

Promoting Racial Harmony in Social Service Sector

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Relevant Legal Instruments

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Bill of Rights Ordinance
- Race Discrimination Ordinance

Other Anti-discrimination Laws

- Disability Discrimination Ordinance (DDO)
- Sex Discrimination Ordinance (SDO)
- Family Status Discrimination Ordinance (FSDO)

Roles & Functions of EOC

- Enquiry
- Complaint (investigate and conciliate)
- Legal assistance (strategic)
- Public education
- Research
- Policy advocacy

Race Discrimination Ordinance

- Came into force in July 2009
- Fields covered:
 - Employment
 - Education
 - Premises, goods, service and facilities, etc.
 - Clubs and sports
 - Government

Code of Practice on Employment

- Effective date: 9 July 2009
- Policies and procedures on prevention and elimination of race discrimination in employment
- Practical guidelines for employers & employees
- Understanding rights and responsibilities

Race Discrimination

Indirect
Discrimination

Direct
Discrimination

Harassment



Victimisation

Vilification

Serious
Vilification

Liabilities

- A person who commits an unlawful act of discrimination will be **personally liable**
- **Employer is vicariously liable** for the unlawful acts committed by his/her employees “in the course of employment” unless they have already taken “reasonable practical steps” to prevent such acts
- **Principal is vicariously liable** for the unlawful acts committed by his/her agent with the authority (whether express or implied, and whether precedent or subsequent) of the Principal
- Without knowledge is not a defence of vicarious liability

Responsibility of Agencies

- Develop policies that eliminate and prevent unlawful race discrimination
- Implement appropriate strategies to ensure equal opportunities
- Arrange proper training for the staff
- Set up effective complaint mechanism

Responsibility of Staff

- Understand their own liability
- Take into account the special needs (e.g. language barrier) of ethnic minority service recipients
- Enhance awareness and sensitivity on the cultural differences of people of different ethnicities

Typical complaints

- Employers refused to hire once ethnicity is disclosed
- Difficulty in renting premises
- Service providers cannot communicate effectively in English
- No English version of important documents
- Poor attitudes
- Bullying

Formal v Substantive Equality

- Treating everybody the same (**formal equality**) doesn't necessarily mean that it is fair
- No two persons are exactly the same - there bound to be some differences
- When there is a difference in need, it is called "special need"
- Only when the special need of an individual is addressed or reasonably accommodated would **substantive equality** be achieved

Q & A



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