

EOC's Work Review of 2004 and Future Work Plans

The EOC

The Equal Opportunities Commission (EOC) is a statutory body set up to implement the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO).

The Commission works towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability and family status.

The Commission also aims to eliminate sexual harassment, and harassment and vilification on the ground of disability. It will promote equality of opportunities between men and women, between persons with and without a disability and irrespective of family status.

The Commission will foster, in partnership with the community, an environment where there is no barrier to equal opportunities and no discrimination, for the benefit of Hong Kong.

2004 Work Review

The year 2004 has marked another challenging year for the EOC with many of its major initiatives and tasks came to fruition.

The Commission has streamlined work procedures and successfully completed the restructuring of the Disability and Gender Divisions into one Operations Division, and redistributed work among various divisions to deliver services more effectively to meet the needs of the community. The impact on complaint-handling and conciliation has meant a higher conciliation rate, and the legal team has worked to provide more assistance to victims of discrimination. The EOC has collaborated with various stakeholder groups in sponsoring or organizing public education initiatives on equal opportunity, and has responded to increasing requests for training and consultancy work from both private and public organizations.

In complaint handling work, the number of people who have filed complaints for investigation and conciliation up to December 2004 is 445, which is comparable to 2002's annual figure of 430, and 497 for 2003 as a result of SARS. Complaints have dropped to 566 at the end of 2004, comparing with annual figures of 757 in 2002, and 915 in 2003. This has been attributed to a drop in multiple complaints, and the Commission has been able to achieve a higher conciliation rate of over 60%, as opposed to 53% in the previous year.

The granting of legal assistance climbed to 28 cases by the end of 2004, much higher than the previous records of 12 in 2002 and 23 in 2003. More respondents are now ready to settle out of court. 19 cases were settled in this manner during the year, whereas for 2003, that figure was 11. This reflects that more respondents are now ready to settle before going through an expensive and time consuming court action. 9 writs were issued in 2004; in 2003, 3 were issued and 6 writs were served in 2002.

In EOC's consideration of granting legal assistance, serious thought is given to decide whether the case raises a question of principle, whether it relates to a matter of public interest, or if a precedent or clarification of the law is required. This has proved to be an effective strategy.

In the past year, a Working Group comprising of Members, staff of the EOC and other relevant parties has been formed to study the establishment of an EO Tribunal. Discussions have focused on the feasibility of introducing an EO tribunal in Hong Kong, and the type of tribunal which should be introduced. So far, our stakeholders are generally in favour of a tribunal, and the Working Group will continue to pursue the matter.

On the issue of Equal Pay for Work of Equal Value (EPEV) Study, the Commission and members of the Task Force set up to advise on the study have examined its findings and recommendations. It is now in the process of mapping out a strategy to take this complex subject forward. A broad consultation that will embrace areas of public education to enable the community to better understand this concept and to address public concern is under active consideration.

To achieve synergy and facilitate collaboration in integrating equal opportunities into the School Curriculum, the EOC had taken the lead to work with the Curriculum Development Institute 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.

In August 2004, a "Forum on Preventing Sexual Harassment in Universities" was co-organised by the EOC and the Women's Commission to share the findings of a study in 2003 on sexual harassment in 8 local universities. Ways to prevent sexual harassment in universities were discussed. The forum has generated awareness and follow up action for training and consultancy. As a result of these and on-going efforts, the government has indicated willingness to amend the Sex Discrimination Ordinance to include provisions prohibiting a "sexually hostile educational environment", at the time when the racial discrimination legislation is to be enacted.

On legislating against racial discrimination, the EOC has invited the Home Affairs Bureau (HAB) to brief the EOC on several occasions, and shared its preliminary views with the government regarding the Consultation Document. The EOC also attended the Human Rights Forum and Ethnic Minorities Forum held by HAB to network with stakeholder groups and understand their stance and concerns, and shall submit its views on the Document before the deadline of 8 February 2005.

Throughout the year, the Commission took steps to improve communication with its stakeholders. Views of all stakeholders including NGOs, government departments, public bodies, consulates, business sector, professional associations, labour groups and the educational sector provided the EOC with insightful ideas to enhance its work. The Commission is committed to strengthening partnership with them, through open dialogue and effective communication. Also in the year, there was an active programme of visits, meetings, seminars and conferences, both locally and overseas. For the year 2004, the work of the EOC in statistical terms is listed in **Annex A**.

