

## Ten Years On



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Since September 1996, the Equal Opportunities Commission (EOC) together with over 1000 community partners have been working towards improving equal access to opportunities for men and women, including persons with a disability. Ten years on, changes have been achieved, advances made, but more remains to be done.



## FACTS & STATISTICS (September 1996 - August 2006)

### Individual Redress

Enquiries received	117,816	Conciliation attempted	2,806
Complaints received	6,641	Conciliation successful	1,733 (success rate: 62%)
Cases initiated by the EOC	945	Total monetary compensation settled for complaints	HK\$26 million
Investigation concluded	7,321		

### Legal Assistance

Number of applications for legal assistance	367
Legal assistance granted	153
Settlement before commencement of proceedings	44
Settlement after commencement of proceedings	33
Trials of EOC assisted court cases	14
Others	62
Total settlement (including damages awarded by court and out of court settlement)	HK\$23 million

## EFFECTING CHANGE



- Sex Discrimination - As a result of our application for a judicial review in relation to the Secondary School Places Allocation System (SSPA), the High Court declared the system discriminatory and unlawful according to the Sex Discrimination Ordinance in June 2001. The gender-biased features of the SSPA have since been removed.
- Disability discrimination due to family history of mental illness - A total of HK\$2.8 million was awarded by the District Court in September 2000 to three plaintiffs who experienced discrimination in employment due to mental illness of their family members. The judgment highlights the concerns that genetics should not be used to discriminate against or stigmatize individuals, and underlines the need for the government to review its recruitment policies, to ensure that they are fair and unbiased, and that they comply with the law.
- Pregnancy discrimination - Judgement was given out in February 2001 to the first case of pregnancy discrimination in Hong Kong. The case makes it clear that employers are held vicariously liable for the unlawful acts of its employees.
- Sexual harassment - The defendant was ordered by the court in 1998 to pay \$80,000 in damages plus legal fees, and write an apology for sexually harassing the plaintiff. The plaintiff, a former female university student, was filmed by a video camera secretly installed in her dormitory room by the defendant for over five months.
- The EOC took legal action after many attempts to conciliate a case of harassment and vilification against patients and health workers of Kowloon Bay Health Centre in 2000 and successfully negotiated an out of court settlement in January 2002. The Centre is now running smoothly.
- The EOC issued the Code of Practice on Education under the Disability Discrimination Ordinance in 2001 to facilitate inclusion in our schools. The number of primary schools adopting the whole school approach to integrated education has risen from 40 in 2001 to 240 in 2005, representing one-third of all primary schools in Hong Kong.
- Universal Design - Improving accessibility of buildings and public transport for persons with a disability remains a priority for the Commission. The EOC has been advocating universal design which means providing better facilities and services for everyone, including persons with disabilities.

- In 1999, the EOC set a precedent in Hong Kong by launching its revamped websites, featuring six modes (including text-only modes, monochrome modes and the regular coloured modes) to enable all web surfers to browse our homepage.

Our report released in 2000 found that out of 163 public sector homepages in Hong Kong, only 20% passed the Bobby Test, an on-line accessibility check for web users. The government has since issued new guidelines for improvement. We have also worked with many IT professional organizations in advocating the concept of "IT for All".

- The EOC working with the Hong Kong Association of Banks set accessibility standards for new ATMs in April 2003.

- Rights of mental patients enhanced - Following an enquiry instigated by the EOC, since 2001, the Hospital Authority has adopted a new procedure which allows mental patients to be informed, as a matter of course, their right to appeal their case before a judge upon compulsory admission to a mental health hospital.

## PROMOTING EQUAL OPPORTUNITY



- Youth programmes - 350,000 young students have participated in our drama performances, school programmes and mentorship exchanges.
- Community Participation Funding Programme - Over 500 awareness-raising programmes have received funding totalling \$7.5 million.
- Training - More than 300,000 people have attended over 3,555 conferences, seminars, free talks and tailor-made training programmes to learn about the equal opportunities ordinances.
- Media - An average evening audience of 1.3 million on TVB Jade have watched 29 episodes of our popular TV docu-drama series co-produced with RTHK, "A Mission for Equal Opportunities". Other programmes with Cable TV's Children Channel, and a variety of radio programmes with Commercial Radio, Metro Radio and RTHK, have also been well received.
- Publications and resources - Since 1996, we have distributed over 6 million copies of our publications to the Hong Kong community. These include guidelines, training modules, good management practices and information pamphlets.



