

15B

Health and Social Care Issue – Discrimination

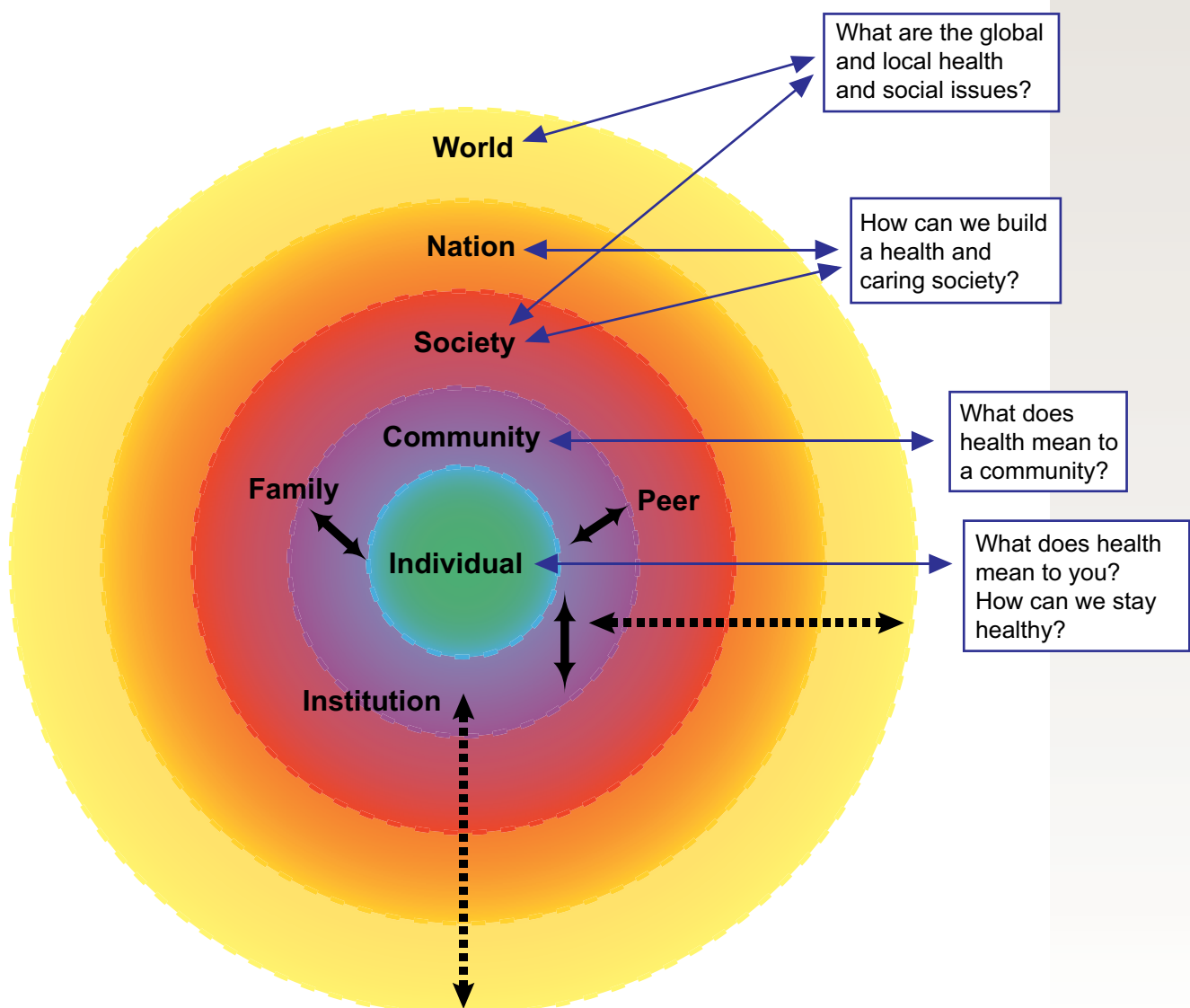
Health Management
and Social Care
(Secondary 4-6)



Health Management and Social Care Booklets

The design of the HMSC curriculum rests on the notion of the interconnectedness of the various levels at which phenomena related to health and sickness, well-being and ill-being, and personal and community care are to be understood. The curriculum aims to enable students to explore all of these levels as well as the relationships between them. The different levels can be interpreted as the individual, the family, the peer group, the community, the institutional setting, society, the nation and the world (Figure 1).

