

Pregnant Worker Fights for Her Rights

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EOCs API

Nearly half (47%) of the complaints filed with the Equal Opportunities Commission (EOC) under the Sex Discrimination Ordinance (SDO) were related to pregnancy discrimination in the last eighteen months.

The complaints have come from women in various industries and in different stages of careers, from those at entry-level as well as those in management. The complainants said that they have been unfairly treated, denied promotional opportunities or even fired.

One of the complainants, Sabrina Lam, recounted her experience:

"In my former company, I was secretary to the chairman of the board. I got along very well with my boss and colleagues. My boss even praised me openly on a number of occasions.

The situation changed when I became pregnant. It was a difficult pregnancy, and I had to stay in bed most of the time before childbirth. During my pregnancy, I had never made any unreasonable demands, or refused any task. When attending meetings, I did not ask my colleagues to stop smoking in the conference room. Even when our meetings lasted until 3 or 4 pm in the afternoon, I never even mentioned about lunch. In order not to affect my work, I arranged all my prenatal appointments after office hours. Because of overtime work, I often had to rush for my check-ups as the clinic was closing.



Sabrina, the complainant, and her son.

Unfair Dismissal

When I returned to work after giving birth to a son, my original workstation had been taken up by a new secretary, and I was given a space which was originally used for storage. I was not given any stationery or printer, and my computer was not installed with any email software. Also, my original boss was no longer my direct supervisor. In fact, after my return, I found that he deliberately avoided me. There was also a drastic change in the attitude of other staff. Nobody was friendly anymore, and everybody tried to avoid me. I felt totally ostracized.

On the second day after my return to work, I was notified by my employer that if I handed in my resignation, I would be given seven days' pay in lieu of notice and a good recommendation letter by the company. I refused as I had not done anything wrong.

A few days later, the company dismissed me officially on the grounds that a client had complained about me. The grounds for dismissal were purely fictitious, because in fact, my work only involved contacts with suppliers and not clients. I was a dedicated worker and I found it difficult to understand why my boss and the company treated me so poorly after my pregnancy.

I went to the Labour Department for assistance, and they advised me to lodge a complaint with the EOC. After discussing with the Commission's staff, I decided to bring the company to court for contravening the Sex Discrimination Ordinance and the Family Status Discrimination Ordinance. Nevertheless, it was a struggle for me, as my boss had been very caring and considerate to me previously, and yet I had to sue him.



Poster of "Caring Boss"



Poster of "A Tinted View is a Tainted View"

## Tremendous Pressure

The hearing took place from nine to five daily for a whole week. I was intimidated by the serious atmosphere of the court room. My former employer was represented by a team of over ten members. This made me seem all the more lonely and helpless.

At one point, my former employer suggested an out-of-court settlement and I had been very tempted to accept it. However my friends encouraged me to fight on, 'Don't you want to prove to your old company that you're right?' They were right, and I felt I should not give up! On 23 December 2005, the court ruled in my favour. This was the best Christmas present for me that year.

## Justified Actions

In Hong Kong there are many women who are in a similar plight, they suffer from different kinds of discrimination due to pregnancy, single motherhood or other grounds. I encourage them to challenge their predicament; as long as their actions are justified, they should come forward to fight for their rights."

The EOC has granted legal assistance in the case of Sabrina on the basis that dismissal of women

upon their return from maternity leave is quite prevalent and must be eliminated from the workplace. The court's decision underlines the importance of the principle of equal work opportunities for women.

To step up public education on preventing pregnancy discrimination, the EOC has launched several media messages on TV and radio in August 2007. The new APIs (Announcements in Public Interest) serve to remind the public that it is unlawful to discriminate women on account of their pregnancy, in the course of recruitment, during employment or returning from maternity leave.

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## "Advancing Equal Opportunity" - Individuals Share EO Success Stories

### "Advancing Equal Opportunity"

#### Individuals Share EO Success Stories through EOC Commemorative Publication



The EOC marks its 10th year anniversary with a commemorative publication showcasing the progress of the Commission's work in its first decade. The publication features how the EOC assists complainants and respondents and how EOC has effected changes in Hong Kong. Ten of the EOC's career challenge mentors also share their experiences of breaking down barriers and stereotypes to achieve success in their chosen fields.

#### Highlights

- 14 enlightening stories of overcoming barriers and discrimination
- Ample suggestions for teachers and students to facilitate interactive and experiential learning
- Messages from EOC Chairpersons sharing their vision and views
- Facts and figures about the progress of equal opportunities in Hong Kong



The publication will be available for sale (\$88) at major bookstores towards the end of 2007.

