

March 2002 Issue No. 21

Message from the Chairperson - Working towards Inclusion & Equality

*Working towards
INCLUSION & EQUALITY*



Ms. Anna WU, EOC Chairperson

In 2001, complaints received by the EOC reached an unprecedented level of 1,651, representing an increase of 123.4% in complaints received over 2000. A total of 807 cases were related to the Secondary School Places Allocation (SSPA) System, following the High Court's ruling that the SSPA system was discriminatory and unlawful. The cases involved both boys and girls. Of these complaints, there are examples of obvious discrepancy. In a few cases, the students would jump from Band 3 to Band 1 after adjustment.

Ensuring Equal Opportunities in Education

Since some complainants later made their own arrangements for schools or were reassigned placements through the Education Department's Relief Mechanisms, some complaints were discontinued. Of the remaining SSPA complaints, we expect to conciliate over 200 of them in 2002.

The Sex Discrimination Ordinance and the court decision are clear about the need to maintain a fair education system, which does not discriminate against girls or boys. Similarly, the Disability Discrimination Ordinance (DDO) aims at ensuring that the education system is fair and does not discriminate against students with a disability. Last year, the EOC finalized the Code of Practice on Education under the DDO, which provides practical guidelines to eliminate disability discrimination and harassment in schools.

Improving access to education by students with a disability is an essential element in promoting their fuller participation in society and towards independent living and future economic self-sufficiency. It is also beneficial for other students who will gain from the strength and experience of persons with a disability. As education opens the door to many of life's opportunities, we hope that "inclusion" will be at the heart of our educational system.

To help schools, educators, parents and students better understand equal opportunities for boys and girls and for students with a disability, the EOC will be issuing consultation papers, organizing workshops and seminars dealing with different aspects of education. These aspects will deal with introduction to equal opportunities concepts in the curriculum, special needs education and sensitization to stereotyping in textbooks.

Promoting Equal Opportunities at Work

The other dominant type of complaints received by the EOC last year was employment related. Nearly 600 of these were received, while disability discrimination accounted for 215 and pregnancy 141. The increase in work related complaints is very likely a result of the recent economic downturn. In times such as these, the vulnerable are even more vulnerable.

To cultivate a stronger sensitivity to equal opportunities and to promote a closer partnership with business, the EOC is developing a strategy to improve awareness of employers' and employees' rights and obligations under the anti-discrimination laws. A series of surveys has been undertaken to assess the awareness and compliance levels within the Hong Kong business sector. Special attention will be paid to small and medium size enterprises. An information and assessment kit is being developed for these enterprises and will be launched later this year.

Mainstreaming Equal Opportunities

In 2001, the EOC has focused on mainstreaming the culture of equal opportunities in society. The Commission has expanded its training and consultancy function to assist government, employers and service providers in the areas of staff training and review of procedures. Equal opportunities training courses have been arranged for officers of the Immigration Department and the Training Wing of the Hong Kong Police.

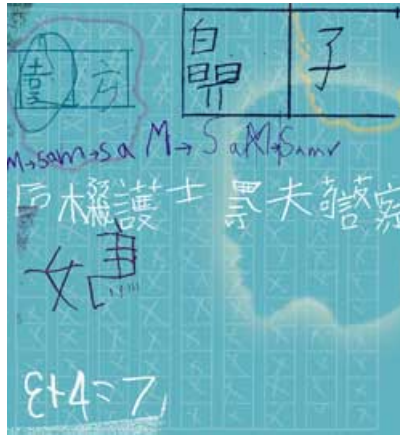
It is only when the principles of equal opportunities are assimilated into the system that we will see real progress. Sensitization to equal opportunities principles will help to eliminate restrictions to participation and thus allow individuals to develop their talents. The basic philosophy of an equal opportunities framework is to create a level playing field for all and an enabling environment for the individual. It is about providing "access" to education and employment for the individual.

The work of the EOC is about people - that they matter as individuals and that the law must make a difference for them.

The basic philosophy of an equal opportunities framework is to create a level playing field for all and an enabling environment for the individual. It is about providing "access" to education and employment for the individual.

