

消除歧視 — 制度及政策檢討

Eliminating Discrimination — System & Policy Reviews

委員會在「沙士」危機中的角色

在「沙士」爆發期間，鑑於社會的恐慌與憂慮日甚，委員會除了處理如潮湧來的投訴外，又在多個範疇扮演顧問角色，竭盡所能確保每個香港人獲得公平的對待。從危機初現起，委員會一直與有關政府部門（如勞工處）保持密切聯繫，就有關「沙士」問題發出僱傭方面的指導方針，和提供在當時情況下勞資雙方應有的權利與義務指引。有關如何採用積極措施、或避免歧視行為等查詢，委員會亦一一提供實務意見。查詢大都涉及病假、解僱、披露健康資料或個人資料，以及對懷孕員工提供的保障等。

期間，委員會鼓勵僱主採取彈性政策，尤其是有關病假、特別有薪假期和年假，以及安排懷孕員工在家利用互聯網工作等問題。令人鼓舞的是，不少僱主都採用積極管理措施，令情況得以舒緩，確保公司與員工都得到最佳的解決方法。

教育及人力統籌局亦就關閉學校一事，徵詢委員會。我們認為，在現行法例下，公眾健康是關閉學校的有效理據。此外，我們亦與香港考試及評核局聯繫，要求他們考慮各種可行辦法及提供最大的彈性，以遷就受「沙士」影響的公開試考生。

「沙士」爆發期間，多個國家向香港人實施旅遊限制。因此我們聯絡了海外平等機會相關機構，查詢他們能否協助在外地遇上困難的香港旅客。委員會又增設「非典型肺炎快訊」網頁，讓外遊人士知道如何聯絡世界各地的平等機會機構，以及有關疾病的最新消息人士。

前瞻未來，委員會已把面對「沙士」和類似危機的資料加入我們的培訓課程中。除涉及僱傭的問題外（如在工作場所中應付類似「沙士」的情況），也把有關「沙士」的不同處境作為教材，包括員工或其家人受感染，以至員工居於受感染大廈的處理方法等。

Our Role in the SARS Crisis

During the SARS outbreak, in addition to dealing with the rush of complaints received, we played an advisory role in a number of areas, doing our best to ensure that everyone in Hong Kong would be treated fairly and without bias, in view of the growing panic and concern within the community. From the very start of the crisis, we remained in close contact with concerned government departments such as the Labour Department, issuing guidelines on employment matters in relation to SARS, and the rights and obligations of employers and employees under the circumstances. Practical advice was also given to enquiries received on the adoption of positive measures and ways to avoid discriminatory behaviour. Enquiries were generally related to concerns about leave and dismissals, health disclosures or personal information, as well as the need for protection of pregnant staff.

Employers were encouraged to adopt flexible policies during this time, particularly on the issue of sick leave, special paid and annual leave, as well as arranging for pregnant staff to work on-line from home. We are pleased to report that many employers adopted these positive management practices, easing the situation and ensuring the best solutions for their companies and their staff.





有關保險問題的公眾諮詢

保險可說是現今世界的必需品。在疾病、災難或其他不測發生時，保險為保單持有人提供某種形式的社會及經濟保障。保險彌補了公共健康服務、退休計劃和其他社會保障的不足，有其重要的輔助作用。

不過，過去幾年委員會收到不少關於保險業的查詢和投訴，包括拒絕提供保險服務，或基於性別或殘疾而收取不同保費，以至不承保原先已存在的健康狀況等。雖然，從商業角度或精算數據而言部份做法可能有其理由，但不少做法確令人疑慮，引起關注。

為正視這些問題，委員會於2002年12月發表了《與反歧視法例有關的保險問題討論文件》。至2003年3月底，委員會收到保險業、精算界、非政府組織、相關團體和個別人士提交超過25份意見書。

為回應有關討論文件提出的問題，香港保險業聯會於2003年底成立一個專責工作小組，在委員會協助下為業界制定一套指引。結果，一份有關原先已存在的健康狀況及完全不受保項目的保險業實務聲明可望於2005年初發表。同時，香港精算學會亦表示將會發出指引說明，概述反歧視法例下精算師的責任。

The Education and Manpower Bureau also sought our views with regard to the closure of schools. We were able to advise them that under the existing legislation, the public health concerns were a valid justification for closing schools. Furthermore, we liaised with the Hong Kong Examinations and Assessment Authority, requesting that it consider every option and provide maximum flexibility in accommodating students, affected by SARS, who were sitting for their public exams.