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## EO Reaches the Community

### EO Reaches the Community



Experience sharing between Mr. Raymond Tang, EOC Chairperson and Mr. Cheong U, Macau SAR's Commissioner Against Corruption.



Joint performance by students and wheelchair users - event organized by Yan Chai Hospital Wong Wah San Secondary School to promote the integration of persons with and without disabilities.

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## Equal Opportunities Diversity Project

### Equal Opportunities Diversity Project

Starting from 14/11/2007 Every Wednesday

1:00-3:00pm

“Made in Hong Kong 李志剛”

RTHK Radio 2 (FM 94.8- 96.9)

Special Feature:

Ethnic Minorities' Cultural Class



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### Common Mental Disorders in the Workplace and Possible Accommodation for Staff with Mental Health Issues

Due to increasing stress, the number of employees with mental health problems is increasing in recent years. This brings new challenges on the management of staff with mental health issues and the resulting sick leave. This is also reflected in the increasing number of complaints related to mental illnesses received by the EOC. A special seminar on the issue was held on 3 October 2007. It attracted over 100 EO Club Members who were employers and human resources practitioners from NGOs, private and public organizations.



EOC Chairperson Mr. Raymond Tang (right) and EOC's Community Participation and Publicity Committee Convenor Dr. Lo Wing-lok (left) jointly present a souvenir to the guest speaker Dr. Ng Fung-shing.

The sharing of guest speaker Dr. NG Fung-shing, specialist in psychiatry, on common mental disorders in the workplace is summarized below:

#### Myths and Facts about Mental Health Problems

Myths about mental health problems create a stigma that can make the patients feel guilty, isolated or ashamed. The main reason for such stigma is due to a lack of understanding of the subject. Some wrongly believe that only weak people have such problems, and they simply try to avoid work.

Mental illnesses are very common. They affect the young and the old, male and female, the rich and the poor. According to a survey carried out locally in 2001, 17.6% adults (age 15 or above) suffer from different types of mood disorders. The percentage of occurrence is similar to other developed countries such as UK and Australia.

People with mental illnesses experience problems in the way they think, feel or behave. This can affect their work and quality of life. However, mental illnesses can be successfully treated with therapy and/or medication.

#### The Most Common Forms of Mental Illnesses in the Workplace - Depression and Anxiety Disorder

Depression is not the same as passing blues. It lasts for at least a few weeks and it causes changes in thinking, feeling, behavior and physical well-being. People with depression feel overwhelmingly sad and empty. They could not sleep well. Negative thoughts and poor self-esteem are characteristics of depression. People with severe depression may develop self-destruction thoughts and even attempt suicide.

Generalized anxiety disorder (GAD) is characterized by unnecessary, excessive and uncontrollable worries about everyday things such as health, family, money and work, even when there are no signs of trouble. People with GAD often exhibit a variety of physical symptoms, including sweating,

headache, chest pain, pounding heart, stomach pain, muscle tension, and trembling.

The prevalence of GAD in the general population reaches about 3-8%. Psychotherapy, particularly cognitive behavioral treatment, is a key component of treatment for GAD. Anti-depressants and anti-anxiety drugs are commonly prescribed.

### **Tips for Handling Staff with Depression or Anxiety Disorder**

1. Educate yourself and other staff about depression and GAD. They are illnesses, not character flaws. Avoid stigmatizing the staff with mental health problems as violent, lazy, or slow.
2. Provide sensitivity training for co-workers to reduce negative, fearful and exclusive attitudes towards the staff with mental health problems.
3. Be empathetic and non-judgemental, just as you would deal with any other illnesses. Talk with the staff on how they feel and why they are feeling this way.
4. Give reassurance and information - help the staff to realize that it is a common illness and effective treatments are available. As it usually takes a while to develop depression or anxiety disorder, it takes a while to recover.
5. Don't express frustration to the staff having depression or anxiety disorder symptoms.
6. Don't deny the staff's feelings. Be polite and show respect.

### **Case Sharing**

#### **Case 1 :**

A 53-year-old watch production factory owner was disturbed by agoraphobia i.e. fear of certain settings like enclosed space or crowded place. For him, he was afraid of being inside a plane or crossing a border control. As a result he was unable to fly to other countries to promote his new watch design to overseas potential buyers. Like many people, he had strong but wrong belief that there was nothing he could do with the fear. He simply endured the situation for more than 10 years, until he could no longer bear with it and sought professional help. After receiving medical treatment, he is now able to travel alone and has successfully expanded his business to overseas.