As mentioned above, the year 2004 has been an eventful and challenging year for the EOC. Its achievements could not have come about without the unrelenting efforts of the EOC Board and all its staff and most importantly, the support of the community at large.

The work review for the year would not be complete without highlighting two very important reviews that the EOC undertook. The EOC has conducted an Overall Review, which looked at its current roles and functions, work priorities, efficiency and effectiveness in order to fulfill its mission. The EOC has also conducted its review on Human Resources Management policies, practices and procedures (HRM Review) as a self-improvement initiative with the aim to identify HRM issues that need to be addressed. Both reviews have been completed in the latter part of 2004 and further considerations are being given to implementing the recommendations in these reviews.

Looking Ahead

It is EOC's mandate to discharge its statutory responsibilities under the anti-discrimination legislation by promoting awareness, understanding and acceptance of diversity and equal opportunities, providing education to prevent discrimination and providing access to redress discrimination. The EOC is committed to build a stronger and a more effective organization for the attainment of this mandate.

Given the controversies surrounding the Commission in the last eighteen months or so, it will be EOC's first priority to put the focus on its work, on what it is charged to do under the law. Against this background, the Commission will, first of all, look into its internal operations. EOC's credibility has for sometime been a subject of much comment in the public. The EOC will undertake a critical examination of its internal processes and address any inadequacies deemed necessary. Work methodology and internal communications will be improved, organizational structure will evolve and knowledge built to ensure that we have a harmonious, capable, committed and united workforce conducive to the effective discharge of our statutory duties. The Overall Review and the HRM Review which the EOC conducted have provided considerable food for thought. Many of the recommendations in these reviews have already been accepted in principle by the EOC Board.

Others are under active consideration. Some of the improvements will take time and will not come overnight. Continuity and stability for the EOC will be essential in making the necessary changes and to implement the longer term initiatives. The EOC will continue to build further partnership with our stakeholders and the community to better understand their needs and concerns, and to join hands with them in promoting equal opportunities and eliminating discrimination. If the Commission performs its duties faithfully and effectively, and discharges its responsibilities within the remits of the law, credibility will come naturally. The manifestation of credibility will rest in the community's willingness to entrust these duties and responsibilities to the Commission. Some of the matters requiring EOC's special attention in 2005 are listed in **Annex B**.

EOC's funding in the coming years would be progressively reduced due to government's budget constraint. The EOC has taken various measures to alleviate the difficulties and to ensure that public service is not adversely affected. The reorganization and procedural review which has been carried out in the last two years will enhance efficiency. EOC's additional services, research and training will extend its impact to a far wider population and will help generate some revenue for us. On-going improvements in EOC's operation will also help to meet this objective. More partnership with different partners will be established, with each of them contributing expertise, services or funding to maximize the use of our resources.

Despite the constraints and challenges, the EOC would continue to help the marginalized groups of the community in eliminating discrimination. The EOC is committed to achieving equal opportunities for all.

