target of regular and continuous public education programmes. These programmes should aim to increase young people's understanding of the underlying philosophy, purpose, and meaning of the FSDO. The concept of equal opportunities should also be introduced early in the school curriculum .

31.5 The EOC should be proactively identifying potential or target clients and contacting them for public education programmes. The EOC should reach out to these individuals whether at home or at work to distribute informational pamphlets or to conduct public education programmes.

## 32. Promotion and Implementation of the FSDO

32.1 The EOC should produce promotional materials such as video-tapes that represent different perspectives of the employers and employees, men and women, and

different age groups and occupations. Drama production might also be effective as the complexities in real-life cases help to deepen the impression on the public so as to promote a culture of fairness.

32.2 The EOC should also consider ways of providing more assistance to both employers and employees, such as extending office hours, extending availability of hotline to outside office hours, and training of personnel handling complaints and inquiry. In addition to a general Code of Practice or operational guidelines for all employers and employees, further guidelines are necessary for occupations with special work requirements and for providers of goods, facilities and services, and social activities.

32.3 The FSDO must be clearly distinguished from other anti-discriminatory ordinances. Regular seminars, talks, and exhibitions should be organised for relevant associations or persons, such as labour unions, school principals, trade/business associations, and employment agencies. Educational programmes about the FSDO should also be extended to the schools in addition to the business sectors.

32.4 Those organisations that actively promote equal opportunities and draw up clear operational guidelines against family status discrimination should be commended.

33. Enhancing the Provision of Supporting Services – The EOC should work closely with the government, non-government agencies, and private organisations in developing and promoting the need for various supporting services for people with various types of family status. Examples of these services include nurseries and child-care facilities, after school care facilities, community nursing programmes, transportation services, home-help services, elderly homes, and self-help groups. Various incentives such as tax concessions and rent reduction should be explored for non-profit organisations that provide such services.

34. Elimination of Family Status Discrimination in Employment and Social Settings – Top priority should be given to the elimination of family status discrimination in employment. Workshops and seminars should be conducted to introduce the FSDO as well as to suggest ways of drafting equal opportunities policies and anti-discriminatory operational guidelines. The EOC's Code of Practice on Employment should be made widely available to the

employment sectors. In addition to employment, active efforts should also be made to eliminate family status discrimination in the social life of people with various family status. The EOC should provide more information on FSDO to services providers and also prepare practical guidelines for them to comply with the FSDO.

35. Legislative Review - The FSDO should be reviewed from time to time to suit the changing needs of the society. For example, the scope of family members and caring responsibilities should be further elaborated to avoid over-extension so as not to create undue difficulties in the implementation of the FSDO in various life arenas. It should also be explored whether the FSDO would have different financial impact on companies of different sizes if fringe benefits are extended to immediate family members, etc.\*

36. Collection of Statistics – Objective indicators for family status should be included in the future Census and General Household Survey. One example is to include items like “the number of hours used in the last seven days in taking care of immediate family members” as part of the Census or General Household Survey statistics for direct assessment of family status. At the same time, the EOC should also actively collect information from various sources in addition to its own statistics on cases related to family status discrimination.

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\* Note of the EOC: The study was conducted before the Family Status Discrimination (Amendment) Ordinance came into effect on 22 June 2000. Under the Amendment Ordinance, it is not unlawful for employer to directly or indirectly afford, or omits to afford, any immediate family member of the person concerned access to benefits, facilities or services.