## UNDERSTANDING EO



The EOC has released 18 related studies and papers on equal opportunity issues including gender, disability, family status, stereotypes, web accessibility, employment, insurance, mental health and family-friendly employment policies and practices. For details, please check the EOC website : <http://www.eoc.org.hk>.

### Surveys and Research

1. A Baseline Survey of Equal Opportunities on the Basis of Gender in Hong Kong
2. A Baseline Survey on Employment Situation of Persons with a Disability in Hong Kong
3. Survey on Public Attitudes Towards Sex as a Genuine Occupational Qualification
4. Statistical Analysis on Census Data on Gender and Disability
5. Feasibility Study on Equal Pay for Work of Equal Value
6. A Baseline Survey on Public Attitudes towards Persons with a Disability
7. Survey on Obstacles to Persons with a Disability in Non-Employment Fields in Hong Kong
8. Research on Family Status Discrimination
9. Research on Content Analysis of Textbooks and Teaching Materials in Respect of Stereotypes
10. Report on Web Accessibility of Public Service Homepages in Hong Kong
11. A Baseline Survey of Students' Attitudes towards People with a Disability, Gender Stereotypes and Family Roles
12. Survey on Employees and Employers of Medium to Large Enterprises (MLE)
13. Survey on Employees and Owners / Operators of Small and Medium Enterprises (SME)
14. Discussion Paper on Insurance Issues under the Anti-discrimination Legislation
15. A Study on Mental Health Service Users' Perception and Experience of Discrimination in Hong Kong
16. Telephone Survey: Women's Knowledge of the Convention on the Elimination of All Forms of Discrimination Against Women
17. Survey on Public Awareness and Perception of the EOC
18. Study on Family-Friendly Employment Policies and Practices (FEPPs) in Hong Kong

## 10th ANNIVERSARY YEAR PROGRAMME

A 12-month programme of events and activities kicks off this October, to engage more members of the public to understand and support equal opportunities in Hong Kong. For details, please refer to our website.

**10/2006**

- The inauguration of the Equal Opportunities Club launches our anniversary programme. The EO Club is designed to implement equal opportunities in the workplace for employers and employees.
- Tune in to the Equal Opportunities Diversity Project, every Friday until 4 May 2007, at 1:00pm - 3:00pm on RTHK Radio 2 (FM94.0 - 96.6).



11/2006



- A series of roving exhibitions "Ten Years On" will be held at the following venues to showcase the impact of equal opportunity:

Hoi Fu Shopping Centre (Mongkok)	24-30 Nov 2006
Island Resort Mall (Siu Sai Wan)	1-6 Dec 2006
Sau Mau Ping Shopping Mall (Kwun Tong)	5-11 Dec 2006
Cityplaza, Taikoo Shing (Island East)	11-16 Jan 2007

We shall announce more venues as they become available in the new year.

- An educational module based on the award winning TV docu-drama series "A Mission for Equal Opportunities" (co-produced by the EOC and RTHK) will be distributed to all schools, NGOs and the business sector.
- The new "Career Challenge Ambassador Scheme" will be launched in all schools to promote the message of breaking down stereotypes for girls and boys.
- The EOC will disseminate information at the World SME Expo, organized by the Trade Development Council (29 November - 1 December 2006).

12/2006

- Powerful Images of Harmony  
- A photo competition to promote racial harmony, inclusion and diversity in everyday life.
- Developing our Youth - The EOC and the Hong Kong Scouts' Association will hold workshops for 4,000 young persons at Western Kowloon Cultural District (27 December 2006 - 1 January 2007).



**1/2007**

- Advances in Equal Opportunity - A commemorative publication will become available in 2007.

Watch out for more events in 2007 by visiting our website at  
<http://www.eoc.org.hk>

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## The Inclusion Solution

## The Inclusion Solution



Low level counter top for wheelchair users.

