

Family Council

Are Families Given Equal Opportunities? EOC's Way Forward

INTRODUCTION

This paper provides background information to facilitate Members' discussion of the presentation to be made by Prof. Alfred CHAN, Chairman of the Equal Opportunities Commission (EOC) on EOC's plans on promoting family status at **Annex A**.

BACKGROUND

2. EOC was set up in 1996 under the Sex Discrimination Ordinance (Cap. 480) as an independent statutory body to implement various anti-discrimination ordinances in Hong Kong. A copy of its corporate statement is at **Annex B**. 2016 marked EOC's 20th anniversary, a milestone in its endeavours over the past two decades to foster an inclusive society in which everyone is treated with dignity and respect.

3. At present, legislation on anti-discrimination protection in Hong Kong includes the Sex Discrimination Ordinance and the Disability Discrimination Ordinance (Cap. 487), the Family Status Discrimination Ordinance (Cap. 527) (FSDO), and the Race Discrimination Ordinance (Cap. 602). Enacted in 1997, FSDO renders it unlawful for anyone or organisation to discriminate against a person on the basis of family status. Family status means that a person has 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. Being a multi-cultural international city, Hong Kong has different forms of families. However, individuals from some families, such as single-parent families, ethnic minority families, families with disabled persons, might not be given equal chance to compete.

4. With an increasing number of women in the labour market and an ageing population, EOC also considers it necessary for the society to address the needs of workers with family responsibilities. In the Equal Opportunities Awareness Survey 2015 commissioned by EOC, the top issue ranked as first priority by the respondents of “user survey”¹ was “to motivate employers to formulate Family-friendly Employment Policies and Practices” (15%). This is also a priority area that the Family Council (the Council) has been working on over the years. In 2011, the Council launched the first Family-Friendly Employers Award Scheme (Award Scheme) with a view to raising awareness of employers in the community of the importance of family core values, and fostering a pro-family culture and environment. The Award Scheme was well received. As reflected in the increase in number of applications² received in the subsequent two rounds of Award Scheme conducted in 2013-14 and 2015-16, it has successfully aroused the employers’ awareness in cultivating a family-friendly culture.

5. To certain extent, EOC’s work in promoting equal opportunities for families echoes with the family core values of “Communication and Harmony” under which there are two important dimensions of “enabling family members to better balance work, family and community commitments” and “strengthening the connection to the wider kin and community/neighbour networks”. The Council and EOC may explore collaboration in these areas with a view to creating greater synergy in promoting family well-being in Hong Kong.

ADVICE SOUGHT

6. Members are invited to note the above background information and EOC’s plans and provide their views on the subject.

Family Council Secretariat September 2016

¹ The Survey covered two parts, namely Survey of the General Public and the User Survey. The User Survey covered participants who joined EOC’s activities such as training sessions, the EO Club or Career Challenge, etc. Target respondents were defined as those who participated in the activities in the last 12 months before enumeration.

² 1 112 applications were received in the 2011 Award Scheme, 1 814 in 2013/14 (increase by 63%) and 2 739 in 2015/16 (increase by 51%).

Equal Opportunities Commission



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Are families given equal opportunities?

EOC's way forward

**A talk delivered to the Family Council
on 24 September 2016**



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Our belief in the free market economy

- Offering fair & open competition
- Allowing freedom of choices
- Allowing individual's aspiration for success
- Market regulates its demands & supplies
- The big 'American Dream':
everyone can succeed if they work for it

Huge assumption: everyone is on the same level playing field



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Are families equal?

- Traditional structures: nucleus & extended with 1-female-1-male families as heads
i.e. child(ren)-parents-grand parents, with the ageing of our population,
women+children = family carers
- Single-parent families → single earner
- Multiple divorces families → multi-parents (who cares?)
- Same sex families or families with bi-sexual child(children)
→ subjected to all sort of discrimination
- Ethnic minority families → subjected to discrimination & cultural disadvantages:
life styles, religious practices, language, and gender (male-centric)
- Families with disabled persons → subjected to discrimination & additional
resources e.g. with physically or mentally disabled child(ren)
- All these families are more likely in poverty & in need of extra resources to lead a
life comparable to others
- Individuals from these families are therefore NOT given equal chance to compete!