Figure 1 The Various Levels and Essential Questions of HMSC



This part includes 19 booklets of learning and teaching reference materials for teachers. The topics and information in these booklets are selected and organized based on the five essential questions from various levels mentioned in the curriculum design in Chapter 2 of the Health Management and Social Care Curriculum and Assessment Guide (Secondary 4-6)(2007). Each essential question is elaborated in 2-5 booklets. The booklets facilitate teachers to develop an overall framework and identify the key concepts of the curriculum so that their students will be more able to critically assess the relevant issues. Details are as follows:

Levels	Essential Questions	Booklets	
Individual, Family and Peer	What does health mean to you?	1	Personal Needs and Development across Lifespan
		2	Health and Well-being
	How can we stay healthy?	3	Physical Well-being - Healthy Body
		4	Mental Well-being - Healthy Mind
		5	Social Well-being - Inter-personal Relationship
Community	What does health mean to a community?	6	Healthy Community
		7	Caring Community
		8	Ecology and Health
		9	Building a Healthy City
Society	How can we build a healthy and caring society?	10	Health Care System
		11	Social Welfare System
		12	Medical and Social Care Professions
		13	Health and Social Care policies
		14	Social Care in Action
Local and Global Societies	What are the local and global health and social issues?	15A	Health and Social Care Issue - Ageing Population
		15B	Health and Social Care Issue - Discrimination
		15C	Health and Social Care Issue - Domestic Violence
		15D	Health and Social Care Issue - Addiction
		15E	Health and Social Care Issue - Poverty

The expected learning outcomes in terms of knowledge, skills, value and attitude as well as the content outline will be listed as an overview. Teachers are advised to adapt and flexibly use the materials based on school or community situations, background of students, interest, learning skills and the previous knowledge of students. Social issues as well as the graphic organizers illustrated in Part 3.1.5 can be used to help student organize and analyze complex and abstract concepts so that they are able to construct their knowledge effectively, consolidate their learning and achieve deep understanding.

What are the local and global health and social issues?

In the modern society, personal problems and social issues are often closely related. Personal problems refer to the perceived threats to the well-being of a person at the individual level and on his/her life. Public or social issues occur between different social systems and organisations, leading to raised attention in the society. A personal problem can be a social issue at the same time. For example, ageing can imply the decline in physical functioning of an individual. When over a half of the population enters their elderly stage, it becomes a social issue.

In his book, *Sociological Imagination* (1959), C. Wright Mills proposes that sociological imagination can be used as a means, a tool or a perspective for understanding. A person with sociological imagination can understand social issues through imagining the meaning of the people and events in his/her life. He/she is able to link up personal problems with social issues. With sociological imagination, students are able to identify linkages of personal problems (such as internet addiction) and social issues and analyze social problems by considering a variety of factors such as the social systems.

The topics of Health Management and Social Care Curriculum and Assessment Guide included in Booklets 15A – 15E are listed on the next page:

Booklet		Topics in HMSC Curriculum and Assessment Guide
15A	Ageing Population	<p><u>Compulsory part</u></p> <p>2B Contemporary issues of vulnerability</p> <p>2D Developments in the health and care industries</p> <p>3B Developing health and social care / welfare policies</p> <p>3C Implementing health and social care policies</p>
15B	Discrimination	<p><u>Compulsory part</u></p> <p>2B Contemporary issues of vulnerability</p> <p>3C Implementing health and social care policies</p>
15C	Domestic Violence	<p><u>Compulsory part</u></p> <p>2A Structural issues related to health, social care and personal and social well-being</p> <p>2C Recent increases in vulnerability and exposure due to lifestyle changes, globalization and family changes</p> <p>4D Social care, healthy relationships, social responsibility and commitment in the family, community and groups</p> <p>5B Health and social care services and agencies</p>
15D	Addiction	<p><u>Compulsory part</u></p> <p>1B Factors which influence personal development</p> <p>2B Contemporary issues of vulnerability</p> <p>5C Mental health as a personal predicament and as linked to the social context</p> <p>5B Health and social care services and agencies</p>
15E	Poverty	<p><u>Compulsory part</u></p> <p>2A Structural issues related to health, social care and personal and social well-being</p> <p>3B Developing health and social care / welfare policies</p> <p>5B Health and social care services and agencies</p>