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Feature Story SLD - The Invisible Disability



SLD - The Invisible Disability

"**Specific Learning Disability (SLD)** is a group of invisible disabilities due to neurological differences in brain development. Most SLDs are present in affected individuals throughout their lives at different levels of severity, and often runs in families. Individuals with SLD are of average or above average intelligence and do not show any physical features that distinguish them from others. For the 80% who have problems in the area of reading, difficulties under the present education system is inevitable if no support is given, as almost all subjects involve reading and writing in the teaching and learning process," said Dr Catherine Lam, a pediatrician specializing in child development at the Child Assessment Centre of the Department of Health.

Dyslexia - the Most Common SLD

In Hong Kong, as elsewhere in the world, about 5 - 15% of children are living with different types of SLD, of which developmental dyslexia is the most prevalent. This is a reading disability, which mainly affects the underlying skills needed for learning to read, write and spell.

SLD is a disorder that affects an individual in different ways, such as difficulties in processing language, written symbols, arithmetic and in motor coordination. This explains why some SLD students do extremely well in certain areas like designs, art and craft and science, while failing in other subjects. Some may have trouble understanding mathematical concepts and in computation. But with effective teaching techniques, dyslexic students can learn well. In fact, there are many dyslexics around the world who have managed to achieve outstanding success in their chosen fields.

Misconceptions

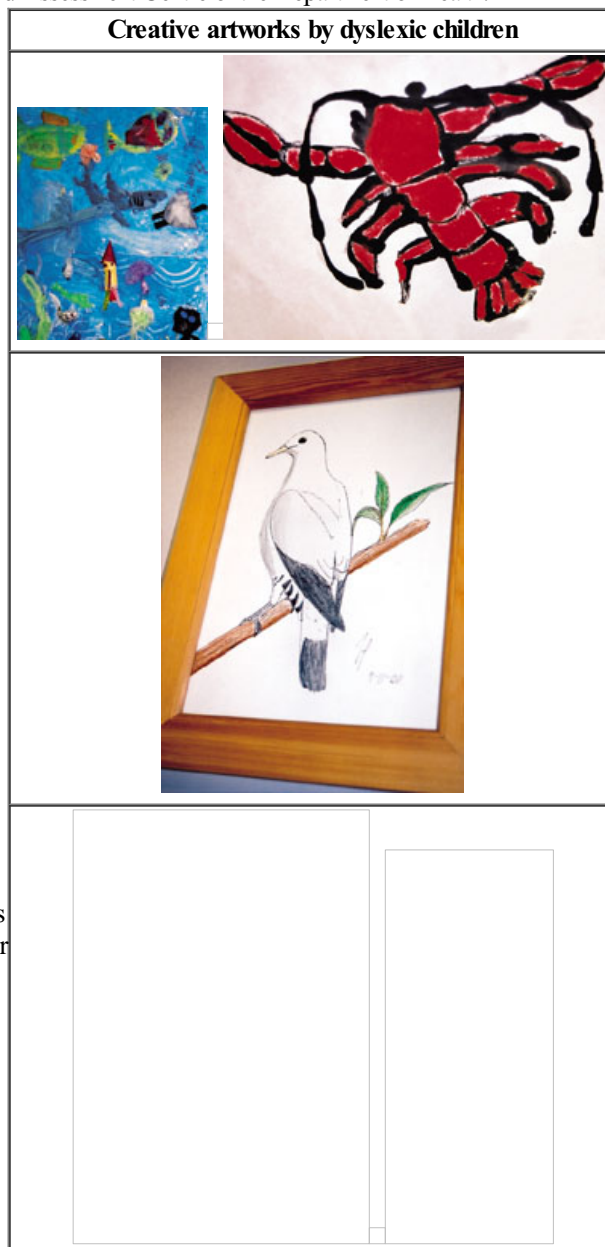
As SLD does not show any signs of physical disabilities, children with the disorder are often labeled as lazy, unmotivated, difficult and inattentive.

"They appear to be just like other normal children and have no visible signs that would invite special help and support from others. One seldom experiences feelings such as sympathy, protectiveness or understanding that one might witness towards a child with an obvious disability, such as blindness, deafness or Down Syndrome. Therefore, extra help for these children at school are usually viewed as unfair advantages," said Dr Lam.

Warning Signs for Parents

The first step of solving any problem is realizing that there is one. Parents are always the first to notice their child's developmental difference from other children. Mrs Fong noticed that her daughter Helen, in her last year of kindergarten, experienced extreme difficulties in writing and recognizing simple words, for example, she always called the shop-owner of a nearby store as "owner-shop".

