

Work Review

Work Review

Throughout 2005, the Equal Opportunities Commission had widened its strategic relationships with a broad spectrum of key stakeholders in the public, private and community sectors to eliminate discrimination. This is an indicator of mainstreaming equal opportunities, since many more organizations are now working alongside with us to advocate our values.

Growth in Complaint Figures

2005 was an eventful and busy year. The total number of complaints received under the three anti-discrimination ordinances increased by 18% from 595 in 2004 to 701 in 2005.

Complaints received under the Disability Discrimination Ordinance (DDO) grew by 26% to 454 in 2005, compared with 360 in the previous year. Under the Sex Discrimination Ordinance (SDO), complaints remained at a similar level, 223 in 2005 against 214 in 2004. Under the Family Status Discrimination Ordinance (FSDO), 24 complaints were received compared with 21 in the previous year, representing an increase of 14%.

In handling all complaints, continuous efforts were made to reach conciliation. In 2005 the Commission has been able to achieve a higher conciliation rate of 66%, as compared to 61% in 2004 and 53% in 2003.

	2004	2005	%
殘疾歧視條例 DDO	360	454	
性別歧視條例 SDO	214	223	
家庭崗位歧視條例 FSDO	21	24	
總數 Total	595	701	+18%

2004年及2005年投訴個案比較
Comparison of Complaints Received (2004 and 2005)

Enquiries Statistics

During the year, the EOC continued to work with members of the public as they approached us with their enquiries and complaints on a range of issues relating to different kinds of discrimination. The enquiries more than doubled from 12,401 in 2004 to 26,679 in 2005. The sudden rise in specific enquiries was triggered by 12,585 enquiries and written views expressed on sexual orientation.

查詢數字 Number of enquiries received	2004	2005	%
一般查詢 General enquiries	7,031	7,930	+13%
具體查詢 Specific enquiries	5,370	18,749	+249%
性別歧視條例 SDO	1,316	1,336	
殘疾歧視條例 DDO	2,615	3,246	
家庭崗位歧視條例 FSDO	138	183	
關於平等機會委員會 About EOC	559	678	
不在委員會管轄範圍 Outside jurisdiction	742	13,306*	
總數 Total	12,401	26,679	+115%

* 包括12,585宗有關性傾向的查詢及意見
Including 12,585 enquiries and written views expressed on sexual orientation

Major Cause of Complaints: Dismissal

Despite that Hong Kong's economy had rebounded last year, dismissals continued to be the major cause of complaint as pregnant women and disadvantaged groups faced job loss. The number of complaints relating to dismissal under SDO and DDO rose from 207 in 2004 to 255 in 2005, an increase of 23%. Among those 255 complaints, 59 cases of pregnancy discrimination were lodged under the SDO. Of the other 175 dismissal cases related to disability discrimination, 70 cases were about the issues of sick leave and work injury. The dismissal cases came mainly from service and property management fields.

與解僱有關的投訴個案 Complaints relating to dismissal	2004	2005	%
與懷孕有關的解僱投訴 Complaints involving pregnancy	52	59	+13%
與工傷及病假有關的解僱投訴 Complaints involving sick leave and work injury	41	70	+71%

Highlights of Complaints received under the Disability Discrimination Ordinance (DDO)

Complaints Relating to Work Injury and Sick Leave

The number of complaints relating to work injury and sick leave more than doubled that of 2004, rising from 27 in the previous year to 61 in 2005. Complaints relating to sick leave also increased to 61 in 2005, compared with 27 in 2004. This trend is likely to be a result of employees' improved awareness of their rights and protection under the legislation. It is unlawful under the DDO to discriminate against a person because of his/her disability. If an employee has sustained work injury and has taken a longer period of sick leave, the employer should consider providing accommodation to help the employee, unless it becomes unjustifiable hardship for the employer to do so.

按《殘疾歧視條例》提出的投訴 Complaints under DDO	2004	2005	%
工傷 Work injury	27	61	+126%
病假 Sick leave	27	61	+126%

EOC-initiated Investigations

The EOC also takes action on complaints with regard to unlawful acts brought to our attention by third parties, or aggrieved individuals who do not wish to be involved in the investigation or conciliation process. Under these circumstances, the Commission approaches the concerned parties to inquire into the matter and advise that they rectify the situation.