15B Discrimination

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Learning Targets

Though the study of the topic on discrimination, students are expected to:

Values and attitudes

- ❖ Embrace equal rights for individuals
- ❖ Reflect upon the problem of discrimination and show respect to all

Knowledge

- ❖ Understand the impact and implications of prejudice and discrimination
- ❖ Analyse factors that lead to prejudice and discrimination
- ❖ Identify support and services available for people / families in need and other possible means or solutions

Key Questions

To achieve the above learning targets, teachers may use the following questions to enhance understanding:

- ❖ What is discrimination?
- ❖ What are the implications of discrimination to an individual, a family, a community and a society?
- ❖ How can we prevent discrimination at different levels?

15B.1 Prejudice and Discrimination

(A) Prejudice

Prejudice is preconceived ideas about a person based on attitudes and beliefs which lead to discriminatory behaviour and practice. Prejudice is also an attitude. It is pre-judging, making a decision about a person or group of people without sufficient knowledge. Prejudicial thinking is based on stereotyping. It leads to a faulty and inflexible generalisation.

Prejudice may be felt or expressed. It may be directed toward a group as a whole or toward an individual because he/she is a member of that group. It is an unfavourable attitude directed toward others because of their membership in a particular group.

(B) Discrimination

Discrimination is a neutral term with no negative connotations. Treating people differently on account of irrelevant factors is unfair. Treating people equally without due regard to their special needs may sometimes also be unfair.

Therefore, equal opportunity means:

- ❖ Giving everybody a fair chance
- ❖ Creating a level playing field
- ❖ Addressing special needs
- ❖ Providing reasonable accommodation
- ❖ Judging people on their merits, not some irrelevant traits



(Equal Opportunities Commission (EOC) website: <http://www.eoc.org.hk>)

- ❖ It implements all anti-discrimination ordinances and works towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race.
- ❖ Complaint handling and conciliation
- ❖ Legal assistance
- ❖ Training and consultancy services
- ❖ Free introductory talks to non-profit making organisations for understanding anti-discrimination ordinances.
- ❖ Offer funding to encourage NGOs, community groups and schools to initiate their own projects to promote the message of equal opportunities.
- ❖ Produce a wide range of publications such as best practices guidelines, submissions to Legco, research reports, policy papers, posters and other information.

1. Prejudice and Discrimination

Prejudice and wrong assumptions breed discrimination. No intent to discriminate is not an excuse. In health and social care settings, it may relate to a conscious decision to treat a person or group differently and to deny them access to relevant treatment and care. Laws make certain acts of discrimination unlawful.

Discrimination may appear to be simply acting out of prior prejudice, but prejudice can be fully developed and formally sanctioned after the process of differential treatment is well under way. Attitude and action tend to feed on each other, creating a vicious circle that works to enhance the power and prestige of one group at the expense of the other.

Different from prejudice, discrimination is a matter of action. It is behaviour that follows prejudicial thinking. Discrimination is the denial of justice and fair treatment in many arenas, including employment, housing and political rights.

2. levels of Discrimination

Internal	A person develops negative stereotypical and fixed ideas and attitudes about individuals or groups in society.
Individual	A person develops negative and discriminatory attitudes towards a person because that person is, for instance, black or homosexual, religious or old.
Institutional	A group, organization or company can reinforce discriminatory practice by the way in which they treat their staff; an example of this would be management's attitude towards women and their prospects of promotion.

3. Types of discrimination

Direct	Treating a person less favourably under comparable circumstances.
Indirect	<ul style="list-style-type: none">✧ Applying same requirements or conditions but lesser proportion of persons with some limitation can comply.✧ The requirements or conditions cannot show to be justifiable.

The discrimination can be mild, for example, ignoring someone, calling someone a derogatory name behind his or her back, or it can be extreme, such as the mutual killing of ethnic groups in the 1990s in what was formerly Yugoslavia or the slaughter of Jews by the Nazis in the 1940s.








