

**June 2002 Issue No. 22**

**Message from the Chairperson - The Business Case for Equal Opportunities**

***The Business Case for  
Equal Opportunities***



Ms. Anna WU, EOC Chairperson

**"Racial and other forms of discrimination have an economic impact on society, according to U.S. Federal Reserve Chairman Alan Greenspan: they reduce profits." <sup>1</sup>**

**Now, more than ever before, building and retaining a diverse workforce with a broad mix of capabilities, talents and perspectives is crucial to business success. Equal opportunity is a key component in developing a diverse workforce and enhancing human resources in today's business world.**

**Many have asserted that there is no equality per se. This is true. What we are advocating is an access right for the individual. It does not lead to sameness or equality in results. Equal opportunity is about development, level playing field, competitiveness and meritocracy, the same values that a business seeks.**

**An essential aspect of business is about getting the best talents. A successful market strategy needs a "free market" of ideas. A motivated workforce enhances productivity and competitiveness. A study by Covenant Investment Management in 1996 on Standard and Poor's 500 found that the annualised return for the 100 companies which rated lowest in equal opportunities issues averaged 8%, compared to 18% for the 100 companies that rated highest in equal opportunities issues. The figures are clear: a motivated work force pays.**

### **The EOC Business Surveys**

Are businesses in Hong Kong recognizing the benefits of equal opportunities? The EOC has recently conducted a series of business surveys to identify how businesses are complying with the law. We find that both employers and employees have a high awareness of the EOC and our impartiality in handling complaints, and consider our functions to be important in relation to their business. Many recognize that an equal opportunities culture lead to a better working relationship, higher work efficiency, employee stability and confidence with the company. The most harmful aspects of non-compliance were also identified.

These are - ruining of the company name, negative impact on employee spirit and tense relationship among colleagues. A significant number of employers surveyed would do something to minimize their liability and are interested in receiving equal opportunities training and information. This research provides useful information for the EOC and we are designing an information kit for Small and Medium Sized Enterprises and developing appropriate training for businesses.

### **Social accountability and profitability**

Increasingly, corporations are required to operate in a fair, transparent and accountable manner. Numerous public and private bodies have responded by establishing standards and norms related to important aspects of corporate governance. The EOC wants to help business realize that they can do well by doing good, and that equal opportunities is good for business while preconceived ideas of capabilities based on gender, disability, family status etc. can affect the morale and contribution of employees.

In fact, business can be an agent and a partner for societal development to sustain its long-term interest in a market. For example, travel agencies in Japan are marketing barrier-free tours for persons with a physical disability. Our Gas Company has recently launched statements in Braille and gas stoves with Braille indicators as well as automatic switch off after a number of hours. The Hong Kong Trade Development Council launched a new voice edition on its trade portal (<http://voice.tdctrade.com>) last month to enable persons with a visual impairment and persons who cannot read Chinese but understand the language verbally to gain access to trade information more easily. These are all encouraging initiatives, which ensure that everyone has the same level of access to information or services. The needs of persons with a disability are taken into consideration not only on the basis of rights but also on the basis of market share. Persons with a disability are also customers. The initiatives expand opportunities for all parties involved.

### **Enhancing Human Capital**

The enhancement of human capital is of particular relevance to Hong Kong. The Chief Executive's Commission on Innovation and Technology sums up the importance of human capital to the development of Hong Kong in its final report in 1999 as follows:

*Human capital is the single most important factor supporting Hong Kong's development into a knowledge-driven and technology-intensive economy... Bringing in additional intellectual capital would boost economic growth and employment in the same way as external financial capital contributes to the economy...*

The role of the EOC is to help Hong Kong enhance its human resources, which creates sustainable development and increases productivity. An equal opportunity environment maximizes our human capital.