Equal Opportunities Commission
January 2005

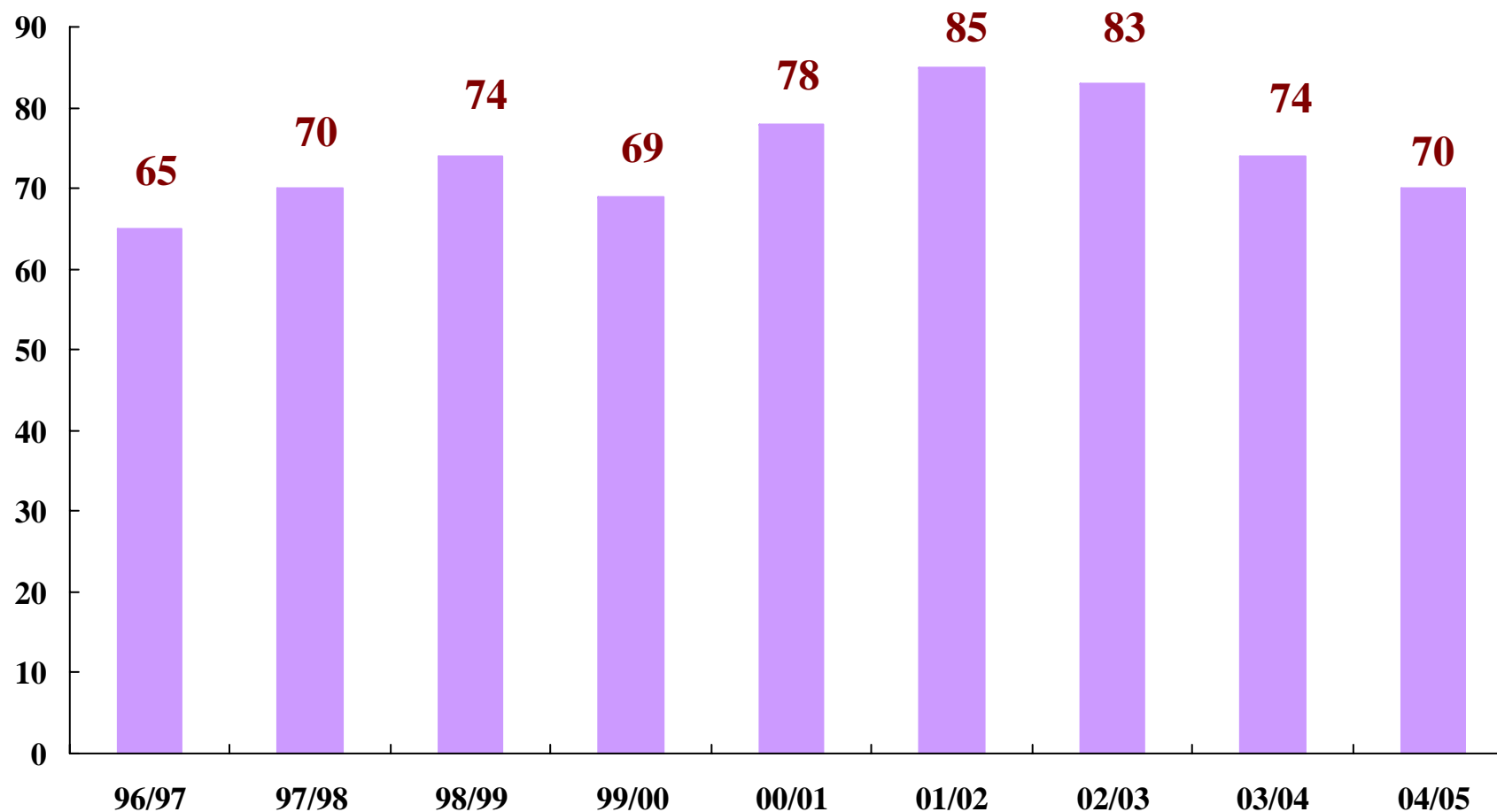
EOC Review

平等機會委員會工作回顧 2004



Staff Strength (1996/97 to 2004/05)