Situation of individuals in Hong Kong

Hong Kong is a multi-cultural, international city

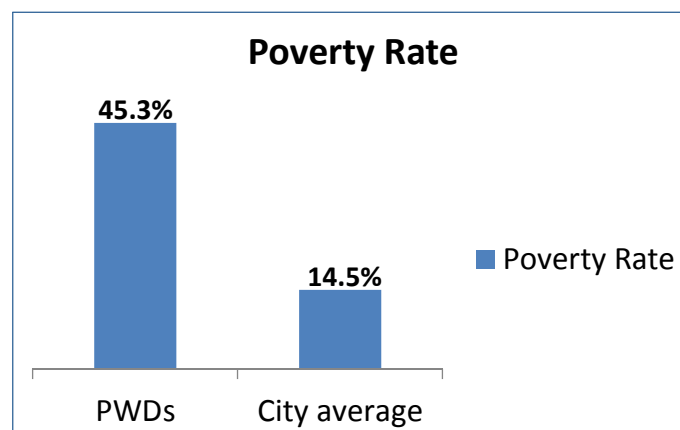
Yet prejudices remain...



Persons with Disabilities

**At least 1 in every 4 persons have chronic disease or disability
(2.04M out of 7.23M)**

- Persons with disabilities: 578,600
- Persons with intellectual disabilities: 71,000 to 101,000
- Persons with chronic disease: 1,375,200

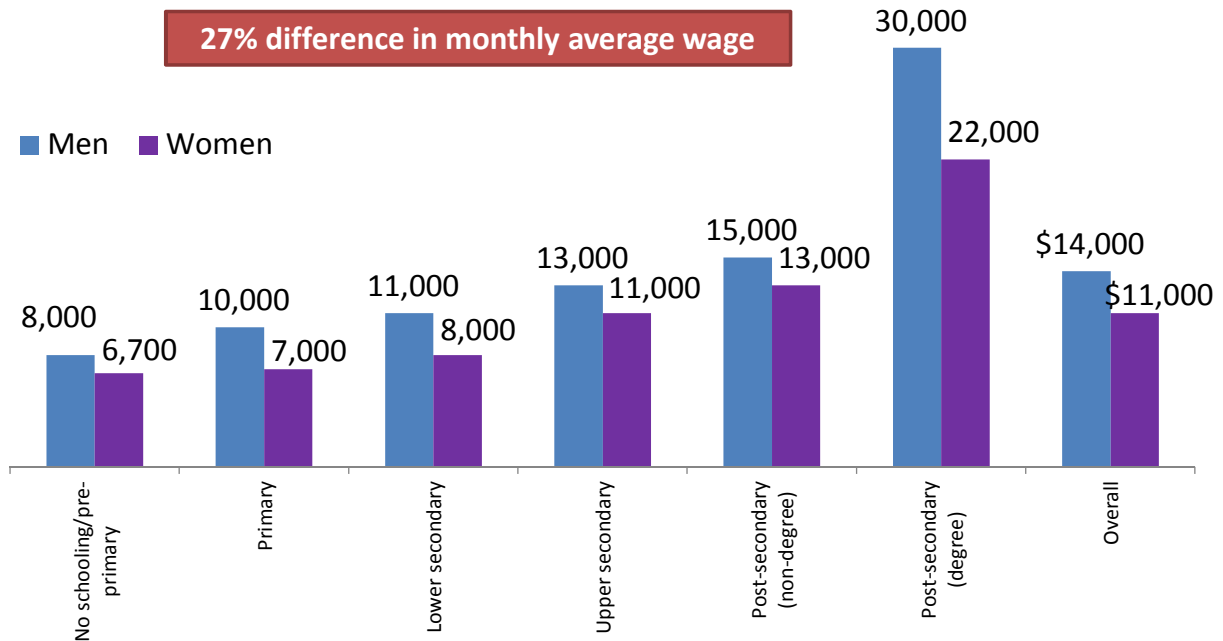




Women Vs Men

Proportion of Women to Men in Hong Kong
53.8% : 46.2%

27% difference in monthly average wage



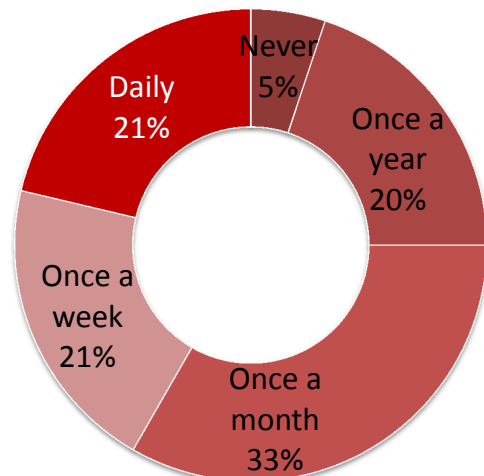
Source: "Women and Men in Hong Kong: Key Statistics 2013 Edition", Census and Statistics Department, HK SAR and own calculation;



Racial Integration

- 94% of population are Chinese
- Non-Chinese: 451,000 (6%)
 - Indonesian (133,377)
 - Filipino (133,018)
 - Eurasian (55,236)
 - Indian (28,616)
 - Pakistani (18,042)
 - Nepalese (16,518)
 - Japanese (12,580)
 - Thai (11,213)

Have you ever witnessed racism in Hong Kong (if so, how often?)