#### **Case 2 :**

A 25-year-old nurse was having depression, and she was emotionally unstable. Her situation gradually improved after taking anti-depressants. To enable her to get back to work, her supervisor offered her to work flexi-hours and she was also allowed to take a break whenever she suddenly felt depressed. Her supervisor and colleagues were very supportive. After some time, her condition became stable and she was able to work normal shifts, like other nursing staff.

#### **Case 3 :**

Case 3: A 45-year-old real estate agent could not explain why he was always over worried for everything. Later he was diagnosed with GAD. After a few counseling sessions, it was discovered that his anxiety developed when the property market slumped during the SARS outbreak in Hong Kong. He had continuously suffered from the anxiety symptoms since then. After receiving medication and practising relaxation exercise, he is recovering now.

The above cases demonstrate that people with a history of mental illness can perform very well when provided with reasonable accommodation in the workplace. Mental illnesses could be treated and people recovered from mental illnesses could lead a productive life.





Dr. Ng Fung-shing, specialist in psychiatry, suggests practical ways of accommodating staff with mental health illness.

### **Flexibility - the Key to Accommodate Staff with Mental Health Problems**

- Flexible work schedule and/or work on a part-time basis
- Allow work breaks
- Allow work at home
- Minimize disturbance at work station (e.g. using partition, avoid noisy office equipment)
- Give additional reminders about important deadlines if the staff become absent-minded
- Arrange guidance meetings to discuss work progress and set work priorities if the staff find it difficult to get organised
- Give instructions and assignments by writing specifically for staff with memory difficulties
- Allow telephone calls during work hours to doctors/counsellors
- Provide advance notices to psychologically prepare the staff for changes

- Watch out for the next issue of EOC News which will feature “The Complaint Cases Related to Mental Illnesses in the Workplace”.
- If you wish to join the EO Club, please call 2106 2155(Miss Cheung) or email to [eoclub@eoc.org.hk](mailto:eoclub@eoc.org.hk).

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## "A matter of she" - Online Training Module on Preventing Sexual Harassment

Log On Now!

**"A matter of *she*"**

HK's 1st On-line Training Module on Preventing Sexual Harassment for Tertiary Institutions



Representatives from eight tertiary institutes together with EOC Members kick off the e-training module.

The Equal Opportunities Commission (EOC) has joined hands with eight tertiary institutions to introduce Hong Kong's first on-line training module on preventing sexual harassment for their students. The institutions have provided invaluable input to the content and design of the module and they are committed to promoting this package to all their students on campus, particularly new entrants, and to incorporate the module into their curriculum where appropriate.

EOC Chairperson Mr Raymond Tang explains the need for producing the training module, "Sexual harassment is a topical gender issue and more often than not, women and girls are targeted by this unlawful behaviour. Often fear of victimization deters would-be complainants from taking action. All these underline the need for a comprehensive sexual harassment policy, and a structured education and training programme which would encourage a more gender friendly environment, and promote respect for both sexes."

The interactive on-line course aims to raise students' awareness about behaviour that may constitute unlawful sexual harassment under the Sex Discrimination Ordinance (SDO) in school setting. The module explains the definition and various types of sexual harassment, the liabilities of educational institutions and individuals.



Prof. Joseph HW LEE (left), Pro-Vice-Chancellor & Vice- President of The University of Hong Kong and Dr. David MOLE, Associate Vice-President for Academic Affairs of The Hong Kong University of Science and Technology regard the training module as a useful tool to promote respect for both sexes.

## About the Training Module

It is self-paced and contains three parts:

1. An interactive mini-quiz to test one's knowledge on sexual harassment
2. A tutorial on the definitions and various types of sexual harassment, and liabilities of schools and individuals
3. A test consisting of scenario-type questions and a certificate would be awarded to those who have passed the test

<http://www.eoc.org.hk:8080/shoncampus>



A certificate will be awarded to those who have completed the training module and successfully passed the test.

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# DD Case - The Peanut Story

Disability Discrimination Case

## The Peanut Story

### The complaint

The Lee's family was overjoyed when they received a letter from the ABC Primary School admitting Daisy, their youngest daughter, to primary one. The ABC Primary School was their first choice for its convenient location and good reputation.



