

家庭議會

家庭是否獲得平等機會？ 平等機會委員會的未來路向

引言

平等機會委員會(平機會)主席陳章明教授會講解有關平機會在推廣家庭崗位方面的計劃(載於**附件A**)。本文件旨在提供背景資料，以便委員就講解內容進行討論。

背景

2. 平機會是在一九九六年根據《性別歧視條例》(第 480 章)成立的獨立法定機構，負責執行香港的各項反歧視條例。平機會的機構聲明文本載於**附件 B**。二零一六年是平機會成立二十周年的里程碑，標誌着平機會於過去二十年在建設包容共濟的社會以確保人人享有尊嚴和得到尊重方面，所付出的努力。

3. 目前，本港的反歧視法例保障包括《性別歧視條例》、《殘疾歧視條例》(第487章)、《家庭崗位歧視條例》(第527章)和《種族歧視條例》(第602章)。《家庭崗位歧視條例》在一九九七年制訂，訂明任何人或機構基於某人的家庭崗位而作出歧視行為，即屬違法。「家庭崗位」指負有照顧直屬家庭成員的責任，就任何人而言，「直屬家庭成員」指因血緣、婚姻、領養或姻親而與該人有關的任何人。香港是一個匯聚多元文化的國際城市，社會上有不同形式的家庭。不過，部分家庭(如單親家庭、少數族裔家庭、殘疾人士家庭)中的個別成員，未必能獲得平等的競爭機會。

4. 由於勞工市場的女性勞動人口數目日益增加，加上出現人口老化的情況，因此平機會認為社會有必要照顧有家庭負擔僱員的需要。根據平機會委託機構進行《平等機會意識公眾意見調查2015》，「使用者調查」

¹的受訪者認為，最需要優先處理的首要工作應為「推動僱主訂立『家庭友善僱傭政策及措施』」(15%)，這亦是家庭議會(議會)多年來優先推行的工作範疇。在二零一一年，議會推出首屆「家庭友善僱主獎勵計劃」(獎勵計劃)，目的是提高社會上僱主對家庭核心價值重要性的認識，並締造有利家庭的文化和環境。這項獎勵計劃廣受歡迎。其後兩屆獎勵計劃分別在二零一三至一四年度和二零一五至一六年度舉辦，所收到的報名申請數目²均有所增加，反映獎勵計劃已成功喚起僱主對建立家庭友善的文化和的關注。

5. 平機會在推廣家庭享有平等機會方面的工作，在某程度上與「溝通與和諧」的家庭核心價值一致。這個家庭核心價值有兩個重要的範疇，包括「協助家庭成員在工作、家庭和社會的責任之間取得適當平衡」和「促進家庭與其他親屬以至社區／鄰居的聯繫」。議會和平機會可探討在這些範疇的合作機會，以期在促進本港家庭福祉方面創造更大的協同效應。

徵詢意見

6. 請委員備悉以上的背景資料和平機會的計劃，並就有關議題提出意見。

家庭議會秘書處
二零一六年九月

¹ 該項調查包括兩個部分，即公眾人士調查和使用者調查。使用者調查的對象涵蓋曾參加平機會活動(例如培訓課程、「平等機會之友」或「無定型新人類」等)的人士。這項調查的受訪對象為在調查前 12 個月內曾參與有關活動的人士。

² 2011 年獎勵計劃共收到 1 112 份報名申請，而在 2013/14 年度和 2015/16 年度，所收到的申請則分別為 1 814 份(增幅為 63%)和 2 739 份(增幅為 51%)。

Equal Opportunities Commission



平等機會委員會
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**



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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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

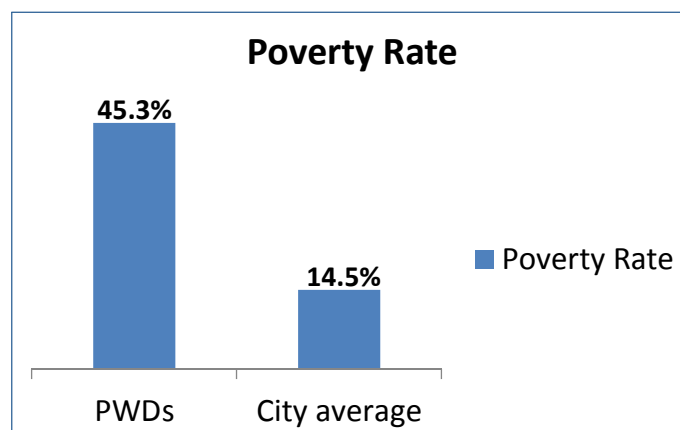
Yet prejudices remain...