Source: Time Out Magazine, 2012

Other areas of discrimination

- Agein service provision, education and in employment
- Sexual orientation: LGBTIQ minority groups
- Anti-SOGI groups

It is the society's wrong, NOT the family's!

- Don't adjust yourselves! It is the system!
- Empower individuals! Change society!
- 'Advanced' Vs 'less advanced' society:
economic wealth + technologies ???
- ➔ Protecting the 'weak' for 'equal share of societal wealth' (Reasonable Accommodation, Positive Action/Discrimination)
- ➔ establishment of humanitarian institutions:
international Red Cross, social services, Amnesty International, PC, EOC etc....



International Obligations

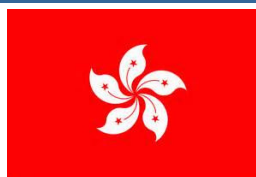


- The Universal Declaration of Human Rights (1948)
- International Convention on the Elimination of All Forms of Racial Discrimination [ICERD] (1969)
- International Covenant on Civil and Political Rights [ICCPR] (1976)
- International Covenant on Economic, Social and Cultural Rights [ICESCR] (1976)
- Convention on the Rights of the Child (UNICEF) (1994)
- Convention on the Elimination of All Forms of Discrimination against Women [CEDAW] (1996)
- Convention on the Rights of Persons with Disabilities (2008)

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Anti-discrimination Legislation



Basic Law of HKSAR

Bill of Rights

Sex Discrimination Ordinance (1996)

Disability Discrimination Ordinance (1996)

Family Status Discrimination Ordinance (1997)

Race Discrimination Ordinance (2009)

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Equal Opportunities Commission

- A statutory body established in 1996 under the Sex Discrimination Ordinance (SDO)
- Funded by the HK Government, yet operates independently
- Chairperson and Members are appointed by the Chief Executive of Hong Kong SAR



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Equal Opportunities Commission

EOC's vision:

- To create a pluralistic and inclusive society free of discrimination, with no barriers to equal opportunity

EOC's mission:

- To implement the four anti-discrimination ordinances
- To speak for the minorities and those vulnerable to discrimination
- To mainstream the values of equality
- To promote inclusiveness in society

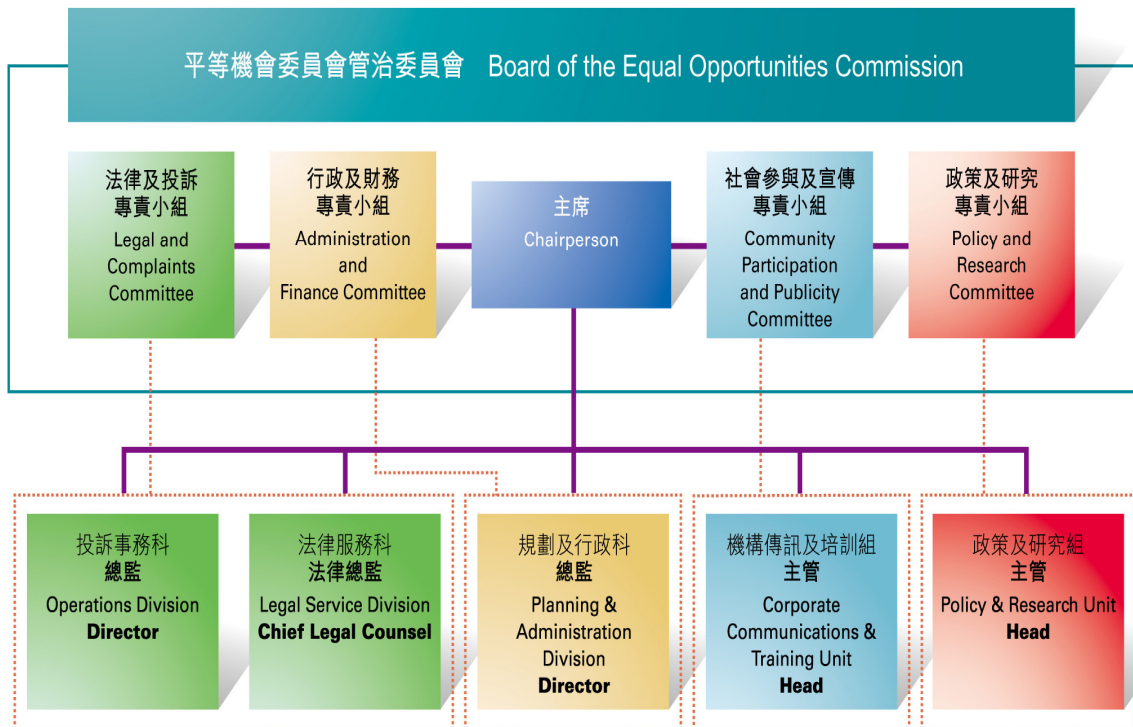
→ Promote equality & eliminate discrimination