4. Positive Discrimination

Positive discrimination implies applying different criteria for selection to representatives of different groups as a way of addressing the existing social inequalities. Most people may have negative evaluation towards a particular race, gender or group and treat them differently. From the perspective of social function, in some cases, some differences in treatment are necessary to protect the interests of the ethnic minority. For example, the work related to Asian Affairs needs to be assigned to specific Asian people. Places in schools are also reserved for the ethnic minority groups.







(C) Tackling Discrimination

1. Social Justice

When people show respect for others, the likelihood that others will be at their best and contribute to social justice is increased. Social justice includes:








-  Equal access to liberties, rights and opportunities
-  Taking care of the disadvantaged members of society
-  Certain basic needs must be offered to all
-  Even playing field
-  Valuing diversity
-  Reallocation of resources within society
-  A social contract – to play by the rules

For this reason, it is important to avoid discriminatory behaviour. In order to avoid this kind of behaviour, it is important to recognise it and challenge anyone who chooses to act this way:





-  Challenge stereotypes
-  Create synergy through diversity
-  Show empathy for all people
-  Avoid discriminatory comments
-  Ask others to stop discriminatory behaviour
-  Learn about people who are different

2. The Legal Framework of Discrimination








The relevant United Nation (UN) Treaties include:

-  International Covenant on Civil and Political Rights
-  International Covenant on Economic, Social & Cultural Rights
-  International Convention on Elimination of All Forms of Racial Discrimination
-  International Convention on Elimination of All Forms of Discrimination Against Women
-  Convention on the Rights of the Child
-  Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment
-  Convention on the Rights of Persons with Disabilities

The existing Equal Opportunity Laws include:

-  Disability Discrimination Ordinance
-  Sex Discrimination Ordinance
-  Family Status Discrimination Ordinance
-  Race Discrimination Ordinance

The scope of the laws cover:

-  Employment
-  Education
-  Provision of goods, services and facilities
-  Access to premises
-  Management and disposal of premises
-  Club and sporting activities
-  Government powers and functions (except Race Discrimination Ordinance)

15B.2 Racial Discrimination

"I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character" is part of the public speech by Martin Luther King, Jr., in which he called for racial equality and an end to discrimination. It reveals that racism is one of the important social issues.

Racism is the discrimination and unfair treatment on the basis of race. Race is a broad term given to individuals and groups who are identified by their culture and ethnic grouping. This may include sharing similar biological features such as skin colour and hair type. These days, ethnicity is a term which is also used. The focus for ethnic groups tends to be on cultural similarity rather than on a set of physical features.

Ethnic groups are groups of people who share and belong to the same cultural tradition, racial origin, sometimes with distinguishing physical features, and have a common language or religion. Ethnic minorities are groups of people from different cultural, religious or racial backgrounds who make up only a small proportion of a country's population.

According to the United Nations International Convention on the Elimination of all forms of Racial Discrimination (ICERD), discrimination means any distinction, exclusion, restriction, preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.

(A) Ethnic Minorities in Hong Kong

Hong Kong is a largely homogenous society, with about 95% of its people being Chinese (ethnically speaking, Han Chinese). The 2001 Population Census found (by way of self-identification) that there were about 344,000 non-Chinese people in Hong Kong or about 5% of the population. Not all members of the non-Chinese groups are permanently settled in Hong Kong. In 2001, some 52% (180,000) of them were foreign domestic helpers.

The 2001 Population Census found that the ethnic minorities in Hong Kong include:

(Self-identification) Ethnicity	Total number	Number excluding foreign domestic helpers
Filipinos	142,556	16,251
Indonesians	50,494	4,800
British	18,909	18,901
Indians	18,543	17,357
Thais	14,342	9,357
Japanese	14,180	14,172
Nepalese	12,564	12,012
Pakistanis	11,017	11,009

(Reference: Legislation Against Racial Discrimination - A Consultation Paper, September 2004, [http:// www.legco.gov.hk](http://www.legco.gov.hk))

(B) Acts of Discrimination towards Ethnic Minorities

Stereotyping and labeling are the acts of discrimination. Stereotyping refers to an oversimplified, generalised image describing all individuals in a group as having the same characteristics in appearance, in behavior, and in beliefs. Labeling refers to the negative statements and perception applying to an entire group.