During the year, we received 54 such complaints under the DDO, which mainly focused on accessibility issues. This type of complaint increased more than 3 times to 54 as there were only 13 cases in 2004. It showed that lack of access to premises was still a major barrier to people with a disability. The EOC believes in a barrier-free environment where people with or without disabilities can enjoy equal opportunities to develop to their fullest potential. We took action on 55 such cases last year and were successful in bringing improvement to more than 40 cases. We will continue to work with rehab groups, community organizations, transport operators and government departments to improve access for persons with a disability.

Highlights of Complaints received under the Sex Discrimination Ordinance (SDO)

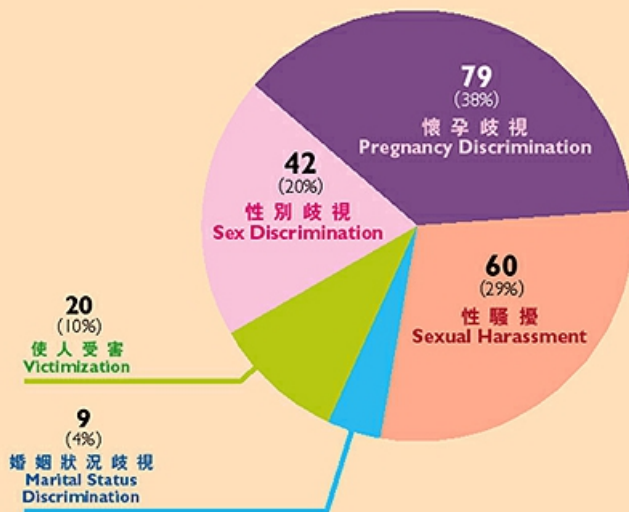
Complaints received under the Sex Discrimination Ordinance (SDO) remained at a similar level, 223 in 2005 against 214 in the previous year. The patterns of complaints were similar to those in the year before.

Pregnancy and sexual harassment complaints made up the majority of sex discrimination cases. Pregnancy discrimination continued to top the list, totaling 79 cases which constitute about 38% of complaint investigations. In 2004, there were 80 cases. Our investigations showed that many pregnant women had been unfairly fired, or denied promotion and other staff benefits. It is clear that employers are still discriminating against their female staff on the ground of pregnancy.

Under the SDO, 60 sexual harassment complaints formed the second largest category of cases lodged, constituting 29% of our complaint investigations. It was of concern that sexual harassment was still prevalent in the workplace.

投訴個案分類 Breakdown of Complaints (總數 Total number: 223)

投訴調查 Complaint Investigation (總數 Total number: 210)



主動調查 EOC-initiated Investigation (總數 Total number: 13)

Legal Assistance

When conciliation fails, the complainant can apply to the EOC for legal assistance. In our consideration to offer assistance, we would need to decide 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, the Commission provided legal assistance in 19 cases, with 14 cases settled out of court.

Looking Ahead

The government's move to legislate against race discrimination will be a significant step for Hong Kong. In anticipation of accepting responsibility for its implementation, the EOC is currently preparing a plan of action to assist all stakeholders in understanding and complying with the new law when it is enacted.

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EOC Annual Report Available NOW

EOC Annual Report Available NOW

A review of the EOC's work in 2004/05 is contained in our newly released annual report, copies are available to the public upon request.

Tel: 2511-8211



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EOC Reaches the Community

EOC Reaches the Community



Inspired by a drama performance presented by Concealed Life, students are eager to voice out their views on gender roles in a traditional family.



Art for all — a special mime performance by a group of hearing impaired volunteers from the Haven of Hope Christian Service.



Chinese YMCA of Hong Kong recruits a group of young artistic volunteers to create a mural espousing human dignity and empathy for those who are less advantaged.

(Projects funded by the EOC)

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Alternative Route

Alternative Route

These days, female journalists are no longer a rare sight, but senior management of many news organizations are still comprised mostly of men. In 2005, Fanny Fung scored a double first, she became the first local Chinese and the first woman to become Editor of the century-old South China Morning Post. No mean feat indeed, as many outsiders had long considered it almost insurmountable for a Chinese to head the most influential English language newspaper in town.



Her DJ Dream



Fanny joined 9 other mentors in this year's EOC "Career Challenge" programme to share their experience of breaking barriers to succeed in their respective fields. She told a large audience of secondary students to grasp every opportunity that they would encounter.

Fanny revealed that as a teenager, she was not interested in the English language. Despite studying in a school where subjects were taught in English, Fanny seldom read English books or newspapers. However, like her peers, she was a radio fan. English pop songs were her favorite, and she spent most of her time glued to the radio. In 1984, when she finished Form 7 and was waiting for her admission results from the universities, she took the initiative of applying to become a radio disc jockey. To her disappointment, the radio station was not hiring. Undeterred, the persistent young woman took another route and knocked on the door of the station's newsroom. Even though she was inexperienced, Fanny was hired and became the only Chinese reporter of Commercial Radio's English newsroom at the time.