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

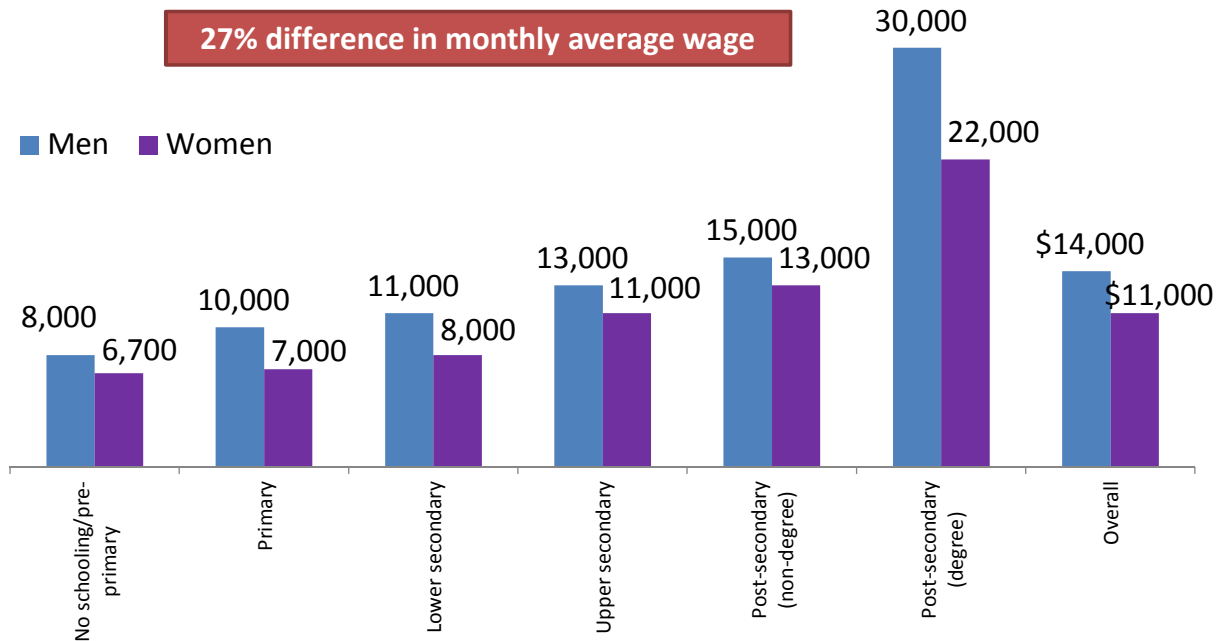




Women Vs Men

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

27% difference in monthly average wage



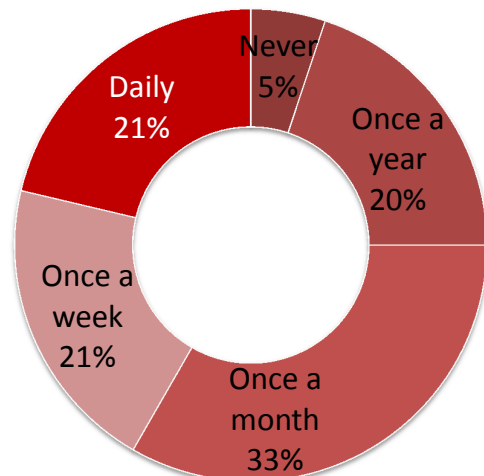
Source: "Women and Men in Hong Kong: Key Statistics 2013 Edition", Census and Statistics Department, HK SAR and own calculation;



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

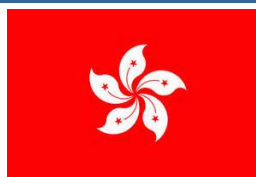


- The Universal Declaration of Human Rights (1948)
- International Convention on the Elimination of All Forms of Racial Discrimination [ICERD] (1969)
- International Covenant on Civil and Political Rights [ICCPR] (1976)
- International Covenant on Economic, Social and Cultural Rights [ICESCR] (1976)
- 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



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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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