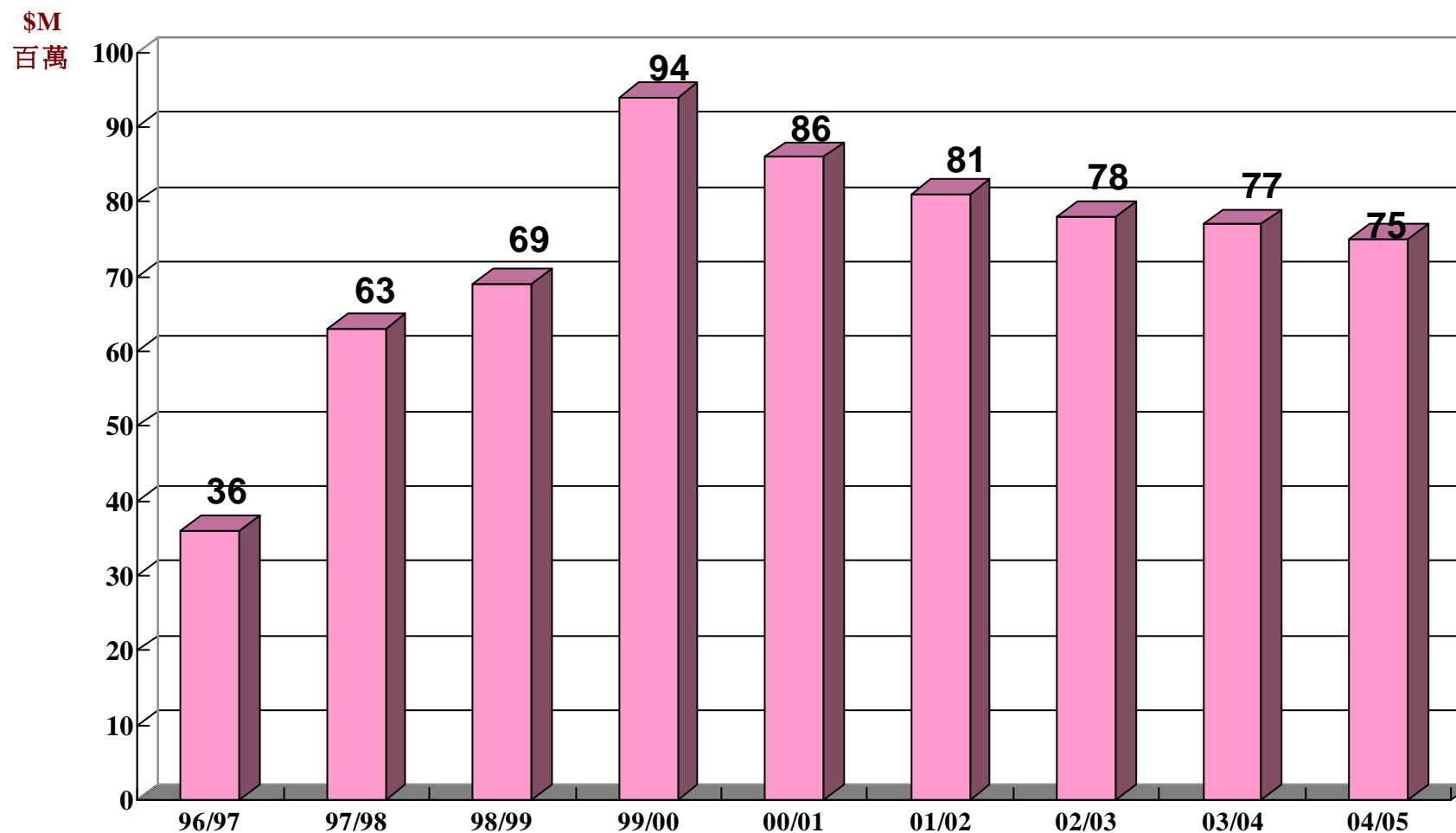
員工數目 (1996/97 至 2004/05)



- The number of staff strength was counted at the end of each fiscal year, 31 Mar.
員工數目的計算日期為每年財政年度的最後一日，即3月31日。
- The number of staff strength in 2004/05 was counted on 31 Dec 2004.
2004/05 年員工數目的計算日期為2004年12月31日。