<sup>1</sup> <http://www.provant.com/solutions/diversity.asp>

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## Feature Story Bringing EO to your Workplace

### Feature Story

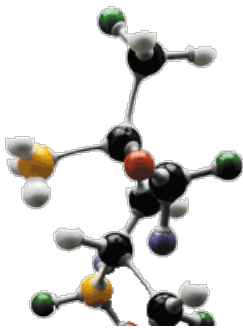
### Bringing EO to your Workplace



"Equal opportunities in the workplace is not only required by law, it is also good for business. Prejudice, which is at the root of discrimination, can restrict an organization's choices in selecting the right person for the right job whereas equal opportunity, which is based on notions of merit and fairness, assists organizations with achieving their business potential," said George Bisas, Special Project Manager of Equal Opportunities Commission (EOC). Mr Bisas who is instrumental in setting the EOC's Training & Consultancy Unit also stressed the need for nurturing a corporate culture that embraces equal opportunities. He said, "Successful companies around the world now recognize that effective implementation of equal opportunity can enhance competitiveness by improving employee performance, and turning a diverse workplace into a significant business asset."

### Our Clients

Knowing that effective implementation of equal opportunities is the key to the success of an organization, the EOC launched its training and consultancy service in November last year. Since then, the Training & Consultancy Unit has delivered training to a wide range of clients, from multi-national corporations to small businesses, from non-profit making organizations to commercial enterprises, including banks, hotels, law firms, government departments, hospitals, universities, schools, and social service agencies.



### Our Performance - Support from the Participants

Ms Sandra Edwards, Managing Director, Head of Asia Pacific Human Resources of Salomon Smith Barney (SSB - a global investment banking and securities brokerage firm), spoke to EOC News after the completion of two workshops for some 20 human resources staff members on "Preventing and Managing Complaints on Sexual Harassment".

Ms Edwards explained why her company was interested in organizing EO training for the staff. "I was aware that similar organizations in other countries offer training services. We contacted the EOC to enquire about services available in Hong Kong. The training conducted related to preventing and managing workplace complaints, and was linked to our policy on harassment. The EO training was conducted for some of the Human Resources staff at Salomon Smith Barney, as part of our ongoing efforts to maintain and further develop our skills. We place a high value on ensuring our employees continue to develop skills and this training was one component of a more extensive development plan." She met with several people from the EOC, including the trainer to develop a common understanding of objectives and for the EOC to explain how it could structure and deliver training to meet SSB's needs. As a result of this and the expertise and experience of the EOC, the training was very relevant and "on target" and incorporated company policies and their implementation. The feedback from participants was very positive and each person felt they better understood how to handle employee issues and felt better equipped to manage discussions with employees. The inclusion of case studies allowed participants to practice their new skills.



Commenting on the trainer's performance, Ms Edwards said, "The EOC trainer made specific reference to SSB's policy and spent time helping to reinforce the steps covered by that policy - thereby ensuring a common approach and consistent application. She brought significant experience to the training. Examples and anecdotes brought the training to

life, and we found the case studies generated good discussion. The trainer facilitated well and created an environment of involvement."

Ms Edwards explained how her company's needs were met, "The training was targeted to cover SSB policy and procedures, and discuss this in the context of the legislative framework and adherence to this. We could have attended external "public" courses, but would have lost the opportunity to discuss how our own firm would deal with any employee complaints. Yes -it was a partnership.

The EOC did not deliver a 'standard' program, but tailored the content to meet our needs. The approach enhanced the interest of participants and the belief that at the end of the program we were better equipped to handle issues that may arise in the future."

The EOC was also requested by the Labour Department to deliver training for some 300 human resources managers. Mr Danny Lau from the Workplace Consultation Promotion Unit (Labour Department) emphasized that understanding the concept of equal opportunities is to promote mutual respect among staff and the importance of cooperation between employers and employees. He said, "We are interested to organize this training to our HR club members who are the human resources professionals in different trades. Feedback from the participants proved that the course was very useful and relevant to their work." Moreover, Mr Lau concluded that complaint cases and court cases quoted for illustration and analysis had helped participants to have a far better understanding of the legislation as well as the vicarious liability of employers. Mr Lau continued, "They found it particularly useful on discussing the impact of the legislation on today's human resources policies."