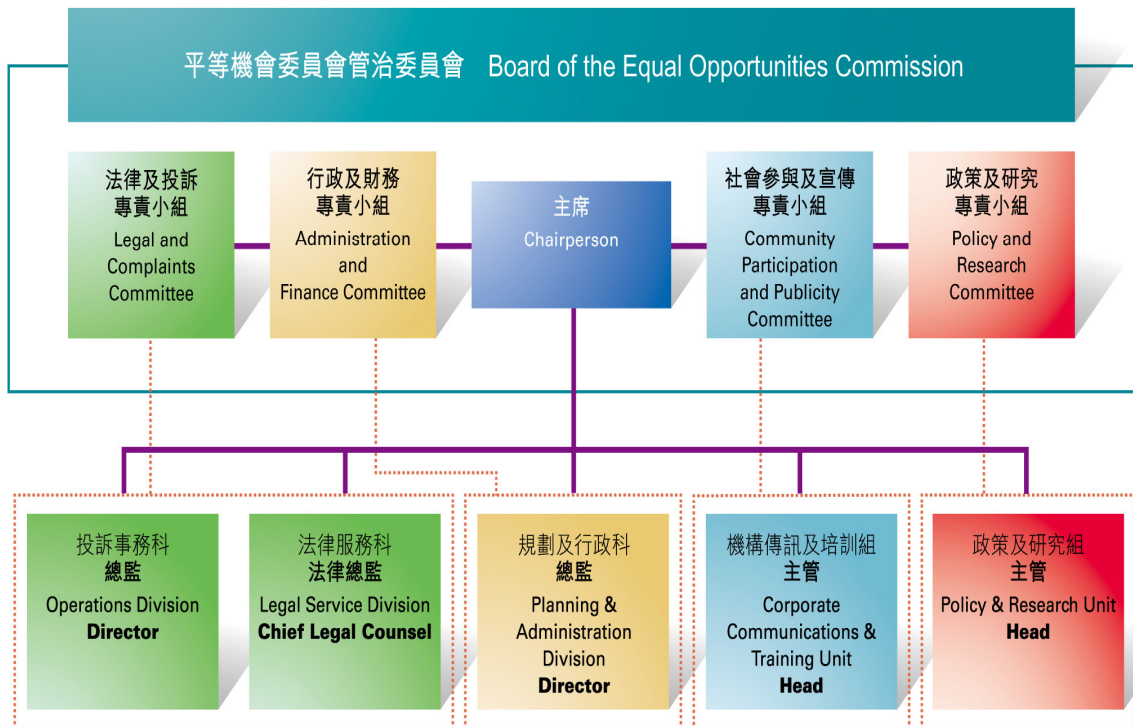
→ Promote equality & eliminate discrimination

→ for a diversity-inclusive community, with mutual respect

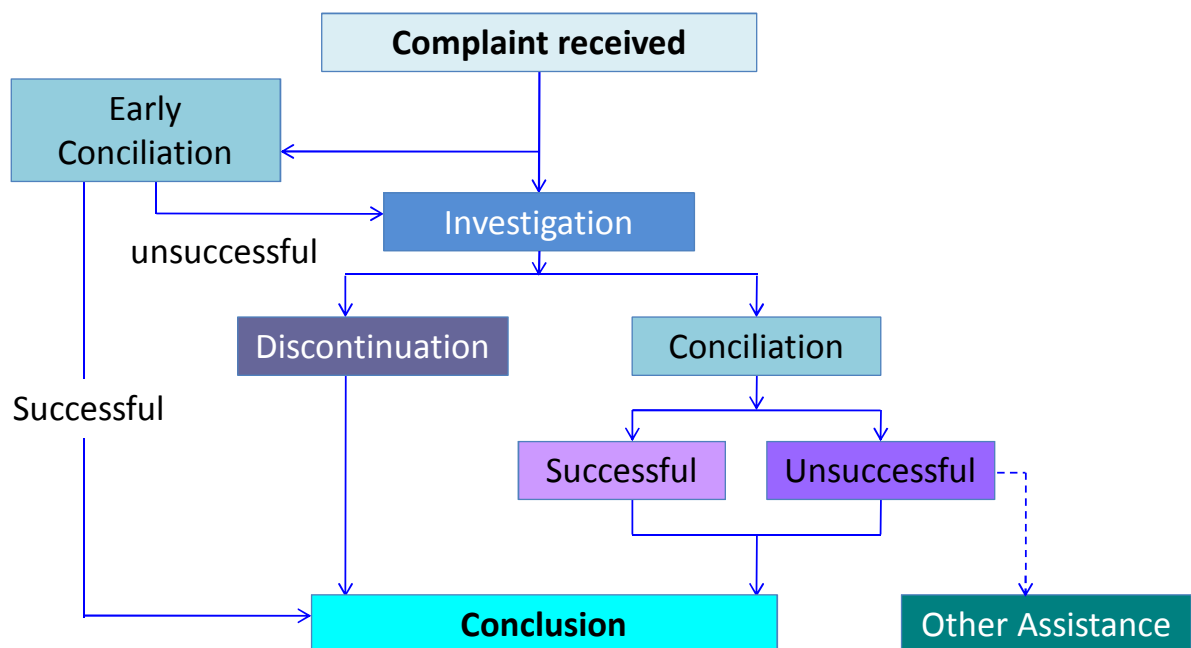
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Structure of EOC



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

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THANK YOU!

We welcome your questions and suggestions



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

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.