

## **Legislative Council Panel on Home Affairs**

Meeting on 14 March 2003

### **EOC Conducts Work Review of 2002**

---

Since the establishment of the Equal Opportunities Commission (EOC) seven years ago, the work of the Commission has evolved to reflect the changing needs of our community. The past year has witnessed new directions, strategies and operations adopted by the Commission to provide a wider scope for the EOC to effectively meet the challenges that lie ahead.

Over the years the work of the Commission has been evolving in addition to the core function of complaints handling, two new units have been established --- the Policy Support and Research Unit and the Training Unit. The services now reflect more fully the roles that a Commission should have in these times of changing needs.

The Training Unit is a very important development for the Commission. The training service is essential in raising awareness and compliance with equal opportunities laws in the community. The Unit delivers both free public and tailor-made fee-charging services.

To strengthen the advocacy/advisory role of the EOC, the Policy Support and Research Unit was established to meet the increasing demand for policy analysis and research support.

In an effort to enhance the efficiency and effectiveness of the Commission, a review of the complaints handling procedure and the organization structure was commissioned. Since July 2002, the Commission has been in a process of change. The complaints handling procedure is being modified and the two operation divisions, i.e. the Disability and the Gender Division will be merged into one under the charge of one director. This will facilitate greater sharing of expertise and better use of resources.

In recent years, the EOC has received feedback from victims that they fear pressure, stress and job loss as a consequence of complaining about discrimination. In some cases, sensitive issues such as sexual harassment or depression are involved. To alleviate these difficulties, the Commission has commenced offer of early conciliation with a shorter handling process to victims.

From April 2003 on, the Commission will be providing additional facilities to include in-house training premises, conciliation rooms and a resource centre which is open to the public.

To strengthen our educational and resource tools, we will be making available for public inspection both on our website as well as in our resource centre a register of successfully conciliated cases. This register will show the kinds of cases conciliated, the legal issues involved, the range of remedies and quantum of compensation agreed upon. The register will also reflect the solid achievements of the complaints handling function.

Concerning the Commission's strategic approach to litigation, the Commission supports and undertakes litigation in strategic cases on behalf of victims --- in areas where clarity is required, where there is persistent discrimination, where a large number of people is involved or where public interest is affected.

This strategic litigation role is essential to the Commission's work in the elimination of discrimination. Apart from providing individual justice, it has wide education value and it supports the Commission's conciliation and settlement functions due to the deterrent effect litigation creates. For the year 2002, 12 cases were in fact settled out of court.

However, budget constraints had limited the litigation role of the EOC. Litigation is very costly and may take years to complete. We have been constrained by our budget and we have redeployed our internal funds and resources to meet the expenses of legal cases but some meritorious cases have been turned away.

The EOC is grateful that some law firms have stepped in to help and have agreed to provide pro bono services. Their services are invaluable to the victims. The Commission will soon be exploring additional legal assistance that can be provided.

For the year 2002, the work of the EOC in statistical terms is represented by the Annex. The figures show the growing importance of training, advocacy, research and public education. We have provided training courses to about

7,000 participants. Our website which will continue to be a resource center in both Chinese and English now receives a hit-rate of over 910,000 a month.

As to complaints statistics, the complaint statistics of 2002 has normalized after an exceptionally high record in 2001 due to a huge influx of complaints on the discriminatory Secondary School Places Allocation (SSPA) System. As at the end of 2002, the total complaints received by the EOC were 785. This represents a steep drop from the 2001 total (due to the influx of SSPA cases) but is an increase of 6.2% over 2000. However, the complaints and enquiries on the SSPA in 2001 had continued to intensify the investigation, conciliation and follow-up work of the Commission in 2002. As a result, the total number of complaints handled was 1,749 as compared to 2,063 in 2001 (again due to the influx of SSPA cases) and 989 in 2000.

60% of the complaints received since 1997 were employment-related cases. By respective Ordinance, 89% of the Family Status Discrimination Ordinance (FSDO), 55% of the Sex Discrimination Ordinance (SDO) and 64% of the Disability Discrimination Ordinance (DDO) cases were related to employment. Dismissal continued to be the major cause for complaint, resulting in 81%, 49% and 44% of all employment-related complaints under the FSDO, SDO and DDO respectively in 2002.

It was expected that funding in the coming years would tighten due to the government's budget deficit. The EOC has taken a number of measures to alleviate the difficulties. Our reorganisation and procedural review will enhance efficiency. Our additional services in research and training will enable

us to extend our impact to a far wider population. We will establish more partnerships with different parties, with each of them contributing expertise, services or funding to maximise the use of our resources.

The EOC has been working on a number of projects, namely the Survey on Women's Knowledge of the CEDAW, Report on Equal Pay for Work of Equal Value and the Small to Medium Enterprises Training Kit. We will be publicizing the results in the near future. The Commission will also continue its work in formulating anti-discrimination guidelines for the insurance industry and to combat discrimination against people with mental illness.

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

March 2003