During the outbreak, a number of countries imposed travel restrictions on the people of Hong Kong. We therefore contacted many of our counterparts in parallel jurisdictions overseas to see if they could help Hong Kong travellers encountering problems abroad. A new 'SARS Alert' page on our web-site also kept travellers informed of our counterparts around the world and the latest information on the crisis.

Looking forward, we now include material on SARS and similar situations in our training programmes. Apart from covering employment related issues, such as managing a SARS-like situation from a workplace perspective, materials also include different SARS-related scenarios. These range from the implications of having infected staff or staff with infected family members to staff living in infected housing blocks.

Public Consultation on Insurance Issues

Insurance coverage is a necessity in today's world, providing policy holders with some form of social and economic protection in the face of illness, tragedy or other unforeseen disasters. It also plays an important role in providing a useful supplement to public health services, pensions and other social security schemes.

Over the past few years however, the EOC has received a number of enquiries and complaints with regard to insurance practices. These range from refusals to provide insurance coverage or the charging of different premiums on the grounds of sex or disability to the exclusion of coverage for pre-existing conditions. While some of these practices may be justifiable from a business or actuarial standpoint, many others do raise doubts and concerns.

To address these issues and to examine alternatives to current practices in the insurance industry, we released our *Discussion Paper on Insurance under the Anti-discrimination Legislation* in December 2002. By the end of March 2003, we had received more than 25 submissions from the insurance industry, actuarial profession, NGOs, stakeholder groups and individuals.

這方面的進展令我們在確保人人享有平等機會購買保險的目標上，邁出了重要的一步。保險公司理應以合理及可負擔的保費為顧客提供服務。保險業界這種不含歧視的新取向，回應了市場需求，改善現況，為顧客提供更好、更全面的保障範圍，從而亦拓闊保險業市場。



方便殘疾人士使用的自動櫃員服務

新的資訊科技有助跨越傳統的歧視和障礙，促進社會進步。科技發展帶來不少嶄新的理財形式，如自動櫃員機、電話理財和網上理財服務。不過，有些新服務亦為殘疾人士帶來不便，甚至增設障礙。自2000年以來，委員會一直致力提倡無障礙銀行中心及其他無障礙銀行服務，鼓勵服務提供者及軟硬件設計師擴展視野、發展技術，實踐以「通用設計」去配合不同使用者的各種需要。

我們邀請了香港銀行公會與委員會結成夥伴，共同研究無障礙銀行服務的問題。2001年委員會與香港銀行公會組成了工作小組，探討方便殘疾人士使用銀行服務的各種可行辦法，其後，工作小組草擬了自動櫃員機的指引。

經過深入討論後，香港銀行公會於2003年4月通過《安裝自動櫃員機指引》，並發給所有會員銀行。有關文件參考了澳洲和英國的指引，並按本地實際情況加以修訂。甲部包括安裝新自動櫃員機或更換現有櫃員機的指引，其中註明各種特定要求，如配合使用者高度的設計、可供選擇的顯示模式、凸字鍵盤、及鍵盤其他特性。乙部包括建議銀行提供較先進的設施，如私人發聲裝置，讓有殘疾的顧客使用自動櫃員機時更為方便。

隨著科技的發展，和實際應用經驗的累積，銀行公會將定期檢討有關指引，並不時作出修訂。

In response to the issues raised in the *Discussion Paper*, the Hong Kong Federation of Insurers (HKFI) formed a Task Force in late 2003, with the input from the EOC to formulate guidelines. As a result, the industry's Statement of Best Practices on Applying Pre-existing Conditions and Blanket Exclusions is expected to be issued in early 2005. Meanwhile, the Actuarial Society of Hong Kong has also advised that it will be issuing a Guidance Note outlining the responsibilities of actuaries under the anti-discrimination legislation.