"At first, I thought the problems were only temporary," said Mrs Fong, unfortunately the condition did not improve.



Mrs Fong decided to take Helen for an assessment test, and she was formally diagnosed as dyslexic.

Family Support is Vital

"It is important for parents to deal with the problems positively, and that means early detection and professional help," said Dr Alice Cheng Lai, Registered Psychologist and Associate Professor, Person-in-charge of the Centre for Children with SLD, Department of Nursing and Health Sciences at the Hong Kong Polytechnic University.

The first step to rebuild their self-esteem and confidence is to explain to them that everyone is born different, and each individual has his / her strengths and weaknesses. It just so happens that for these children they are weak in reading, writing and spelling. To help them lead a fruitful life, Dr Lai strongly urges parents to recognize their child's potential in areas other than literacy.

School-based Support

Children with SLD can learn alongside others as long as accommodations are given at school. Dr Lai believes the current education system in Hong Kong, which relies heavily on examinations and assignments to assess students, is not helping these children effectively. More emphasis should be placed on promoting one's creativity, practical intelligence and analytical ability.

Dr Lai said, "Hong Kong has already adopted a standardized set of assessment tools in 2000 to identify children with SLD and their degrees of severity. But we are still lacking a policy to accommodate their special needs. The policy has to be driven by the government so as to ensure schools and educational entities are obligated to enable these students to benefit from ordinary classes."

Instead of isolating them, schools should support children with SLD to complete school tasks with greater ease and effectiveness. For example, a dyslexic student can be given more time allowance to finish an examination. An instructional approach that combines auditory and visual elements can also be used to create a multi-sensory teaching and learning environment, which may help these students overcome their academic challenges. Other strategies, as suggested by Dr Lai, are peer-to-peer tutoring, web-based and interactive teaching, and application of real-life case studies.

Range of Educational Support for Children with SLD

Dr Catherine Lam advocates for more support from Hong Kong's education system. "SLD varies in severity, and a continuum of services is needed. Whichever the level of support, it must be available to the student across class settings, and most importantly across years," said Dr Lam.

Students with mild SLD may only require certain accommodations and closer attention in the regular classroom. Those with more significant problems require direct teaching of skills and strategies to cope with their difficulties. These may be additional tutorials or pull-out sessions from certain classes, e.g. on reading. Accommodations must be made available not only to support these students, but to allow them greater access to the content of the full curriculum.

Specialized schools which provide research based remedial programs delivered by experts in the field should be available to those with the most serious disabilities. These students may be enrolled for short periods of one to two years to learn the necessary strategies and skills, or for complex cases, may remain in it until graduation. Access to the regular curriculum and preparation for open examinations must be available here as for students in ordinary schools.

Equal Opportunities for SLD Children

The Code of Practice on Education under the DDO published by the EOC is to assist schools to develop policies and procedures that prevent and eliminate disability discrimination, and to provide educators with practical guidance on making provisions for students with disabilities, such that they have equal opportunities in access to, and meaningful participation in local education.

The misconception, "You seem so normal... you don't look handicapped!" has deprived children with SLD the opportunity to receive quality education and to fully participate in our society. Like all children, they reflect various degrees of abilities. What we need to do is to identify the barrier and unlock it. As for all the so-called normal children, they experience learning problems as well. Similarly we need to identify these barriers and unlock them. Understanding SLD children helps us to teach more effectively to all children.

A coordinated effort is paramount in providing hope for every child --the hope of realizing the possibilities, not the limitations of life.

Know More About SLD

H.K. Association for Specific Learning Disabilities	8200 5882 http://www.asld.org.hk
Centre for Children with Specific Learning Disabilities	2766 6313 http://nhs.polyu.edu.hk/mccsld
Child Assessment Service	2246 6633/2395 4298 http://www.info.gov.hk/dh/main_ser/index.htm
Special Education Resources Centre	2760 6201 http://serc.ed.gov.hk
Dyslexia Association (Hong Kong)	2687 1069

Famous Persons with Dyslexia

Entertainment Tom Cruise Whoopi Goldberg Steven Spielberg Jack Nicholson Walt Disney	Sports Magic Johnson Carl Lewis
Arts Leonardo Da Vinci	Politics Winston Churchill John F. Kennedy Lee Kuan Yew
Music Beethoven John Lennon	Science Thomas Edison Henry Ford Albert Einstein