**Do you employ people? Do you provide services or sell goods to customers? If you do, how much thought have you ever given to the needs of persons with disabilities, who may be your potential customers or service recipients?**

### Barrier-free to Business Success

According to the Special Topics Report (STR) Number 28 on "Persons with disabilities and chronic diseases" published by Census and Statistics Department in 2001, the number of persons with disabilities and chronic illnesses in Hong Kong reached 1.08 million. The report's figures show that the local population is aging, and more people are losing hearing, vision and mobility as the years progress. "Providing an accessible environment not only avoids the risk of legal actions and achieves better branding by demonstrating social responsibility, it makes good business sense for widening the market share for customers with disabilities, their family members and friends," explained Kitty AU, Consultant Architect of the Environmental Advisory Services (EAS) of the Rehabaid Society.

### Solutions Made Easier



Induction loop system- an assistive listening tool for hearing impaired persons.

As a statutory body charged with implementing the Disability Discrimination Ordinance, universal design was a top priority for the Equal Opportunities Commission when it moved to Taikoo Shing a few months ago. To achieve this, we engaged different users and rehabilitation groups, and took into account their needs and concerns. Ms AU, who offered free expert advice to the Commission explained, "The philosophy behind 'universal design' is while 'barrier-free' focuses on allowing for access by persons with disabilities, 'universal design' aims at building facilities and environments that enable

access for everyone, regardless of age, gender or health. This approach puts resources to much better use, by ensuring that everyone can equally enjoy the provision of built facilities and environments".

"Many would think that creating an accessible environment is expensive and difficult. On the contrary, often it involves just a few subtle modifications. Expensive materials are not a must and there are always alternatives. For example instead of a metal plate inscribed with Braille, we can use transparent stickers. Many different types of ready-made handrails for disabled toilets are available at reasonable prices," explained Kitty AU. "The role of an architect is to balance the aesthetics of design, physical limitations and available resources," Kitty AU continued.

EAS renders access audit service, i.e. check walks to premises and provision of advice to identify

design solutions for physical barriers. A walk and talk access audit without provision of an access audit report is a free service for individuals with special needs and non-profit making organizations, while the commercial sector could commission their services at a nominal fee (EAS hotline & website: 23643626, <http://www.easrs.org>).



Material used for Braille could be a metal strip at the door or a comparatively inexpensive sticker on the door handle.

### EOC - The Accessible Workplace

"It is a major undertaking to create an environment that is as easy and convenient as possible for every person whom we come into contact with, be it employee, client or community member. We want to create an environment that is safe, functionally efficient, and most importantly, accessible for persons with and without disabilities," said EOC's Director of Planning and Administration Michael CHAN. The EOC Office features automatic doors, wide aisles, wheelchair height counters, and induction loop systems (electronic sound aids) have been installed for hearing impaired visitors. Notices in Braille are also available for the visually impaired.

To further assist visitors, the Commission's name has been added to the exit directory in the Taikoo MTR Station. Improvements under discussion with various organizations include possible installation of Braille for lift buttons and audible signal equipments at pedestrian crossings enroute to the EOC Office.

### Agenda for Action



A unisex disabled toilet, also with baby changing facility.

"We are glad that the EOC has set a good example as an employer and service provider, to create an enabling environment for all. Employers can hire the best talent as a result of providing easy access for everyone, and removing barriers for persons with disabilities. They can also retain valued employees who acquire disabilities over time or as a result of accidents. Business operators can increase their market share and enhance brand name value," Ms Garling WONG, an Ex-co Member of the Rehabilitation Alliance Hong Kong and Mr TSUI Kai Ming, a member of the Hong Kong Blind Union (both are

Members of the Rehabilitation Advisory Committee's Sub-committee on Access) jointly concluded after visiting the EOC Office.

Universal design is an important agenda for the entire community and will become an increasingly prominent issue in the years ahead as Hong Kong's changing demographics show. The EOC is now working on a formal investigation on "Accessibility in Certain Publicly Accessible Premises in Hong Kong". It is incumbent upon all of us - to improve the quality of life for everyone in our community.

### What the law says about accessibility:

It is unlawful for a person to discriminate against another person with a disability by refusing to allow that other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use.

Disability Discrimination Ordinance (cap 487) (25)(1a)

### Facts and Figures:

Complaints related to access to built environment received by the EOC since its operation from 9/1996 to 8/2006 amounts to 433 cases, comprising 13% of the cases lodged under the Disability Discrimination Ordinance. Generally, there are 3 common areas of concern, i.e. availability, connectivity and usability issues.