On the first school day, Mrs. Lee brought Daisy to the school. She informed the class teacher that her daughter was allergic to peanuts and explained what it was all about. "Persons who are allergic to peanuts could experience mild or severe reactions, and sometimes it could be life-threatening. Many immunology and allergy specialists suggest them to carry a shot of epinephrine to reverse the allergic reaction in case there is an accidental peanut exposure. The epinephrine autoinjector works like a pen. It is easy to administer and is fast-acting. I have already kept one inside Daisy's school bag. Her doctor adds that nowadays many schools have a nut-free policy and even stock epinephrine autoinjector for their students. At present there is no cure for peanut allergy and strict avoidance of peanuts is the best way to prevent a reaction," said Mrs. Lee. The class teacher replied that she would ask Daisy to sit by herself to prevent her from exchanging food with other children.



A few days later, to the family's surprise, the school asked Daisy to leave. The principal explained to Mrs. Lee that the school did not have a registered nurse on-site to administer epinephrine and for Daisy's personal health and safety, she should find another school staffed with a nurse. As the school year had just begun, Mrs. Lee could not find a suitable school for Daisy. Mrs. Lee explained her predicament to the principal and requested the school to re-admit Daisy but in vain. Mrs.

Lee resorted to lodging a complaint with the Equal Opportunities Commission (EOC).

### What the EOC did

On receiving the complaint the case officer explained the EOC's complaint handling procedures and conciliation process to Mrs. Lee and the school. Both parties opted for early conciliation. After rounds of letters and telephone exchanges, and two conciliation meetings assisted by the case officer, the two parties reached a consensus on the settlement terms. The school agreed to send a notice to all parents alerting them to food allergy issues and the implementation of "Individual Student Management Plan" for those with peanut allergy. The principal also sent an apology letter to the Lee's family and offered to re-admit Daisy to the ABC Primary School but Mrs. Lee turned down the suggestion as she had already found another school for Daisy.

### What the law says

Under the Disability Discrimination Ordinance, it is unlawful for educational establishments to discriminate against a person with a disability. Reasonable accommodation should be provided unless the provision would impose unjustifiable hardship on the institution. Schools have a responsibility to ensure that persons with disabilities, like other students, have equal access to quality education.



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## SD Case - Insured but not Protected

### Sex Discrimination Case

#### Insured but not Protected

##### The complaint

Mr. and Mrs. Poon had been longing for a holiday and they registered for a 10-day tour to Europe with a local travel agency. At the same time the couple had purchased travel insurance through the travel agency and paid all the fees. The tour would depart on the third week of July.

In early June, Mrs. Poon suffered from abdominal pain. She visited an obstetrician who confirmed that she was pregnant for more than a month.

The doctor advised against travel in the coming few months as her pregnancy was complicated by bleeding.



Knowing her recent health condition, Mrs. Poon claimed for her loss with the insurance company. The schedule of benefits in the travel insurance package included a reimbursement of fee due to journey cancellation. The insurer, however, declined the claim made by Mrs. Poon, stating that there was a general exclusion regarding pregnancy or any sickness associated with pregnancy. Feeling unfairly treated, Mrs. Poon turned to the Equal Opportunities Commission (EOC) for help.

##### What the EOC did

Mrs. Poon lodged a complaint with the Commission against the insurance company for discriminating her on the ground of her pregnancy. The company argued that the decision to exclude pregnancy from coverage in travel insurance products is a matter of risk assessment.



The EOC case officer explained to the insurer the Sex Discrimination Ordinance (SDO) in relation to the provision of goods and services. Both parties opted for early conciliation in order to save time and to avoid lengthy process of investigation. Initially Mrs. Poon demanded a full cash refund of her tour fee. After several rounds of negotiation assisted by the case officer, both parties reached an agreement on the settlement terms. The insurer would refund around 60% of the tour fee and the travel agency would give out some travel coupons as a goodwill gesture. The case was settled speedily and amicably.

##### What the law says

It may amount to pregnancy discrimination if the insurance company excludes all pregnancy-related claims in the provision of insurance coverage. However, the anti-discrimination ordinances recognize that insurance practice necessarily involves the classification of risk and that premiums and policies are tailored to reflect such risks. The anti-discrimination ordinances permit differential treatment based on actuarial or statistical data upon which it is reasonable to rely. Where no such data is available, the differential treatment must be based upon other reputable medical advice or opinion.

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## Around the World

### Around the World

#### Women Financial Planners Needed

A recent survey carried out in the United States shows that more women prefer getting financial advice from women than from men. Of the 55,600 certified financial planners in the States, fewer than one in four is female. Because women control an estimated 51 percent of personal wealth in the United States and influence 82 percent of purchases, financial planning firms may be missing out on a large potential market. A few years ago, Securian Financial Group, a company based in Minneapolis, set out to recruit more female financial planners into the network of independent contractors who sell its financial products.