Source :

1. Website of Bright Solutions for Dyslexia, LLC
(<http://www.dys-add.com/symptoms.html>)
2. Website of Taipei Association of Parents of Children with Learning Disabilities
(<http://web.cc.ntnu.edu.tw/~t14010/memo.htm>)

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Richland Gardens - Case Settled out of Court

Richland Gardens Case Settled out of Court



The legal action against three Richland Gardens residents for interfering and obstructing staff of Kowloon Bay Health Centre, which includes an integrated treatment centre for sexually transmitted diseases and HIV/AIDS patients, came to an out-of-court settlement in late-January this year.

Legal proceedings in respect of the discriminatory actions and conduct, which stemmed from the prejudice and stigmatization of HIV/AIDS, commenced in November 2001. On behalf of the five plaintiffs associated with the Centre, the Equal Opportunities Commission (EOC) successfully obtained from two defendants written apologies. The plaintiffs now feel that their dignity is respected by those residents who protested against the location of the Health Centre. Accordingly, they consider the matter successfully resolved and proceedings against the third defendant have been withdrawn.

The long-running protests began as the Centre opened in May 1999. Patients and the Health Centre workers were harassed and vilified by a small but vocal group of Richland Gardens' residents. Legal action was not taken until several attempts at conciliation failed.

The EOC welcomes the outcome of the case. Not only has it sent out a clear message that discrimination against people with HIV/AIDS or people associated with them is unacceptable and unlawful, more importantly, it also serves as a good illustration of the application of the Disability Discrimination Ordinance (DDO) in restoring community relations.

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Sex Discrimination Ordinance FAQ

FAQ

Is this an unlawful act under the Sex Discrimination Ordinance (SDO)?

Q: I responded to a job advertisement in the newspaper and was told that the job is for women only. Can I lodge a complaint with the EOC?

A: Yes. The SDO applies to both men and women. An employer cannot treat a man less favorably than a woman. They can only do so in exceptional circumstances where being a man or a woman is a genuine occupational qualification for a particular job.

Q: I am not married and recently became pregnant, but my employer said our company's health insurance only covers married women. Is this unlawful under the SDO?

A: Yes, such action amounts to unlawful discrimination on the ground of marital status and you can lodge a complaint under the SDO. Where an employer provides health insurance cover for married female employees, the same cover must be provided to single female employees.

Q: I have been trying to apply for a credit card but every time the bank finds out that I am divorced, I am rejected. Is this unlawful?

A: Such action is discriminatory on the ground of marital status. If the bank offers services to married persons, it has to serve unmarried or divorced persons as well.

Q: I have been asked to act as a witness in a complaint case and would like to know what would happen if there are retributions?

A: The law protects witnesses as well as complainants against being victimized. If a person or a witness for the complaint suffers retribution, the person can lodge a complaint with the EOC.

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Disability Discrimination Case -My Son Needs Help!

Disability Discrimination Case



My Son Needs Help!

"I was angry to know that my son was bullied again in school. It was not just name-calling this time. A student hit his face and gave him a few bruises. He was terrified, and never wanted to go back again. The school should be responsible for preventing these assaults, and should have done something to help a student with learning disabilities," said Mrs Lee.

The complaint

Wallace, Mrs Lee's son, was diagnosed with dyslexia, a kind of learning disability. His academic problems became more evident when he was promoted to primary one. He could only recognize a few words, and had difficulties reading and writing. His classmates called him "dummy". His poor academic performance coupled with his traumatic experiences made him feel very negative about himself.

Mrs Lee continued, "His learning difficulties were so obvious... his class-teacher should have known. I did request the school to give him extra help, such as moving him to the front row so that he could see the board more clearly; or asking him more questions in class in order to rebuild his self-esteem. But they refused, and claimed that giving him extra help would have been unfair to his other classmates. I would rather not have asked for "extra help" if my son was not born dyslexic."



What the EOC did

Mrs Lee lodged a complaint with the Equal Opportunities Commission and investigations were carried out. The school told the EOC that certain accommodations were provided to Wallace in class, such as accepting his attention problems and the fact that he would be less able to complete his homework. As the school year had just started, the teachers felt that it would be appropriate to get to know more about the whole class before paying special attention to a particular student.