Stereotyping or Labeling about ethnic minorities include:

- ❖ Consider South Asians “cheap citizens”, men like “robbery”, “terrorists” and women like “prostitutes” (made by recent local blogger)
- ❖ Label South Asian kids “very Naughty” (how about consider most of them “Active & Expressive”!?)
- ❖ Regard South-east Asian country “country of slave”
- ❖ Label majority of EM as “illegal immigrants”

The types discrimination can be:

Direct	<ul style="list-style-type: none"> ✧ To treat a person less favorably than another person in comparable circumstances on the ground of his / her race or near relative's race. ✧ Segregating a person from other persons on the ground of a person's race.
Indirect	<ul style="list-style-type: none"> ✧ Impose same requirement / condition on everyone. ✧ Some racial groups are less able to comply with the requirement / condition & suffer a detriment as a result. ✧ Requirement / condition cannot be justified, i.e. not fair & reasonable.

Discrimination takes the form of:

Language	<ul style="list-style-type: none"> ✧ Name calling can be upsetting and destructive to the self-esteem of the person concerned.
Behaviour	<ul style="list-style-type: none"> ✧ This can involve ignoring another person; creating embarrassment for the person concerned.

The following are the unlawful acts of discrimination:

Employment	<p>To discriminate on the ground of race:</p> <ul style="list-style-type: none"> ✧ In the selection process ✧ In the arrangement of offering employment ✧ Terms and conditions of employment ✧ Dismissal or other detriments
Education	<p>To discriminate on the ground of race:</p> <ul style="list-style-type: none"> ✧ Applicant: <ul style="list-style-type: none"> ◆ Admission ◆ Admission terms ✧ Students: <ul style="list-style-type: none"> ◆ Access to benefits, facilities or services ◆ Expulsion ◆ Other detriments
Racial Harassment	<ul style="list-style-type: none"> ✧ To harass someone on the ground of someone's race or near relative's race ✧ Test: <ul style="list-style-type: none"> ◆ Subjective: The feeling of the victim(s) ◆ Objective: Reasonableness ✧ Also to create a hostile or intimidating environment for someone

<p>Racial Vilification</p>	<ul style="list-style-type: none"> ✧ Activity in public inciting hatred towards serious contempt; or severe ridicule of persons on the ground of their race
<p>Serious Racial Vilification</p>	<ul style="list-style-type: none"> ✧ Activity in public ✧ Threatening physical harm to a person on the ground of the person's race or damages towards premises or property ✧ Intentionally inciting others to vilify other people based on their race ✧ Criminal Offence
<p>Victimization</p>	<p>To treat someone less favourably for:</p> <ul style="list-style-type: none"> ✧ Bringing proceedings under the Racial Discrimination Ordinance (RDO) ✧ Giving information or evidence in connection with proceedings under the RDO ✧ Doing something under or by reference to the RDO ✧ Alleging that someone has contravened the RDO

(C) Discrimination at Workplace

Racial discrimination in the workplace is an everyday experience of some ethnic minorities living in Hong Kong. Many people report lower wages, poorer working conditions, or even outright rejections of jobs based on their ethnic background. Based on the information provided by Press Release of Hong Kong Government at 12 December 2003, the majority of ethnic minorities were working population (i.e. persons aged 15 and over who work). The majority of the working ethnic minorities (73.4%) were engaged in occupations classified as "elementary" and in the "community, social and personal services" sector. The concentration in "community, social and personal services" was particularly high for the Asians because a large proportion of them were domestic helpers.

The types of work ethnic groups perform include:

Employed Persons by Socio-economic Profiles and Ethnic Group (No. of Persons in 2000/Percentage by Ethnic Groups)								
Socio-economic Profiles	Filipinos	Indonesian	Indian	Nepalese	Thais	Pakistanis	Others	Overall
Managers and administrators	0.4%	1.5%	38.6%	12%	8.8%	13.7%	39.5%	7.1%
Professionals	0.5%	0%	14%	4.8%	2.8%	—	43.1%	6.1%
Associate professionals	3.5%	0.7%	10.6%	—	14.9%	—	7.3%	4.1%
Clerks	0.2%	—	27.8%	4.8%	3.1%	—	2.8%	1.5%
Service workers and shop sales workers	1%	1%	—	17.1%	3%	—	5.4%	1.9%
Craft and related workers	—	—	—	17.6%	9.4%	—	—	0.7%
Elementary occupation	94.4%	96.8%	9%	43.8%	58%	86.3%	1%	78.4%
Refused	—	—	—	—	—	—	0.9%	0.1%
Median of monthly personal income	\$3800	\$3700	\$13000	\$10000	\$4000	\$7000	\$36000	\$3800