#### [Training and Consultancy Service](#)

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EO Training Series Fall 2005 - Details ([Word](#) / [PDF](#))

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# 社區活動巡禮

## events calendar

「Teen Teen 平等任務」  
家庭崗位你要知－話劇訓練及社區走訪  
Teens' EO Mission:  
'Get to Know the Rights of Persons  
with Different Family Status'  
Drama and Community Visits

10/7/2002 - 28/8/2002  
香港仔明愛社區中心  
Caritas Community Centre - Aberdeen  
2552 3394 (關先生 Mr. Kwan)

「就業平等你要知」  
講座及工作坊  
Talk on Equal Employment  
Opportunities

14/7/2002 (11:00-13:00)  
樂群社會服務處  
Lok Kwan Social Service  
8107 1333 (梁小姐 Miss Loung)

「與你同在」傷健無界訓練計劃  
Volunteer Training Programme  
for Persons With and Without a Disability

27/7/2002 - 7/9/2002  
香港青年學院及香港傷殘青年協會  
Hong Kong Youth Institute and  
Hong Kong Federation of  
Handicapped Youth  
2368 3617 (楊小姐 Miss Yeung)

「同心攜手獻社群」  
社會服務及宿營  
Volunteer Service and  
Training Camp  
for Persons With and Without an  
Intellectual Disability

6-8/2002  
樂善協會  
Lok Chi Association  
2428 6261  
(劉小姐 Miss Lau)

「傷健共融、齊享機會」  
－日營及展覽  
"Inclusion and Integration"  
Day Camp and Exhibition

7-8/2002  
工業傷亡權益會  
Association for Rights of Industrial  
Accident Victims  
2366 5965 (馮小姐 Miss Elsie Fung)

婦道：中國歷代婦女形象服飾  
Women Festival 2002 -  
Images of Females in Chinese History

29/5/2002 - 28/8/2002  
香港文化博物館  
Hong Kong Heritage Museum  
<http://www.heritagemuseum.gov.hk/>  
2180 8188

2002「戲劇在校園」會議(香港)－  
劇場與特殊教育  
Theatre in School Conference  
2002 (Hong Kong) -  
Theatre/Drama in Special Education

20/7/2002 (09:00 - 21:00)  
香港藝術中心藝術學院、明日藝術教育機構、  
香港教育專業人員協會、香港展能藝術會  
The Art School of Hong Kong Arts Centre, Ming Ri Institute for Arts Education,  
Hong Kong Professional Teachers' Union, Arts with the Disabled Association  
Hong Kong  
<http://artschool.hkac.org.hk/intro/index.html>

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## Disability Discrimination Case -Free Ride Barrier-free?

### *Disability Discrimination Case*



### Free Ride Barrier-free?

**"Do I need to be on a wheelchair to prove that I am a person with a disability? The incident not only humiliated me, it affected my sister as well."**

### The complaint

On December 9, the Free Ride Day of the International Day of People with a Disability, Ah Ling boarded a bus with her sister and showed the driver her Free Ride Card. The Card was issued to persons with a disability who were entitled to enjoy free rides on all kinds of public transport together with an accompanying person on that day.

As Ah Ling was about to put her card back into her wallet, the bus driver shouted at her, "You're not a wheelchair user, right? So you cannot use this card, unless you can produce proof of your disability!" Ah Ling's face turned red as everyone on the bus started to stare at her. Terribly embarrassed, she took her disability card out and showed it to the driver. He glimpsed at it and turned to her sister, "but still, no free ride for you!"



Ah Ling is a person with rheumatoid arthritis, an illness which does not bear any sign of physical disability. Puzzled, she asked "Do I need to be on a wheelchair to prove that I am a person with a disability? The incident not only humiliated me, it affected my sister as well."