Her Passion

Looking radiant and energetic, her 21 years in the business have not worn her out. It was obvious that news remains her passion.

From Commercial Radio, ATV World Channel, Cable TV, The Standard, to the SCMP, Fanny has made significant strides from a junior reporter to become editor-in-chief. Earlier in her career, she was sent to the BBC to receive journalism training, and managed to complete a master's degree in journalism at the University of Wales amid her tight schedule. People within the media attributed her achievements at such a young age to the "flame" in her heart, her passion for journalism. Working on average a 14-hour day, she seldom takes holidays, and admits that she finds great satisfaction in her work. She could barely conceal her excitement when she talked about interesting news stories with her Career Challenge mentees.



But her tone changed when she talked how she missed a major news story in her early years. Fanny was in Beijing to cover the visit of Sir Edward Youde, the then governor of Hong Kong. After the official visit was over, she joined other reporters for a tour of the Great Wall. The outing cost her dearly, as she and the others missed the governor's sudden death. She told the young students of the lesson she had learned, that as a journalist, nothing should be taken for granted and one should remain vigilant at all times.

Gender Equality



Fanny's family had objected to her joining the news business, as they thought such a career was too tough for women. But job satisfaction has given her the incentive to persevere. Looking back, she recalled the years she spent as a TV journalist. One of the challenges she faced was physical, carrying heavy camera equipment whenever she was on overseas assignments. But this was nothing compared to the emotional turmoil she faced when she covered major disasters. One time, she was sent to Thailand to report on a plane crash. Fully aware that the hospital there would be packed with dead bodies, she braced herself and went in with the cameraman. Fanny did not consider herself weaker, just because she was a woman. She thought she should be treated equally as her male colleagues. Over the years, her ability won her the trust of her colleagues, and this has facilitated her work.

As the editor, Fanny says she assigns work based on equal opportunities. "For assignments in a disaster area outside Hong Kong, circumstantial factors would be considered. For instance, I may consider whether female reporters will face more difficulties in terms of accommodation and washroom facilities. But in reality, both male and female reporters are assigned such duties," said Fanny. "If it is a headline story, however, gender is an irrelevant factor. The stories are definitely assigned according to the reporters' abilities." When asked to interpret the phenomenon that most editors-in-chief were men, Fanny said one reason could be that most women were more likely to consider their families before their careers. Journalists in the dailies usually work until midnight, sometimes as late as 3:00 am or 4:00 am. Facing the difficult task of juggling family with work, prospects for some women in the print media is limited.



A Road Worth Traveling



Unlike quite a number of senior journalists at the SCMP who have worked there for over three decades, Fanny joined the Post as Deputy Editor just less than two years ago. Sheer hard work and her sincere attitude have helped Fanny gain the trust of her colleagues. She believes in internal communication and to build a strong team, she feels that they must all stand together as one. Her colleagues come from different parts of the world, so communication is of paramount importance. By understanding others' points of view, Fanny is able to break cultural barriers and co-operate with her colleagues. Her acceptance of different cultures and her willingness to put aside differences to seek common ground is in line with the spirit of equal opportunities.

Fanny became a journalist only because the door to becoming a DJ was closed. But while one door was shut, another opened. Little did she realize then, that there would be so much to see and gain in her career as a journalist. She inspired Career Challenge mentees with her own experience, "My A-level results weren't that good. And I was unable to become a DJ, which was what I really wanted to do, so I was quite depressed at the time. But there is a big wide world out there, we shouldn't get ourselves into a rut," she encouraged young people to equip themselves with knowledge and never give up on any opportunity.

For a summary of the mentors' sharing in "Career Challenge 2005" visit the EOC website at <http://www.eoc.org.hk>.

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Disability Discrimination Case

Disability Discrimination Case



The Complaint



Mark, a wheelchair user, finds going to the bank in his neighborhood an uphill battle. In order to avoid the inconvenience of lining up for balance inquiry over-the-counter, he prefers to use the update machine. But that is where his woes begin.