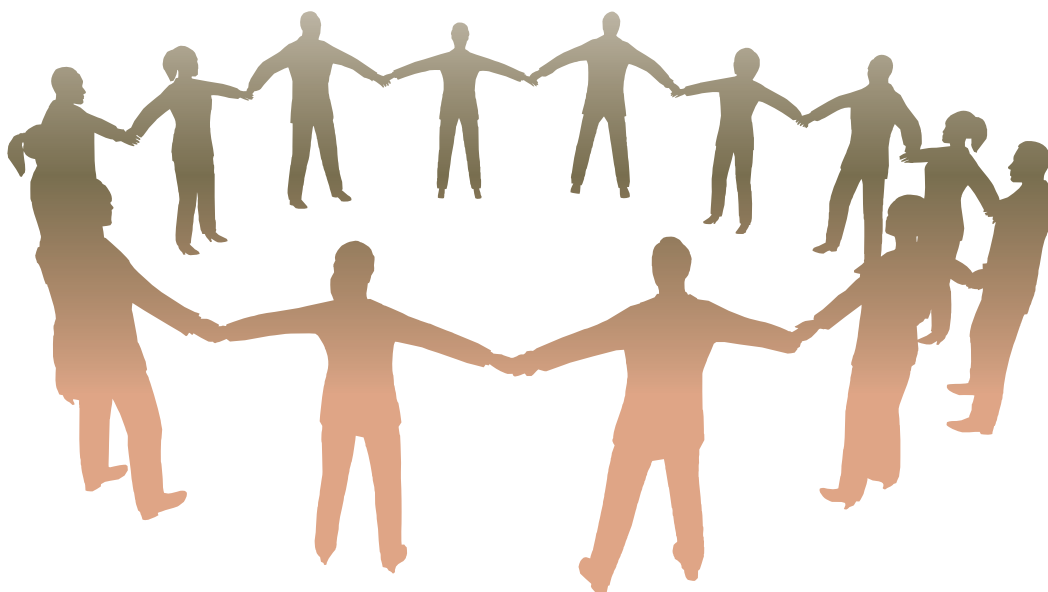
Reference : Sample survey of the characteristics of the ethnic minorities in Hong Kong: main findings
(Legislation Council - Paper No. CB(2)590/00-01(01) <http://www.legco.gov.hk>)

Ethnic minorities' unemployment rate is significantly higher than for the indigenous population. A survey conducted by the Society for Community Organization (SoCO) at the end of 2003 revealed that while 42% of Nepalese construction workers were out of jobs by the end of 2003, the figure was 19% for Hong Kong's overall construction labour population (while HK's seasonally adjusted unemployment rate stood at 7.3% in the fourth quarter of 2003). Figures from other surveys, which include other minorities as well, reveal the same tendency of a disproportionately higher unemployment rate among the minorities.

In 2001 SoCO conducted a survey about racial discrimination by interviewing people from eight different ethnicities. The results showed that discrimination during job searches is a widespread phenomenon. Of those who had applied for a job within the last 10 years, 32% had suffered from some kind of discrimination in applying for a job. Either they were rejected because the employer knew their race or they were rejected on the grounds that they did not know the local language, Cantonese, even though the job did not require the ability to speak the language. Some people reported writing hundreds of applications for jobs without getting an answer.

Ethnic Minority Integrated Service by Christian Action is an example of health promotion among ethnic groups. It is done by the resource centre which provides information on education, social services, healthcare services, and social education which aims at minimizing racial discrimination and enhancing interaction between ethnic groups and locals; counseling services for the youth, families and unemployed, and after-school care services which promote empowerment amongst the ethnic minority.

(Christian Action: http://www.christian-action.org.hk/harmony_fe.htm)






(D) Related Ordinance

1. Race Discrimination Ordinance

The Basic Law and the Hong Kong Bill of Rights Ordinance safeguard the rights of individuals, including the right against racial discrimination. Under the International Convention on the Elimination of All Forms of Racial Discrimination, it is obligated to prohibit and to eliminate racial discrimination. The Race Discrimination Ordinance was passed by the Legislative Council on 10 July and gazetted on 18 July 2008.