### What the EOC did



Ah Ling took down the bus' license number and lodged a complaint with the EOC. She protested, "My sister and I were being harassed because of my disability. Both of us felt offended and humiliated. Persons with a disability should receive the same quality service in using public transport, like everyone else." She demanded an apology from the bus driver, and added that the bus company should review its policy concerning the identity check procedures for passengers

using the Free Ride Card.

The case was settled at an early stage of conciliation. The driver agreed to apologize for harassing the complainant. The bus company also ensured that they would take all possible means to provide courteous services to all passengers, including persons with or without a disability.

### What the law says

"Disability" includes physical, mental, sensory, and the presence of some disease-causing organism in the body. Persons who have no visible signs of disability would often be misunderstood as persons without a disability, in the case of the bus driver, he was insensitive to a person with invisible disability.

Under the Disability Discrimination Ordinance (DDO), disability harassment occurs when a person harasses another person on account of his/her disability, and a reasonable person regards as offensive, humiliating or intimidating.

The DDO stipulates circumstances in fields such as employment, education, provision of goods, services and facilities, where disability harassment is unlawful.

Although an employer, in this case the bus company, did not harass the passenger, the employer would nevertheless be held vicariously liable for the unlawful acts of its employees, i.e. the driver, whether or not the discriminatory act was done with the employer's knowledge or approval.



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# Sex Discrimination Case - New Mother Made Redundant

## Sex Discrimination Case



### New Mother Made Redundant

**"It was obvious that redundancy was only an excuse. That was absolutely unfair to me..."**

#### The complaint

Jenny worked as an accounting officer for a medium-sized trading firm in the past three years. When she was on maternity leave, the management hired a temporary employee to take up her job duties. On her first day back to work, much to her surprise, Jenny was made redundant. She was distressed by her employer's decision, as she saw no reason for her termination.

She then discovered that her employer had kept the temporary employee as her permanent replacement. "It was obvious that redundancy was only an excuse. That was absolutely unfair to me. I followed the company's personnel practice of reporting my pregnancy and taking maternity leave. What could I have done to deserve this?" said Jenny.



#### What the EOC did

Upon receipt of the complaint, the Commission approached Jenny's employer. They claimed that the decision to dismiss Jenny was made on the ground of her poor work performance. "She was dismissed because she was not competent for the post. As an accounting officer responsible for book keeping, she always messed up the entries. These mistakes were just intolerable. The fact that Jenny was pregnant was merely a coincidence," said the employer.

Disgruntled, Jenny asked "Why should they have put up with me for three years if I was really that bad? They should have dismissed me a long time ago, rather than on the day I returned from my maternity leave."

Despite several attempts at conciliation, the two parties were unable to reach a settlement. Jenny decided to bring the case to the court, and was granted legal assistance by the EOC. Just before proceeding to legal action, the employer agreed to settle the case with a monetary compensation.

#### What the law says

Under the Sex Discrimination Ordinance, it is unlawful to discriminate against a woman by dismissing her on the ground of pregnancy. While the dismissal of employees during their pregnancy may be an obvious form of discrimination, the dismissal of women upon their return from maternity leave is less obvious. If the complainant had not been pregnant and gone on maternity leave, she would not have been replaced and then subsequently dismissed.



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## "Gender Values" Youth Debate Competition

### "Gender Values" Youth Debate Competition

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Results of the Final Competition held on 26 May 2002 are as follows:

Champion	:	Kowloon True Light Middle School
1st Runner-up	:	Jockey Club Ti-I College
2nd Runner-up	:	Munsang College
3rd Runner-up	:	SKH All Saints' Middle School
Best Debater (1st round)	:	Yan Chi-ting, Munsang College
Best Debater (2nd round)	:	Cheung Hiu-ming, Kowloon True Light Middle School

You can listen to audio clips of the event - [Click Here \(Chinese Only\)](#), which was jointly organized by the Equal Opportunities Commission and the Kowloon Women's Organizations Federation.