### EAS' Accessibility Checklist\*

Is doorway access wide enough for a wheelchair user?

Are there automatic door openers?

Would the height of counters and reception desks cause difficulty for a wheelchair user?

Are there glass partitions that might obstruct communication with a person with a hearing or speech impairment?

Are floor buttons of elevators in Braille?

Is there sufficient space in washroom areas for someone using a wheelchair, a walker or crutches to move?

Are sinks, hand dryers, mirrors and light switches at an accessible height?

Is there Braille translation for signage?

Are there tactile paths?

Are signs appropriately provided and placed with adequate lighting?

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## EO Networks



A student focus group develops new concepts for production of the Online Training Module "Preventing Sexual Harassment on Campus".



Ms Eleanor LAM (right) and Ms Irene NG (left), Chairperson and Service Coordinator (respectively) of Association for Concerning Violence Against Women, and EOC Chairperson Mr Raymond TANG officiate at the opening of the Anti480 - Anti Sexual Violence Resource Centre.



Professor Bernard LIM, President of the HK Institute of Architects thanks Mr Raymond TANG for delivering a talk on creating a sustainable built environment.



Guests and EOC representative celebrate the 10th Anniversary of the Amity Mutual Support Society.



Lawyers, students, academics, doctors and government officials from the mainland and around the world visit the EOC to discuss ways of mainstreaming equal opportunities in everyday life.

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## DD Case - Life After Cancer

### Disability Discrimination Case

## Life After Cancer

### The Complaint

Anthony had worked as a senior merchandiser for a trading company for ten years, a job he was not ready to give up when he was diagnosed with liver cancer three years ago. The cancer had spread to other parts of his body, and he had to take long-term sick leave from time to time for a series of medical treatments. After five major operations, his health condition finally stabilized early this year.

"On my first day at work, it was horrendous to realize that they had hired someone to take up my post. Instead of my old job, I was tasked with some tedious clerical duties, though I got to keep my title and salary," said Anthony, confident that he had no problem carrying out his original job duties as a senior merchandiser.

"Four months later, my supervisor informed me that the company had no budget to keep me any longer next year. However, just a week after my departure, I found out that two senior merchandisers in my department had tendered their resignations long before the company terminated my employment.

Yet, they still fired me and went straight ahead to open recruitment," Anthony complained. "I've come out a winner in the battle against cancer, but I never expected to be struck down by unfair treatment at work!"

### What the EOC did

Anthony lodged a complaint with the Commission against his employer for disability discrimination. Before starting investigation, both Anthony and his ex-employer attempted to resolve the dispute by early conciliation, which aimed to settle the case within a shorter period of time. Early conciliation, as an alternative means in settling a discrimination complaint, could be conducted at any stage before or during the process of investigation.

However, on their first attempt, the two parties were unable to reach a mutually acceptable resolution. Just as the EOC reverted to investigation, the two sides informed the Commission that they had reached agreement on the amount of monetary compensation. As such, the case was settled with the Commission's assistance in drafting the conciliation agreement.



### What the law says

Under the Disability Discrimination Ordinance (DDO), it is unlawful for an employer to discriminate against an employee by dismissing that person or subjecting him/her to any other detriment on the ground of his disability or sickness. Disability for the purpose of the DDO includes a disability that previously existed but no longer exists. That means legal protection is expected to cover a cancer survivor who is discriminated against because he/she previously had cancer, or is wrongly thought to still have cancer, or may develop cancer symptoms again in future.

Discrimination may occur due to misunderstandings and stigmas of a cancer survivor. Employers should not assume that an employee may no longer perform the same job after recovering from cancer.

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## **SD Case - It Doesn't Exist If No One Knows**

## It Doesn't Exist If No One Knows

### The Complaint

"The thought of Mr. Wong still gives me the creeps," said Brenda. For Brenda, who had been working with a well-established local firm for many years, the past two years had been a nightmare. "My immediate boss, Mr. Wong, may look professional on the surface, but for me, he is a sly fox. He would cast demeaning comments about my performance in front of my colleagues, only as an excuse to personally follow up on my performance. It is however these 'private sessions' with him that I really dreaded..."