These developments are taking us an important step forward in our objective to ensure equal and fair access to insurance in Hong Kong. Insurance companies are expected to offer services to their clients at reasonable and affordable premium. The development of a new non-discriminatory industry approach that responds to the market's needs will further improve conditions, benefiting consumers with better protection and coverage while broadening the market for insurers.

ATM Accessibility

New information technologies can help to transcend traditional barriers of discrimination, providing a platform for social advancement within society. A prime example is the development of the many new technology-based financial services such as ATMs (automatic teller machines), telephone-banking and e-banking services. These advances, however, can sometimes cause increased inconvenience or even barriers for people with disabilities. Since 2000, we have been advocating barrier free access both at banking centres and to other banking services available to the public. Our aim is to ensure that service providers and hardware/software designers will develop increasing insight and skills in the use of universal design to accommodate the diverse needs of different users.

We invited the Hong Kong Association of Banks (HKAB) to join the EOC as a partner in this initiative on accessibility. In 2001, the EOC-HKAB Working Group on Accessibility to Electronic Banking Service for People with Disabilities was formed to explore possible solutions to enhance the accessibility of banking services for people with disabilities. As a result, the Working Group drew up accessibility guidelines in the use of ATMs.

After in-depth discussions, HKAB adopted these ATM Installation Guidelines and circulated them to all member banks in April 2003. The Guidelines, while drawing reference from practices adopted in Australia and the United Kingdom, were adapted to suit local requirements. Part A contains guidelines for the installation of new ATMs or the replacement of existing machines with specified requirements such as the "reach height" for the user, user display selection, tactile keyboards and other keyboard characteristics. Part B covers recommendations for more advanced features such as private audio voice output facilities, that will enhance ATM accessibility for customers with disabilities.

同值同酬

「同值同酬」是指兩類不同工作，但若價值相同，從事該兩項工作的人應享有同等薪酬。而工作價值乃靠「工作評估」把各項特性（如：技能、責任、努力和工作環境等）量化來決定。

2001年9月，委員會在「同值同酬」的前提下，開始研究公營機構的薪酬差距問題。研究旨在收集數據，以增進委員會在「同值同酬」方面的專門知識，並提高公眾對這觀念的認知。目前，委員會和「同值同酬」專責工作小組，正考慮有關研究結果及建議。

在學校課程內納入平等機會原則

是項計劃先於2002年11月提出，當時委員會的調查發現，大多數學生對殘疾人士、性別與家庭角色均有定型態度。因此，我們認為要在中、小學課程中納入平等機會原則，以培養學生對不同需要人士的接納和尊重。

為推展有關計劃，一個由教育專家組成的諮詢委員會於2003年2月成立。在瞭解課題的過程中，委員會發現課程發展處近年來已完成大量工作，包括把平等機會和共享多元文化的核心價值納入初中學生的「綜合人文科」，和小一至中三的「道德及公民教育單元」中。當局亦正為中四至中六學生編寫「人文科課程」中的有關獨立單元。

為增加這方面工作的協同效應，委員會採取主動與課程發展處和婦女事務委員會合作，包括與這些團體舉行會議去擬定合作策略、安排委員會及婦女事務委員會的代表與出版商進行會議，以便雙方直接對話，並在審閱課本時提出意見。



The Guidelines are subject to regular review and revision from time to time, in view of technological advances and experience gained in their application and use.

Equal Pay for Work of Equal Value (EPEV)

Equal pay for work of equal value (EPEV) holds the principle that while two jobs are not the same, holders of these jobs should be paid equally if the jobs have the same value. Job values are determined by 'job evaluations', which quantify the attributes such as skills, responsibilities, efforts and working conditions.

In September 2001 a study on the pay differentials with regard to EPEV in the public sector commenced. The study aimed at collecting data to enhance our understanding on EPEV in Hong Kong's context and raise public awareness on the subject. The Commission and members of the Task Force set up to advise on the study were examining the findings and recommendation of the study.