## Around the World



### Around the World



In USA, the UPPITY Theatre Company welcomes persons with disabilities and non-disabled participants to perform in their productions. The troupe from St. Louis is diverse in race, ethnicity, education, religion, sexual orientation, physical ability and performance experience. Their newly launched DisAbility Project endeavors to empower individuals and enhances public awareness about disability. The actors are given the opportunity to demonstrate their abilities and share their visions of life through drama performances. Besides visiting and staging performances in schools, corporations, civic and religious groups, the UPPITY is now creating a TV documentary to promote the important

message of "Equal Opportunities for All!"

More Information:

<http://www.disabilityproject.com>



In Australia, a travel agency offers tailor-made tours for persons with a disability. During the past 5 years, the company has provided four-wheel drive adventure and recreational tours for people with an intellectual or physical disability. "Witnessing their determination and belief in their abilities ?not their inability has always made a profound impression on me," said the tour operator. All tours are conducted in a modern, air-conditioned, 20 passenger four-wheel drive bus fitted with a wheelchair hoist. An accessible shower and toilet is also available. It is hoped that every person, no matter what his or her disabilities are, has the opportunity to enjoy the beauty of the world.

More Information:

<http://www.abletours.com.au/tour.htm>

In the United Kingdom, a man who claimed his application to become a housing manager was rejected because of his sex has won his case in court. Paul Jepson applied for a management post at a sheltered housing scheme and part of the selection process involved him meeting the residents. He was not appointed and was told one of the reasons was that he had not related well to the residents. He argued that the real reason was that the residents preferred a woman. He then lodged a complaint with the Equal Opportunities Commission (EOC). The Broadlands Housing Association settled Mr. Jepson's claim and agreed to work with the EOC to review its employment policy.



More Information:

[http://www.eoc.org.uk/cseng/news/16\\_January\\_Jepson.asp](http://www.eoc.org.uk/cseng/news/16_January_Jepson.asp)

"Can a pregnant woman play sports?" While many people think that pregnant women should stop playing any kind of sports, there are medics advocating the opposite. At the Pregnancy Forum held recently in Sydney organized by the Australian Sports Commission, a participating doctor warned that physical inactivity contributes to women suffering from heart disease, osteoporosis, obesity and high blood pressure. The benefits of staying active and continuing sports at some level throughout pregnancy outweighed the potential risks. After some more discussions, experts reached a consensus that it is up to the individual woman on advice from her doctor as to whether she participates in sports when pregnant. The decision to play or not should be on a case by case basis, depending on the nature of the sports, the player's attitude and health, and the opinion of her doctors.



More Information:

<http://www.womensportnsw.com.au/news.htm>

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## EO Reaches the Community

### EO reaches the community



Visitors from the International Social Service Hong Kong Branch and George Bisas (2nd from left, centre row), EOC's Special Project Manager participated in an experience sharing session.



"Wheelchair Dance" performed by persons with an intellectual disability at an event organized by the Hong Kong Family Welfare Society (HKFWS)- an activity funded by EOC.



African drums played by children with and without a disability during a variety show organized by Heep Hong Society Wan Chai Centre, and funded by EOC.



Secondary school volunteers now gain a better understanding of persons with an intellectual disability through a special training programme organized by the HKFWS.



Over 1000 visitors waited for their turns at the game booths. They were participating in the "Working Hand in Hand for a World of Integration and Inclusion" Variety Show.

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## First Equal Opportunities Mural in Hong Kong

### First Equal Opportunities Mural in Hong Kong

You can see our new mural, carrying the message of "Inclusion & Equality for All" at the children's playground in Oi Man Estate in Homantin. Many thanks to Kowloon City District Council and the Housing Department for sponsoring the special project.



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## EO in the Classroom

### EO in the Classroom

SKH Tang Siu Kin Secondary School (Wan Chai District) launches its Equal Opportunities programmes this year, with an Inter-Class Notice Board Design Competition. Let's share with the winners!



Students and the winning designs

"While we are glad that we have won the competition, it is the learning process that matters. We now understand the adverse effects of discrimination in a society, and we can all help to promote equal opportunities in everyday life," said the students.

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