Alfred Marcus, a professor of strategic management at the University of Minnesota said, "It makes sense for firms to recruit more women. Characteristics that we ordinarily associate with women are characteristics that would allow somebody to succeed in such a job." Listening well and explaining products in a way that is easily understood are the most important attributes an adviser can have.

Information source:

<http://www.startribune.com>

#### EU Agrees to New Racial Hatred Law

European interior ministers have agreed to make incitement to racism an EU-wide crime. Under the agreement, incitement to hatred or violence against a group or a person based on colour, race, national or ethnic origin must be punishable by at least a year in jail. However, member states can choose to limit prosecutions to cases likely to disturb public order.



The main difficulty holding up an agreement, since the proposal was first put forward in 2001, was the concern of some states that it would impinge on freedom of speech. The text of the decision says the new rules will not modify the obligation to respect fundamental legal principles, including freedom of expression.

Information source:

<http://www.guardian.co.uk/eu/story/0,,2061767,00.html>

## Stop Domestic Violence



In Australia, 29 pilot projects aimed at preventing domestic violence against women across Victoria have just been launched. "Nearly one in four believe that domestic violence

can be excused if it was the result of someone losing their temper or the perpetrator regretting what they had done afterwards. The new programme aims to break down such beliefs in various ways," said Victoria Health Chief Executive Todd Harper. "We need to ensure that we're doing everything that we can to prevent the problem before it occurs."

Information source:

<http://www.abc.net.au/news/stories/2007/07/12/1976581.htm>

## A Call Centre Operated by Persons with Visual Impairment



A group of young persons with visual impairment in India have opened a call centre in the country's financial capital, Mumbai. Everyday, each of them calls at least 100 people and tries to sell them various products and services offered by a

local telephone company. The centre, Drishti (Hindi for Vision), is an initiative of the National Association for the Blind (NAB).

A person without visual impairment would read out information about a service or facility from a computer screen to their customers. The Drishti staff instead use software which converts text data into voice format. Each person has two phones: one is connected to the server and the other is used to contact customers.

Information source:

[http://news.bbc.co.uk/2/hi/south\\_asia/6698275.stm](http://news.bbc.co.uk/2/hi/south_asia/6698275.stm)

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## Events Calendar

**密切留意有關殘疾議題的會議.....**  
**Watch out for conference on disability issues...**



日期 Date: 24.1.2008 (星期四 Thursday)  
 地點 Venue: 香港會議展覽中心  
 Hong Kong Convention and Exhibition Centre  
 舉辦機構 Organizer: 平等機會委員會  
 Equal Opportunities Commission  
 講者 Speakers: 國際及本港研究殘疾議題的專家  
 International and local experts on disability issues  
 內容 Content: 實施殘疾歧視條例所帶動的變革與進步  
 Changes and advances since the implementation  
 of the Disability Discrimination Ordinance  
 查詢 Enquiries: 2106 2106 or eoc@eoc.org.hk



<p><b>社區活動 巡禮 EVENTS CALENDAR</b></p>	<p>24/1/2008 – 26/1/2008              「亞太區家庭研究聯盟」成立典禮及研討會              CIFA Inauguration and Symposium</p> <p>亞太區家庭研究聯盟及香港大學家庭研究院              CIFA and HKU Family Institute</p> <p>2859 5300 www.cifa-net.org</p> 
<p>13/11/2007 – 27/11/2007              (逢星期二 Every Tuesday)</p>  <p>EQ 自療室              Workshop on Improving EQ              香港小童群益會              荃灣及葵青區家庭生活教育組              The Boys' &amp; Girls' Club Association of              Hong Kong - Tsuen Wan &amp; Tsing Yi              Family Life Education Group              2481 6316 www.bgc.org.hk</p>	<p>18/11/2007              第二十八屆聾人乒乓球比賽              The 28th Table Tennis Competition for              Persons with Hearing Impairment</p> <p>9/12/2007              第三屆聾人羽毛球比賽              The 3rd Badminton Competition for              Persons with Hearing Impairment</p> <p>香港聾人福利促進會              The Hong Kong Society for the Deaf              2527 8969 www.deaf.org.hk</p>
<p>7/12/2007</p>  <p>特殊奧運健體活力日              Special Olympics Fitness Day              香港特殊奧運會              HK Special Olympics              2697 3731 www.hkso.org.hk</p>	<p>13/12/2007</p>  <p>平等機會-全港新曲新詞/舊曲新詞唱作比賽              Equal Opportunities - Lyrics Writing and              Singing Competition              勵聲樂舍              Healing Musical Group              2399 5776 www.hmc.org.hk</p>

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