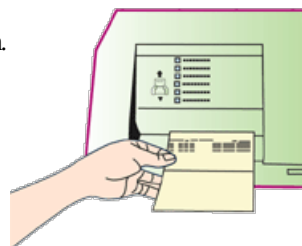
Separated from the bank's ATM centre inside the branch office, the passbook update machine is located next to the elevator near the main entrance of the neighborhood shopping mall. Mark complained, "There was a step of a few inches at the entrance of the shopping mall and another step in front of the machine. I had thought of entering the mall through the bank, but there was a glass panel blocking the doorway."

"For me, the machine is completely inaccessible! I am sure there are many who, like me, are frustrated every time we try to use the passbook update machine.

What the EOC did

Mark was represented by a rehab organization to lodge a complaint with the EOC against the bank. After receiving the Commission's notification letter, the bank opted for early conciliation.

It was agreed that the passbook update machine be moved to the ATM centre inside the branch office and the glass panel blocking the doorway removed. The modification improved the accessibility of the bank's automated services. The bank also issued a letter of apology to Mark.



What the law says

Under the Disability Discrimination Ordinance, it is unlawful to discriminate against a person on the ground of disability in the provision of means of access to premises. In considering the installation of facilities in premises that the members of the public are entitled to use, physical constraints that would limit accessibility to the facilities or premises by wheelchair users should be taken into account. Barrier-free access is an important element in facilitating independent living for persons with disability.

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Family Status Discrimination Case

Family Status Discrimination Case

雙職太太不易做 A Desperate Housewife

The Complaint



Jane applied to enroll in a secretarial training course offered by a community organization. She was invited to attend a selection interview. "At first, Ms Chan, the interviewer, was enthusiastic in explaining to me the course details, but her attitude changed when she found out more about my family background," said Jane.

"I am a full-time homemaker and a mother of two. Now, with my children getting older, I wanted to gear up myself to get into the job market again. But it was discouraging to hear from Ms Chan that most employers would prefer to hire candidates without kids. Although I had already informed her of my plan to send my children to day care once I get a job, she still rejected my application. She

suggested that I take the domestic helper training course instead."

Jane felt that she was being discriminated against because of her family responsibilities (i.e. looking after her two children), and therefore lodged a complaint with the EOC.

What the EOC did

In response to Jane's complaint, the EOC investigator approached the centre-in-charge of the community organization, the respondent of the case, and explained to him the Family Status Discrimination Ordinance in relation to the provision of goods, facilities or services. Both the complainant and the respondent agreed to settle the case by early conciliation.

The centre-in-charge agreed to issue a written apology to Jane, and undertook not to consider an applicant's family responsibilities when admitting students in the future. It was also agreed that training on equal opportunities law would be provided on a regular basis to the centre's staff.



What the law says



Under the Family Status Discrimination Ordinance, it is unlawful to discriminate against a person with family status in respect of goods, facilities or services such as those received from community organizations, hotels, cinemas, restaurants, or retail shops. Family status means the responsibility for the care of an immediate family member. An immediate family member is a person who is related by blood, marriage, adoption or affinity. Therefore, in this case, the community organization should not refuse Jane's application for course enrollment because of her family responsibilities.

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Around the World

Around the World

Improved Access to State Parks

In California, persons with disabilities will have greater access to trails and services at 278 state parks. The improvement work will be completed over the next 11 years, with an estimated cost of over US\$100 million. Campgrounds and hiking trails will become wheelchair-accessible and sign language interpretation service will be made available to some tours.



The proposed changes are the terms of settlement in two class-action lawsuits filed by Californians for Disability Rights and the California Council of the Blind in 1998 and 1999 against the state Department of Parks and Recreation for violating the federal Americans with Disabilities Act of 1990. The improvement work will be monitored by an outside expert in disability access and enforced by a federal court.

Information source:

<http://www.signosandiego.com/news/state/20050713-9999-1n13parks.html>

Take Your Daughter to Work

More than 20,000 Swiss schoolgirls have accompanied their father or mother to work for one day.



The 5th national "Take Your Daughter to Work Day" aims at removing prejudices and broadening the range of professions and careers considered by girls. The job market in Swiss is still not mixed, and 3 out of 4 girls continue to choose careers in education, the healthcare sector or sales. The yearly event may inspire the schoolgirls to choose a career path of their own and to begin thinking about what the future holds in store and how they themselves can achieve success. On the other hand, by demonstrating to colleagues the role as a mother or father, this helps foster understanding about the multiple responsibilities as an employee and as a parent.

Information source:

<http://www.swissinfo.org/ser/swissinfo.html?siteSect=107&sid=6226716&cKey=1131550956000>

Talking Glove Speaks for the Hearing Impaired

An electronic glove that can turn sign language gestures into spoken words or text has successfully been developed by the students of Singapore's Ngee Ann Polytechnic.