The Bill seeks to –

-  make discrimination, harassment and vilification on the ground of race unlawful;
-  prohibit serious vilification of persons on the ground of race; and
-  extend the duties and responsibilities of the Equal Opportunities Commission to deal with racial discrimination.

The Bill applies to the following specified areas of activities in both the public and private sectors:

- (a) employment
- (b) education
- (c) provision of goods, facilities, services and premises
- (d) election and appointment to public bodies
- (e) pupillage and tenancy by, and instructions to barristers
- (f) membership of and access to clubs



For more information about the Bill, please refer to the website of the

- ✧ Constitutional and Mainland Affairs Bureau:
http://www.cmab.gov.hk/en/issues/equal_racebill.htm
- ✧ Equal Opportunities Commission:
<http://www.eoc.org.hk/EOC/OtherProject/rdo/rdo-e.html>

2. Limitations of Race Discrimination Ordinance

The following are the limitations of the RDO:

- ✍ Law enforcement bodies (e.g. PD, CSD, ID) are exempted when exercising their power & functions
- ✍ Nationality and citizenship are not covered
- ✍ Code of Practice on Education is excluded, as compared with DDO
- ✍ Victims dare (not) to lodge complaints (afraid of losing jobs & complicated procedures)
- ✍ Local Chinese or local establishments can't lodge complaint

(E) Preventing Racial Discrimination

1. Avoid racial discrimination

- ✍ Learn more and be sensitive to the needs of disadvantaged ethnic minorities and issues of cultural diversity (e.g. religious/ cultural identity matters)
- ✍ Attending cultural sensitivity & diversity trainings
- ✍ Provide bilingual information
- ✍ Consider alternatives, special measures & flexible arrangements are needed for monitoring work culture to eliminate racial harassment
- ✍ Be sensitive to use of language (e.g. naming, stereotypical assumptions)
- ✍ Take initiatives to implement programmes to promote racial equality

2. Catering for Cultural Diversity



Four Acculturation Strategies of Ethnic minorities / Mainstream society

		Heritage	
		Yes	No
Maintain relationship with Dominant Culture/ Mainstream Society	Yes	Integration (Multiculturalism)	Assimilation (Melting pot)
	No	Separation (Segregation)	Marginalization (Exclusion)

- ✧ Assimilation: The process of assimilation may be deemed to occur to the extent that a person desires contact with the dominant culture while not necessarily maintaining an identity with/her native culture
- ✧ Integration: The process of integration occurs when individuals who desire to maintain their cultural identity also desire a high level of interaction with the dominant culture
- ✧ Separation: The process of separation occurs with low levels of interaction with the dominant culture while desiring a close connection with and affirmation of their native culture
- ✧ Marginalization: The process of marginalization occurs when persons chose not to identify with either their native cultures or the dominant culture



Cultural Intelligence (Working with People from other Cultures)

Cultural Intelligence includes:

- ✧ Knowledge about cultures (facts & cultural traits)
- ✧ Awareness (of yourself & others)
- ✧ Specific trans-cultural skills (e.g. language, IT, social)

The cultural competence of the professionals working in health and social care setting includes:

Attitude & Knowledge

- Treat everyone equally, as locals
- Communicate with genuine care & non-verbal languages
- Put yourself into other shoes
- Be open-minded
- Understand, respect & appreciate differences
- Emphasis on some similarities as “we” feelings
- More aware of ethnic minority’s past and present contributions & talents
- Understand different time concepts and family values
- Promote social inclusion, and also cultural diversity by respecting their cultural identity preservation

Skills & Knowledge

- Full compliance on Race Discrimination Ordinance and develop special measures
- Consider if flexible arrangements and special/ positive measures are needed to promote racial equality
- Provide bilingual services, leaflets and forms
- Make use of interpretation and translation services available
- Learn few greetings & useful words (e.g. thanks, good, bye)



Hindu greeting for Nepalese & some Indians

- ✧ “Namaste” Muslim greeting for Pakistanis
- ✧ “As-salam-alay-kum” (Allah protects you)
- ✧ Sikh greetings for Indian Sikhs “Sat Sri Akal”

Sharing with EM parents & staff

- Ethnic minority children’s educational concerns & aspirations
- Parent & family lives
- Food cultures (e.g. halal)
- Effectiveness of service

15B.3 Gender Discrimination

Gender is the social identity of male and female not restricted to biological differences. Gender role includes the attitudes, behaviours, personal development and interests that are considered appropriate for one gender and inappropriate for the other.