→ for a diversity-inclusive community, with mutual respect

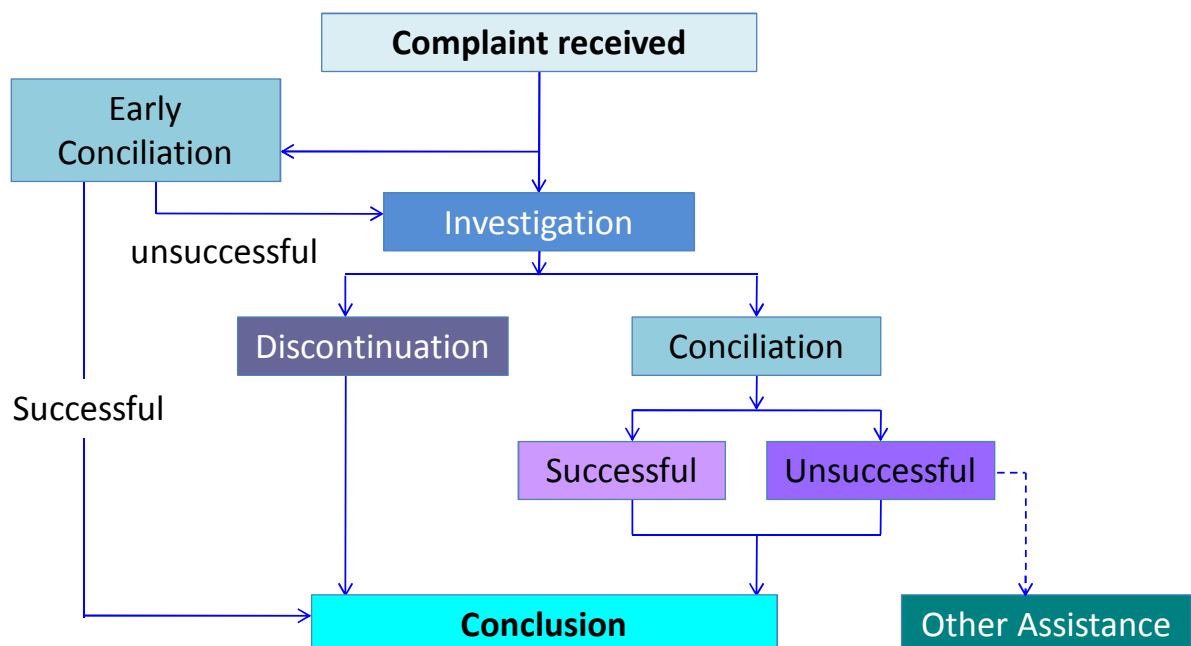
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Structure of EOC



EOC's Complaint Handling Procedures





Work of EOC

- Investigate complaints lodged under the four anti-discrimination ordinances
- Provide legal assistance to aggrieved persons
- Review legislation and provide guidelines
- Conduct research on issues related to discrimination and advocate for policy change
- Promote equal opportunities and non-discrimination values
- Develop educational programmes and resources

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EOC Philosophies reinforced

- Promote Equality for all, Eliminate discrimination for few
 - ➔ Persuade & educate the **majority**, protect & advocate for the **minority** (often is minority within the minority)
 - ➔ Meaning: **going against the tide, working against the mainstream & may not be supported by the majority (including politicians)**
 - ➔ Most difficult: **get the Government's recognition**
- Overall strategy: establish EOC as**
- ➔ as a watchdog for **social conscience** in an advancing economy (with rapid growth of technologies and business wealth leading to challenges to fundamental values/morality), to make sure of a basic standard of behaviours
 - ➔ as an **ICON** for humanity development for 'Asia's World City'