"When we were alone in his office, he had a well-established routine that started with him expressing disappointment with my work performance or attitude. Then he would ask me how I could improve. Let me assure you, he was never really interested in my work performance. It all began one time when he summoned me into his office and began criticizing me on some trivial work matters. Then, he demanded me to undress! All of a sudden he hugged me really tight and kissed me on my lips. I didn't know how to react to this surprise attack and was completely dumbfounded and shocked."

At first Brenda believed that she had no choice but to put up with Mr. Wong; she had worked hard to get to the position where she was and she was certainly not prepared to forfeit her career. But after agonizing over the issue for two years, she decided that she could no longer tolerate Mr. Wong's attitude and behaviour. Brenda resigned.

### What the EOC did

Brenda lodged two complaints with the Equal Opportunities Commission (EOC): one against Mr. Wong for the individual liability of sexually harassing her and the other against the company for vicarious liability of Mr. Wong's acts of sexual harassment. Brenda felt aggrieved that although the company had a sexual harassment policy, she was not aware of its existence and did not know where to seek help.



When approached by the EOC, Mr. Wong denied having kissed Brenda but readily admitted having said all the alleged offensive comments to Brenda, even though he had never intended to put them into action. In the end, he acknowledged that his demeanor had been offensive and humiliating to Brenda and agreed to write Brenda an apology letter, and offered her monetary compensation.

The company claimed to have no knowledge of Mr. Wong's behaviour and stressed that they would not have allowed it if they had been aware of it. Through conciliation, the company agreed to issue Brenda an apology letter and to take disciplinary action against Mr. Wong.

### What the law says

Sexual harassment in employment is unlawful under the Sex Discrimination Ordinance. It generally refers to an unwelcome conduct of a sexual nature which the person on the receiving end would find offensive, humiliating or intimidating.

Apart from individual liability, the law also imposes vicarious liability on an employer for unlawful discrimination or harassment done by its employees in the course of employment, unless the employer could demonstrate having taken reasonable and practicable steps to prevent discrimination and harassment from happening in the workplace. Both Brenda and Mr. Wong did not seem to have knowledge of the policy. By merely having a sexual harassment policy like the employer in this case is insufficient to qualify for the defence of having taken reasonable steps, it is important that the policies are well communicated. Actual implementation of such policy, for example through providing training to employees at all levels, is essential.

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## Around the World

### Around the World

#### Shoes can "See"

Scientists at the Hong Kong Polytechnic University have recently developed a pair of high-tech shoes that help blind people walk freely from one place to another. Ultrasonic waves are sent out from the "seeing shoes", and once an obstacle is detected the shoes will vibrate. As the obstacle gets closer, the number of vibrations increases. The shoes are equipped with Global Positioning System (GPS) to tell the wearers where they are and the direction they are heading. The new device is also capable of detecting steps and holes.



Information source:

<http://www.newswire.co.nz/main/viewstory.aspx?storyid=330340&catid=3008>

#### Carers Need a Break



In Australia, families caring for persons with disabilities will be able to get much-needed time off. With a funding of AU\$75,000 per year for 3 years, "House With No Steps", an organization promoting the well-being of persons with disabilities, offers week-long periods of in-home, peer support or in-centre care. As a result, carers of persons with disabilities could take a break.

"It is difficult to cope with the pressures of caring for another with a moderate or severe disability. It is a very positive step made by the State Government to alleviate the issues about caring for people with disabilities," said House with No Steps Director Kevin McGuire.

Information source:

[http://forbes.yourguide.com.au/detail.asp?story\\_id=503768](http://forbes.yourguide.com.au/detail.asp?story_id=503768)

#### Arab Women Reporters Brave Dangers in War Zone

More and more Arab women correspondents beat their male colleagues to report news for Arab television outlets at both sides of the Lebanon-Israel war zone.



"I volunteered to go to south Lebanon, although I usually work in the newsroom in Doha. The management did not discourage me from going for being a woman. On the contrary, I felt they appreciated my decision," said Katia Nasser, whose name has become familiar among Arab audiences.

Women in general take a back seat in most of the male-dominated Middle East countries, but in audiovisual media, Arab women are increasingly occupying the jobs.

Information source:

<http://www.middle-east-online.com/english/?id=17113>

#### Low Cost Transit for Persons with Disabilities

About 15,000 people with disabilities will benefit from the "Shared-ride Transit Programme", a US\$1.4 million project to provide affordable and accessible transportation for people with disabilities in the rural areas of Pennsylvania, USA.