Integrating Equal Opportunities into the School Curriculum

This project was first initiated in November 2002, after an EOC survey on students' attitudes towards disabilities, gender stereotypes and family roles indicated that the majority of students hold stereotypical attitudes towards these issues. Our aim has therefore been to introduce equal opportunity principles into the school curriculum at both the primary and secondary levels to cultivate acceptance and respect for diversity.

Taking the project forward, an advisory committee of education specialists was formed in February 2003. In the course of understanding the issues, we learnt that the Curriculum Development Institute (CDI) had taken active steps to incorporate core equal opportunity and diversity values in Integrated Humanities, for lower secondary school students, and the Moral and Civic Education modules for Primary 1 to Secondary 3 students. The development of a separate module under the Liberal Studies Curriculum for Form 4 and Form 6 is also in the pipeline.

To achieve synergy and facilitate collaboration in this area of work, the EOC had taken the lead to work with CDI and the Women's Commission. These included meetings between concerned parties to map out strategies for co-operation, arranging representatives from the EOC and the Women's Commission to meet with publishers, to enable direct dialogue and input into school book reviews.

除了為學生編寫教材外，委員會、課程發展處與婦女事務委員會均認同，教師培訓至為重要。由於委員會已為教師編寫有關殘疾的網上學習教材，我們正研究進一步的合作事項，為教師編寫網上教材，讓教師在繁忙工作之餘，隨時隨地學習有關課題。

為學校提供教育指引

教育開啟人生的大門，讓每個人都有能力實現潛能，積極貢獻社會。教育能提升個人和整體社會，帶來改變和進步。

《殘疾歧視條例》的其中一個目標，是確保有殘疾的學生不受歧視，人人皆有平等的教育機會。2001年委員會發出《殘疾歧視條例教育實務守則》，在全港學校推行融合教育。為了配合守則的目標，委員會繼續與教育統籌局（教統局）推行家長教育計劃，促進主流學校對殘疾學生的接納。過去一年，有數百位家長教師會的幹事參加過有關講座。我們亦與家長組織保持緊密對話，瞭解他們的關注，並就改善措施提出意見。

In addition to the learning materials for students, the EOC, CDI and Women's Commission have also agreed that teacher training is of paramount importance. Based on our experience in the development of e-learning packages for teachers in disability areas we are exploring further collaboration in developing e-learning packages for teachers as a group, as we believe e-learning will enable teachers to learn at any time and place to suit their already very busy schedules.

Education Guidelines for Schools

Education opens doors, giving us the ability to not only realise our full potential, but also to make a difference as active members and contributors to society. Education has proven to be an effective tool for empowerment and agent for change, both for the individual and society as a whole.

One of the objectives of the Disability Discrimination Ordinance (DDO) is to ensure that access to education is fair and does not discriminate against students with disabilities. In 2001, we issued the Code of Practice under the DDO in promoting inclusion in Hong Kong's schools. In line with the objectives of the Code, we continue to work in partnership with the Education and Manpower Bureau, not only driving the need for integrated education but also assisting the Bureau in its parents' education programmes, which promote the acceptance of students with a disability in mainstream schools. Hundreds of executive members of parent-teacher associations joined these talks during the year. We also maintained close dialogue with parent groups to understand their concerns and to give advice on improvement measures.

Sexual Harassment in Universities

In summer 2002, some orientation activities at a university were brought to the attention of the EOC. Following intense media coverage of students' experiences of orientation camps, the EOC conducted a study in 2003 on sexual harassment in local universities. The study covered:

- experience of students who participated in an orientation camp where sexual harassment allegedly occurred
- university students' awareness of sexual harassment in general
- extent of protection provided under the Sex Discrimination Ordinance
- mechanisms that universities have in place to address sexual harassment on campus