After explaining the education-related provisions of the Disability Discrimination Ordinance, the school came to realize that they had overlooked Wallace's needs. As a result, a specialist was recommended for him to receive intensive remedial therapy. The school agreed to settle the case by paying for the therapist's fees, and Wallace was finally allowed "extra help".

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 would impose unjustifiable hardship on the institution. Schools have a responsibility to ensure that persons with disabilities have equal access to quality education, and provide all students, including students with disabilities, a safe and orderly learning environment.



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Sex Discrimination Case - "I did nothing wrong. I was just pregnant."

Sex Discrimination Case

Pregnancy Discrimination Case Settled out of Court

"I did nothing wrong. I was just pregnant."

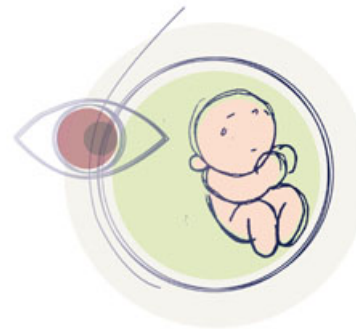


The complaint

Ah Ying had worked in a hostel as a cleaner for more than three years. Her performance was considered generally satisfactory. Following the personnel practice of her organization, she notified her supervisor of her pregnancy. But things soon began to change. Instead of using a mop, she was asked to get down on her knees to towel dry the floor. She was also asked to vacate her quarters for her replacement a week before she proceeded to maternity leave even though empty staff rooms were available. Because of this, she had to travel to work and had to walk for almost an hour after getting off the bus. Worst of all, she found herself jobless on her first day back at work from maternity leave.

What the EOC did

Frustrated and disappointed, Ah Ying lodged a complaint with the Equal Opportunities Commission. EOC investigators looked into the complaint and sought information from the supervisor. He explained that a towel did a better job of drying the floor especially on humid days. He added that Ah Ying was later allowed to mop clean the floor, after expressing hesitation. The employer denied the allegation of discrimination, and claimed that the real reason for dismissing Ah Ying was her bad attitude and poor work performance. Citing examples, the employer said even though living quarters were provided on site, she did not turn up for duty when the black rainstorm warning signal was in force. Also, Ah Ying was accused of not punching her time card when she arrived for work.



Repeated attempts for conciliation were made by the EOC but were unsuccessful. The complainant applied for, and was granted, legal assistance by the EOC. Our lawyers, acting on behalf of Ah Ying, took over the case and informed the employer that legal action would be commenced unless the employer wished to settle the case. Negotiations then began between the EOC's lawyers and the employer's lawyers. Eventually the employer agreed to settle the case with a monetary compensation without bringing the case to court.



What the law says

Under the Sex Discrimination Ordinance, it is unlawful to discriminate against a woman on the ground of pregnancy. That is, an employer cannot treat a pregnant woman less favorably or dismiss her because she is pregnant.

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Around the World

Around the World



In Britain, doors are now open to the disabled at the new Eden Project - a global eco-garden covers some 35 acres located in Cornwall. Over 100,000 plants from many climate zones of the world are featured in the mammoth project. The facilities set up for disabled visitors include: footpaths designed at correct gradient for wheelchair users, a land train incorporating wheelchair spaces, and trained staff to assist persons with special needs.

More Information:

<http://www.edenproject.com>

CARE-one of the world's largest international humanitarian organizations that help people and communities achieve lasting solutions to poverty, has initiated educational programs to improve the health conditions and employment opportunities for war widows in Afghanistan. Women there now receive health education on personal hygiene, nutrition, child care, diet and immunization. Besides, CARE also teaches them skills in sewing, embroidery, animal husbandry and vegetable gardening. These programs help to provide sources of income for women.

More Information:

<http://www.care.org>

In Hong Kong, a gas company has launched new services for the visually impaired. The company has developed an accessible website and Braille gas bills in either Chinese or English for the visually impaired. Gas hotplates are now available carrying special features such as a flame failure device and alarm with push button ignition, all designed for people with a visual impairment. The gas appliance with Braille instructions is the first-of-its-kind in Hong Kong.