"They have a harder time in finding ways to visit the doctors, go to work or the grocery store. These funds will help them get to where they need to go," said Pennsylvania Governor Rendell.

Expansion of the programme will be made possible, depending on available funds and the willingness of additional shared-ride providers to offer discounted fares.

Information source:

<http://www.dot.state.pa.us/.../772afb60d785515285256bfl004a1be6/>

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## EO Reaches the Community

## EO Reaches the Community



Another award for EOC Website - EOC's Community Participation and Publicity Committee Convenor Dr LO Wing-lok receives the Best Barrier-free Service Award (Information Technology) from Rehabilitation Alliance's Chairperson Mr. CHEUNG Kin-fai. The EOC Website carries important

messages of equal opportunities, features analysis of discriminatory cases and provides different ways of lodging complaints. The Website's 7500 pages cater to the needs of different web surfers. Other than the colour mode which is usually accessed by the general public, persons with a colour deficiency can select the monochrome version, whereas persons with severe visual impairment or blind persons can access the text-only mode.



Teachers and students of Lam Tin Methodist Primary School together develop a comic book on the rights of persons with disabilities.



Running Without Fear - the award winning photo of the "No More Discrimination" Photo Competition organized by the Chinese YMCA Hin Keng Centre.



At the "Know More About Family Status" Fun Day organized by TWGH Lui Wing Cheung Children Centre, a serious youngster gives examples of family responsibilities at his game booth.



Don't Miss the Bus - Our EO bus has been transporting passengers since mid-September, spreading the message of equal opportunities and embracing diversity. This free bus advertisement is sponsored by our community partner KMB.



In Memoriam - Former EOC Member, Dr. Raymond Wu passed away on October 3, 2006.

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## Events Calendar

### 密切留意 Watch out for...

日期 Date : 1/2007

講者 Speakers : 瑞典及本地專家和學者  
Academics, Swedish and local experts

內容 Content : 促進兩性平等的經驗分享  
Advancing Gender Equity - experience sharing

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## 社區活動 巡禮 EVENTS CALENDAR

22/11/2006 - 31/1/2007  
(逢星期三 Every Wednesday)



「家連家」精神健康教育課程  
"Family Link" - Workshops on  
Mental Health  
香港家連家精神健康倡導協會  
Hong Kong Family Link Mental Health Advocacy  
Association  
2144 7244 / 2144 7611  
www.hkmlhaf.org

29/11 - 27/12/2006  
(逢星期三 Every Wednesday)



婦女戲劇 — 親子管教自強小組  
Women's Drama - A Parental Guide  
香港單親家庭協會  
Hong Kong Single Parents Association  
2776 4113  
www.hkspa.org.hk

1/12/2006



原創音樂比賽決賽暨  
世界愛滋病日燭光晚會  
Original Music Competition (Final) and Candle  
Night Gathering, World AIDS Day  
青少年愛滋教育中心  
Teen AIDS  
2870 1222 www.teenaids.org.hk

1/12/2006 - 9/2/2007  
(逢星期五 Every Friday)



香港明愛心理健康輔導計劃 —  
抑鬱情緒 認知治療小組  
Workshop on Cognitive Therapy against  
Depression  
香港明愛家庭服務  
Caritas Family Service Unit  
2649 2977 http://family.caritas.org.hk

12/12/2006



特殊奧運會健體活力日  
Fitness Day of Special Olympics  
香港特殊奧運會  
Hong Kong Special Olympics  
2697 3731  
www.hkso.org.hk

15/12/2006 & 24/2/2007



心理健康教育講座  
Seminar on Mental Health  
香港心理衛生會  
Mental Health Association of Hong Kong  
2528 4656 / 2340 6031  
www.mhahk.org.hk

12/2006



「關注暴力·攜手向前」輔導小組  
"Violence Awareness" Counselling Group  
明愛向晴軒  
Caritas Family Crisis Support Centre  
2383 2122  
www.fcsc.caritas.org.hk

全年活動

Year-round programme



新生農場生態旅遊  
Eco-Tourism of New Life Farm  
新生精神康復會  
New Life Psychiatric Rehabilitation Association  
2461 1712  
www.nlpra.org.hk

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