Ways forward for collaborations

- EO values/education starts from young in families (parents are also our targets)
- Family/school **values internalization** aligned
e.g. freedom comes with responsibility
equality comes with respect
- Enforcing 'respect to others' in family & pre-schools, all the ways to university
- EdB's efforts in making sure of 'personal growth', in knowledge, life skills & in **values**
- **Promote equality for all, eliminate discrimination, leading to a society with diversity inclusion**
- ➔ **Mainstream into informal (family) & formal education, daily living with 'equality for all'.**



Equal Opportunities Commission

Tel: 2511 8211 Fax: 2511 8142

Email: eoc@eoc.org.hk Website: www.eoc.org.hk

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

THANK YOU!

We welcome your questions and suggestions



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EOC Corporate Statement

The Equal Opportunities Commission (EOC) is a statutory body set up in 1996 to implement anti-discrimination legislation ("Legislation"). Currently there are four ordinances dealing with anti-discrimination, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO).

Functions and Powers of the EOC

The main functions and powers of the EOC are to

- work towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race;
- promote equality of opportunities between men and women, between persons with a disability and persons without a disability, irrespective of family status and race;
- work towards the elimination of sexual harassment, and harassment and vilification on the grounds of disability and race;
- conduct investigation into complaints lodged under the Legislation and encourage conciliation between the parties in dispute;
- undertake self-initiated investigation into situations and issues giving rise to discrimination concerns under the Legislation;
- develop and issue codes of practice under the Legislation;
- keep under review the workings of the Legislation and when necessary, draw up proposals for amendments; and
- conduct research on issues relevant to discrimination and equal opportunities.

Our Vision

To create a pluralistic and inclusive society free of discrimination where there is no barrier to equal opportunities.

Mission

We seek to achieve our vision by

- establishing partnerships with all sectors in the community;
- promoting awareness, understanding and acceptance of diversity and equal opportunities and providing education to prevent discrimination;
- enforcing compliance with provisions in the anti-discrimination legislation; and
- providing access to redress for discrimination.

Organizational Values

- **Equality**
We will be in the forefront to uphold the principle of equal opportunities.
- **Fairness**
We will implement fair and impartial procedures and act with sound judgment in administering the anti-discrimination legislation.
- **Integrity**
We will respect the truth and act with integrity.
- **Sensitivity**
We will be courteous, sensitive and helpful to our clients and will do away with unnecessary bureaucracy.
- **Energy**
We will be energetic and proactive in pursuing issues of discrimination.

- **Efficiency**
We will carry out our functions and responsibilities with efficiency and will use our resources efficiently, effectively and responsibly.
- **Transparency**
We will operate with a high degree of transparency to enable the public to better understand our work and performance.
- **Independence**
We will act freely and independently within the confines of the law and will not be subject to undue influence or pressure.
- **Accountability**
We will be accountable for our decisions and actions to the public and will submit ourselves to whatever scrutiny that is appropriate.

Corporate Strategies

In order to achieve our mission and to effectively perform our main functions, the EOC will apply the following strategies:-

Promoting Equal Opportunities

- Emphasize on the responsibility of all sectors in the community to foster equal opportunities through education and promotion.
- Promote community awareness and acceptance of equal opportunities and the principles underpinning the legislation administered by the Commission.
- Maximize the use of technology and the public media and other means to educate the community, especially through school education.
- Develop Codes of Practice and guidelines under the anti-discrimination legislation.

Complaint Handling and Legal Services

- Handle complaints about discrimination and encourage and facilitate conciliation in a timely and effective manner.
- Participate in the Intervention and Amicus roles.
- Provide professional legal services to aggrieved persons including assistance in proceedings.

Eliminating Discrimination

- Combat systemic discrimination from the policy and structural perspectives and through the conduct of formal investigation.
- Advise government and the community of equal opportunity contraventions.

Building Networks and Image Building

- Maintain an appropriate international role for the Commission by actively participating in meetings of the Asia Pacific Forum of National Human Rights Institutions and other relevant United Nations meetings and hearings.
- Develop partnerships with stakeholders, where appropriate, to maximize our impact by combining, harnessing and pooling together resources.
- Develop our public image and strengthen our reputation as an independent, efficient and effective organization.
- Promote our services and achievements through dissemination of useable and clear information.

Review and Monitor for Improvements

- Responsive to and initiate legislative and other changes.
- Review our functional work plans annually.