大學校園內的性騷擾

2002年夏天，某大學的迎新活動引起委員會關注。隨著傳媒廣泛報道學生在迎新營內的經歷，委員會於2003年在本地大學進行了一項有關性騷擾的研究。研究範圍包括：

- 學生參加據稱曾發生性騷擾迎新營的經歷
- 大學生對性騷擾的普遍認識
- 《性別歧視條例》提供的保障
- 大學在處理校園性騷擾方面的現行機制



研究結果顯示，參加該迎新營的學生對於性騷擾缺乏敏感度，只把事件視為遊戲。學生因受到朋輩壓力而叫喊含有性貶義的口號後，懼怕被視為搞事者而不願作出投訴，也有學生並不知道投訴的渠道。涉及性的口號和海報在校園營造一個在性方面具敵意的環境，同類的環境在工作場所而言，已屬違法。但現時法例並沒有把在教育機構發生，或與教育機構有關在性方面具敵意的環境訂為違法，委員會於1999年已建議修訂《性別歧視條例》，以涵蓋這類性騷擾。委員會於2004年8月與婦女事務委員會合辦「防止性騷擾大學論壇」，分享上述研究結果和討論大學的防止性騷擾政策。論壇提高了相關意識，亦帶動跟進工作，如舉辦培訓及顧問活動等。

倡導平等機會

制定政策時，務須從性別角度和殘疾角度作出考慮，方能確保社會持續發展。故此，我們繼續參與「促進接納愛滋病患及感染者委員會」的工作，為制定促進病患者融入社會的策略提供意見。該委員會設立了「愛滋病支援及服務臨時工作小組」，負責評估現時為愛滋病患者而設的服務是否易於使用。工作小組成員同意，應盡更大努力去吸引有需要的人使用現有服務。一本有關改進現有愛滋病服務，令病患者獲取更佳服務的報告將於2004年底定稿。

此外，今年委員會繼續與運輸署保持緊密聯繫，希望共同合作，努力減少殘疾人士乘搭公共交通的障礙。除出席運輸署召開的工作小組會議外，委員會代表又參加專家小組會議，並與運輸署和各關注團體在政策方面進行更深入的意見交流。我們全力支持運輸署推廣「無障礙運輸」的策略。



The findings showed that participants at the orientation camp were not sensitized to sexual harassment and treated the activities as a game. Students who were under peer pressure to shout slogans containing derogatory sexual comments were reluctant to lodge complaints, for fear that they would be considered by others as trouble-makers. Some students did not have knowledge about channels for complaint. Slogans and posters with sexual contents created a sexually hostile environment on campus. While a sexually hostile environment in relation to the workplace is unlawful, there is at present no legal provision outlawing a sexually hostile environment at or in relation to an educational establishment. The EOC had recommended to the Government in 1999 to amend the Sex Discrimination Ordinance to prohibit a sexually hostile environment in an educational setting. As a follow up to the study, in August 2004, a "Forum on Preventing Sexual Harassment in Universities" was co-organised by the EOC and the Women's Commission (WoC) to share the findings and discuss ways to prevent sexual harassment in universities. The forum had generated awareness and follow up action for training and consultancy.

Advocating Equal Opportunities

Efforts to advocate the importance of gender and disability perspectives in the formation of policy will ensure sustainable development for the community. As such, we maintained our ongoing participation in the Committee on Promoting Acceptance of People Living with HIV/AIDS (CPA), which advises on strategies to promote inclusion of people with HIV/AIDS. Under the Committee, an ad hoc AIDS Support and Services Working Group was set up to assess the services available to those infected with HIV, and to decide if some of these services could become more accessible. Members of the Working Group also agreed that more effort should be made to link users to the services available. A report, addressing the service gaps and emphasizing the need for better access to services for people with HIV/AIDS, was to be finalized in late 2004.

During the year, we continued our close liaison with the Transport Department in working towards the provision of more accessible transport services for people with disabilities. Apart from attending the working group meetings convened by the Transport Department on a need basis, we also participated in the Expert Group Meeting which enabled us to contribute at a more strategic level and enhanced a more in-depth exchange of views at the policy level with the Transport Department and various concern groups. We fully support the Transport Department's strategy to promote 'Transport for All'.