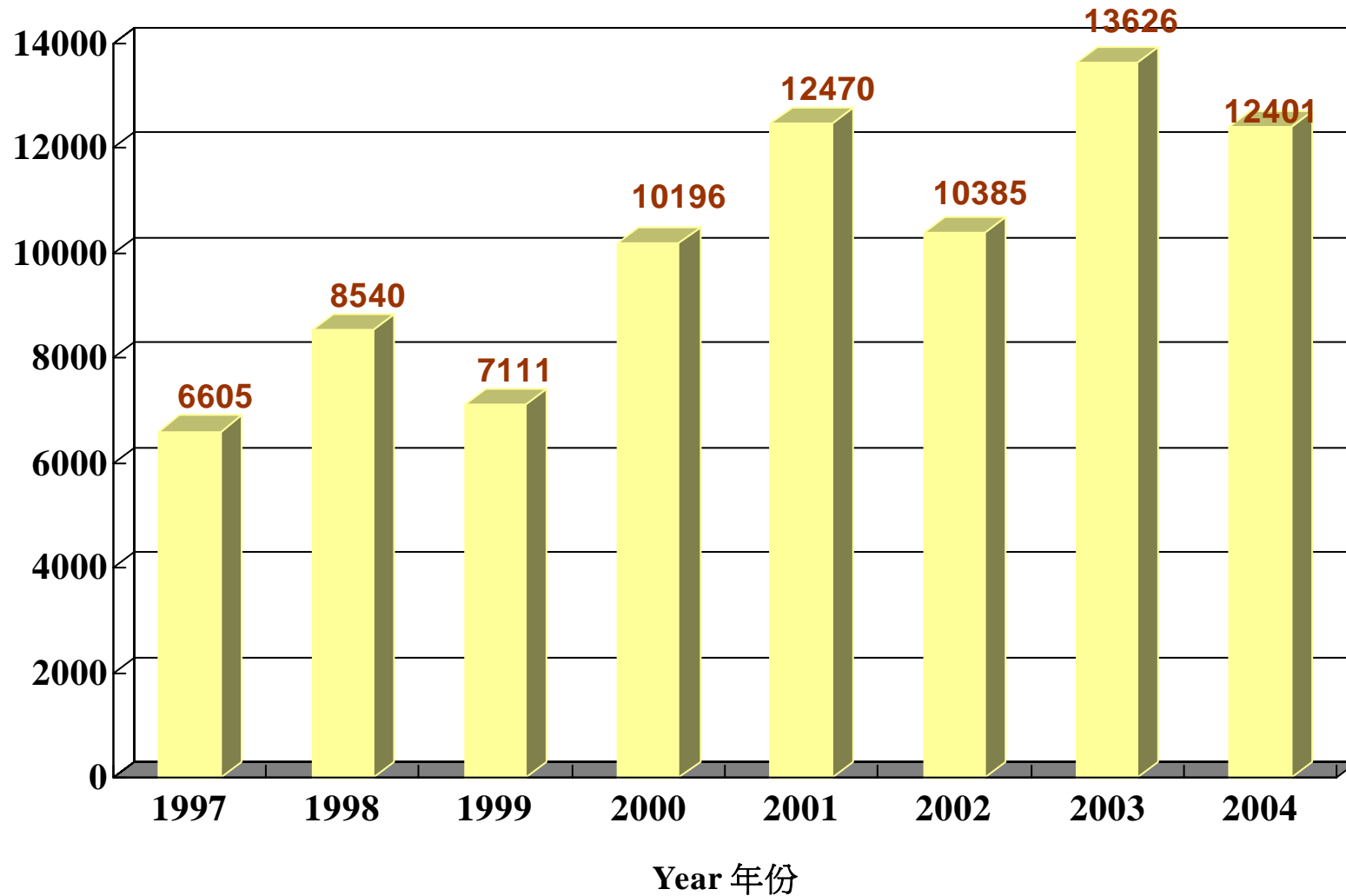
Government Recurrent Subvention (1996/97 to 2004/05)