After wearing the skin-tight glove with built-in sensors, the hand signs of a hearing impaired person will be captured and converted into voice, enabling other persons to understand what the hearing impaired person is trying to communicate with hands. The reverse process is also possible. The speech of a person can be converted into text and then displayed on a pocket PC for the hearing-impaired person to read.



The new invention allows for quick and handy two-way communications between persons with and without hearing impairment.

Information source:

http://it.asia1.com.sg/newsdaily/news001_20051110.html

Art of Stopping Violence Against Women

Amnesty International has launched an exhibition of contemporary art from around the world that aims to make people think about the impact of violence against women on their lives. The organizer also invites visitors to "imagine a world without violence against women" and their responses in the form of poem, picture, text messages, and etc. will form part of the exhibition.

A recent survey in the UK has found that there is a high tolerance of violence against women - around a third of people think that hitting a woman is not a big deal under certain circumstances, for example if she is nagging, and female victims are responsible for rape.

Information source:

<http://www.amnesty.org.uk/svaw/>

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社區活動巡禮

EVENTS CALENDAR

「心意傳送互關懷」—
填色、心意咭設計及海報設計
比賽
“Care for One Another” —
Colouring, Card Design & Poster
Design Competitions
31/3/2006
(截止日期 Deadline)
香港中華基督教青年會華愛之家宿舍
Chinese YMCA of HK, Home of Love - Wah Fu Hostel
2538 9899
www.ymca.org.hk

「平等融合展創意」—
動畫設計比賽頒獎禮、動畫播放、
講座及表演
“EO Brings Creativity” — Prize
Presentation, Animation Show, Talk
& Performances
18/2/2006
聖雅各福群會復康服務社交康樂中心
St. James Settlement Rehabilitation Services Social &
Recreation Centre
2835 4337

基本愛滋病知識訓練
Introductory Workshop
on AIDS
11/3/2006
香港愛滋病基金會
Hong Kong AIDS Foundation
2560 8528

2006年度「愛之節」
嘉年華會
AIDS Carnival 2006
26/3/2006
聖約翰座堂「愛之家」
諮詢及服務中心
St. John's Cathedral
HIV Education Centre
2523 0531

「技能分享、教學相長」
共融計劃
Social Inclusion Programme:
Mental Development through
Teaching and Learning
12/2005 - 4/2006
精神健康急救課程
Mental Health
“First Aid” Training
12/2005 - 4/2006
香港心理衛生會
Mental Health Association of Hong Kong
2528 4656
www.mhahk.org.hk

平等社會繽紛日
EO Fun Day
25/2/2006
飛雁幼稚園
Fei Ngan Kindergarten
2354 7003

男士會
Men's Club
19/1/2006 - 16/3/2006 (7:30-9:30)
(每月第三個星期四 The 3rd Thur. of each month)
明愛屯門綜合家庭服務中心
Caritas Integrated Family Service Centre - Tuen Mun
2466 8622

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A big thank-you to all of you who responded to our newsletter survey. Your comments were valuable and encouraging. Improvements are on the way to make this newsletter more user-friendly. And remember, your opinions are always welcome.



Please contact us for your free subscription of EOC News.

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

Email: eoc@eoc.org.hk

Fax: 2877 7600

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Removal Notice

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With effect from April 2006, the office of the Equal Opportunities Commission will be relocated to:

19/F., Cityplaza Three, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong

Website address, hotline and fax numbers will remain unchanged:

Tel : (852) 2511-8211

Fax : (852) 2511-8142

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

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Our EO Partners

Our EO Partners



Liao Tong-mei (artist of this EOC News cover), who was born with cerebral palsy, shares her joyful moment as a recipient of Hong Kong Ten Outstanding Young Person Award 2005 with EOC Chairperson Mr. Raymond Tang; Secretary for Health, Welfare and Food Dr. York Chow; EOC Member Mrs. C.S. Chong; friends and family.



EOC Chairperson Raymond Tang receives a souvenir from Madame Gu Xiulian, Vice-chairwoman of the Standing Committee of the National People's Congress and President of All-China Women's Federation, before delivering a speech about Hong Kong's Family Status Discrimination Ordinance at a seminar organized by the Women's Association of Macau.



EOC Chief Operations Officer Josiah Chok (first left) took part as a speaker in the "Sex & the Law Forum" organized by Radio Television Hong Kong. The seminar attracted hundreds of young participants.

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