More Information:

<http://www.towngas.com>

The University of Alberta in Canada is offering 1-day workshops for grade 6 girls and their teachers. The objective is to show girls entering adolescence that science is something they can do and find enjoyable. Four girls from each school are selected to attend with their teachers to visit real labs at the University. Each girl would participate in two different lab activities, usually of physics, chemistry and biology principles. Many participants found that the program has helped in developing a positive attitude towards learning and science; they are more likely to realize that girls and women can participate and contribute to science, which is a male-dominated field.

More Information:

<http://www.chem.ualberta.ca/~wisest>

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Events Calendar

「和平鴿子巧遇優彼特」音樂劇場 Musical Drama on "Integration and Inclusion"

浸會愛群社會服務處健群社
Baptist Oi Kwan Social Service (Kin Kwan Club)
16/3/02 (14:30-16:00) 3413 1641

性別平等與 資訊科技發展 研討會 Seminar on Gender Equality & IT Development

香港婦女中心協會
Hong Kong Federation of Women's Centres
15/4/02 (9:30-16:00) 2386 6256

心連心組合畫集體創作 Mural Painting Project by Persons With Ex-Mental Illnesses and Secondary School Students

東九龍精神科日間醫院
East Kowloon Psychiatric Day Hospital
6/4/02 (10:00-16:00)
2726 1199 內線 Ext 220
(候站頭 Ms. Hui)

「視障人士心目中的卓越 事件選舉」公布結果

"Outstanding Issue(s) Selected by Persons
with a Visual Impairment" Result Announcement
香港失明人協會
Hong Kong Blind Union
22/3/02 (14:30-16:30) 2339 0666
(方小姐/林小姐
Ms. Judy Fong / Ms. Jessica Lam)

公開講座 Talk

主題:「轉危為機」

— 如何協助精神病患者接受治療

Topic: How to help persons
with a mental illness?

浸會愛群社會服務處家屬資源及服務中心
Baptist Oi Kwan Social Service Resource & Service
Centre for the Relatives of Ex-mentally Ill People

24/3/02 (15:00-17:30)
2560 0651
(梁先生 Mr. Leung)

社區活動巡禮 events calendar

新一代傳媒人研討會 —

「傳媒報道與精神病患」 Seminar for Young Reporters – News Reporting on Mental Illness

平等機會委員會/
葵涌醫院
Equal Opportunities Commission
Kwai Chung Hospital
13/4/02 (14:00-17:30) 2511 8211

「男女價值觀」

辯論比賽(總決賽)

"Gender Values" Youth Debate Competition (Final)

平等機會委員會 Equal Opportunities Commission
九龍婦女聯會 Kowloon Women's Organisations Federation
26/5/02 (14:00-17:30) 2740 9000

特殊需要教育 研討會 (由國際專家主講)

Special Needs Education Seminar
Featuring International Expert Speakers

平等機會委員會
Equal Opportunities Commission
22/6/02 (9:00-17:30) 2511 8211

「傷健齊上網」電腦回收計劃 Computer Recycling Scheme – Internet Access for All

香港傷健協會
Hong Kong PHAB Association
2551 4199 (黃先生 Mr. Wong)
活動經已展開 On-going

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EO reaches the community



A representative from the EOC delivers a talk on the Sex Discrimination Ordinance and the Family Status Discrimination Ordinance to residents of Lei Yue Mun. The event promoting gender equality, was organized by the Christian Family Service Centre and funded by the EOC.



Volunteers of the "Barrier-free Community Promotion Project", a Community Participation project funded by the EOC and organized by the South Kwai Chung Children & Youth Integrated Services Centre of the Boys' & Girls' Clubs Association of Hong Kong.



A blindfolded volunteer of the Barrier-free Community Promotion Project went shopping, trying to experience for herself the day-to-day difficulties faced by the visually impaired.

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7/3/02 - Log On Now

7/3/02

LOG ON NOW <http://www.eoc.org.hk>

The world's first bi-lingual (Chinese/ English) EO website ... The EOC Home Page revamp is now underway, with the exciting creation of a new Resource Centre, Video Room and Youth Corner where games and prizes are in store for you!

Also complaints can be lodged on-line when the new look Home Page becomes available on March 7, 2002. Visit our website at <http://www.eoc.org.hk> for the latest in Equal Opportunities and more!



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Free Subscription of EOC News



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