政府給予委員會的經常性補助（1996/97至2004/05）



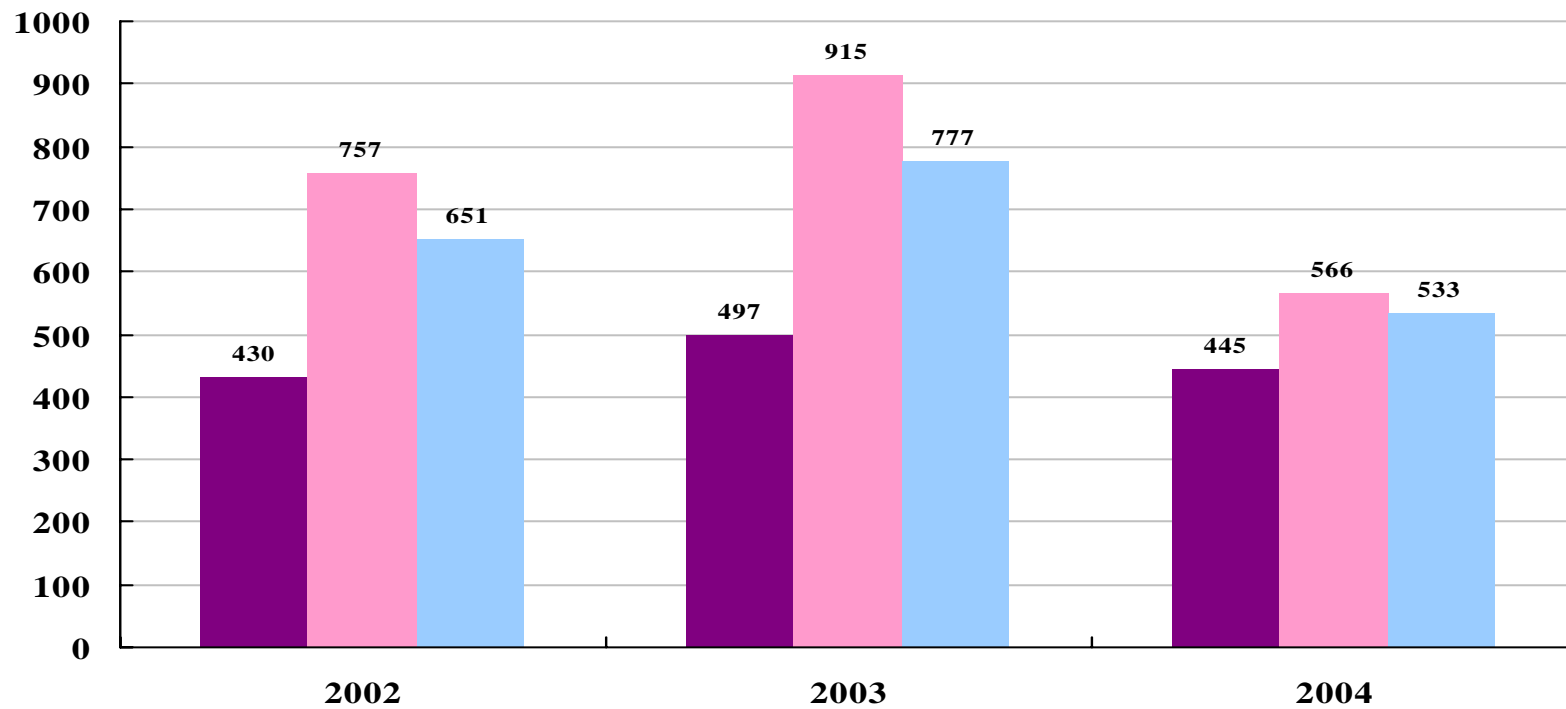
Number of Enquiries (1997 to 2004)

查詢數字 (1997年至2004年)



Number of Complaints for Investigation and Conciliation (2002-2004)

需作調查及調解的投訴 (2002年至2004年)



- No. of complainants involved 所涉及的投訴人
- No. of complaints received 所涉及的投訴數字
- No. of respondents involved 所涉及的答辯人

Outcome of Complaints for Conciliation (2003 to 2004) 經調解之投訴的結果（2003年至2004年）

	調解成功的個案 Conciliated	調解不成功的個案 Conciliation not Successful
2003	233 (53%)	205 (47%)
2004	199 (61%)	127 (39%)

Statistics on Provision of Legal Assistance

提供法律協助的統計數字

Year 年份	1997	1998	1999	2000	2001	2002	2003	2004	Total 總數
Legal Assistance Applications received 申請法律協助	5	19	21	41	33	60	71	51	301
Legal Assistance Granted 給予法律協助	3	9	10	26	15	12	23	28	126
Settlement Cases without Legal Proceeding 透過法律協助，但毋須展開法律訴訟而獲得解決的個案	0	1	1	3	4	6	6	12	33
Writs Issued 發出入稟狀	1	1	6	4	6	6	3	9	36
Settlement Cases after Legal Proceeding 在展開法律訴訟後而獲得解決的個案	0	0	1	0	1	7	5	7	21
Court Cases Concluded 審結的個案	0	0	2	4	3	1	1	0	11

Important matters requiring special attention in 2005 by the EOC include

- (1) following up on the recommendations of the review of EOC's direction and organizational structure and HRM Review to ensure an efficient and effective operation;
- (2) preparing for the implementation of legislation on Racial Discrimination once it is decided for EOC to take up this statutory function;
- (3) examining the feasibility of establishing an Equal Opportunities Tribunal;
- (4) conducting promotion, education and training programmes to enhance understanding on the concept of equal pay for work of equal value;
- (5) partnering with business and industries such as the insurance industry to develop policies and practices;
- (6) assisting the public and private sectors in acquiring in-depth understanding of equal opportunities legislation through training programmes and public education; and
- (7) working with the Government to mainstream equal opportunities in the policy-making process.