Gender Statistics (HKCSD, 2009)

	Female	Male
Integration (Multiculturalism)	368	838
Single Parent (2006)	57,613	14,713
No. of home-markers who are economically inactive	664,100	120,600
Proportion of population having age 15 or over attended secondary education and above	73%	80.1%
Proportion of population having degree	14.8%	18.1%
Student enrolled in engineering and technology programme	33.8%	66.2%
Student enrolled in education programme	71.6%	28.4%
Teachers in Kindergarten	99.1%	0.9%
Teacher in UGC funded institutes	33.9%	66.1%
Employed as manager and administrator	102,600	245,300
Employed as clerk	405,200	147,100
Median monthly employment earning (excluding foreign domestic workers)	\$10,000	\$12,000

(A) Sex Role Stereotyping

Sex role stereotyping is the way in which individuals are categorized according to their gender. For example, it might be suggested that car mechanics are always male and that cooking, cleaning and washing-up jobs are always carried out by females, or that boys should play football and girls should play with dolls. Sex role stereotyping is often learned in the home from parents who are their children's role models. Rigid and inflexible attitudes are formed and individuals are expected to play out these roles.

These can be reinforced by books, magazines and television programmes. Equal opportunities policies are a means whereby these stereotypical roles can be challenged.

Sexism is discrimination or unfair treatment of an individual on the basis of their gender group. It involves attitudes, behaviour and procedures in society which maintain the belief that one gender group is more important in society than the others. It also reinforces stereotypical roles and responsibilities of men and women in society. This can take the form of female applicants for jobs not gaining employment in male- dominated sectors. Men and women are still exposed to stereotyping in society as they are expected to behave in a particular way and fulfill certain social roles, although more liberal attitudes have developed in recent years.

(B) Types of Discrimination

There are two types of gender discrimination: "direct" and "indirect" discrimination.

Direct	Treating a person less favourably than another person in analogous circumstances because of the victimised person's sex, marital status, or pregnancy. Unequal pay for equal work would be an example of "direct" discrimination.
Indirect	Imposing the same requirement or condition on everyone, although it has an unfair effect on a particular group of persons. For example, if a bank only recruits bank tellers who are at least 6 feet tall, it is unlikely that many more women than men can satisfy this height requirement. This kind of unfair requirement would constitute "indirect" sex discrimination if there is no reasonable justification for the requirement.

Besides, sexual harassment is an act of sexual discrimination. Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature which is uninvited and unwelcome.

There are two forms of sexual harassment:

- ❖ The first is any unwelcome sexual behavior or conduct which is offensive, humiliating or intimidating. (Against individual person)
- ❖ The second form can be a working/ learning environment where there are actions, languages or pictures that are of a sexual nature that makes it hard for you to do your work or to study. (Sexually hostile/ intimidating environment)

(C) Discrimination at Workplace

Work organisations structure gender relations by segregating women and men in different occupations and job positions. Women workers consistently experience disadvantages when assigned to jobs that are generally low in rank, social status, and pay. Problems that women encounter in corporations could be the limited opportunity for job mobility, little power and being overlooked. Discrimination against women for promotion, for instance, is often due to women's inability to seize power and their limited access to, and control of, valuable resources, handicaps that impair their work performance and give them less opportunity to be promoted to key positions. Realizing their own vested interests in the face of competition from women, men discriminate against them to maintain their advantageous work positions. In addition, men perceive that working alongside women involves psychological, economic, and social costs to themselves. Employment in a mixed or female-dominated work setting may threaten men's masculine identity, lower their self-esteem, and reduce their privileges if they have to share them with women workers. Women possessing expertise, high status and authority are often targets of discrimination.



Sex Discrimination in Pay

- ✧ Equal Pay for Equal Work (EPEW) means that if a man and a woman are performing the “same work” or “like work” for the same employer, they should receive equal pay.
- ✧ Equal Pay for Work of Equal Value (EPEV) means that consistent criteria should be used in determining the terms and conditions of employment for the treatment of men and women performing work of equal value for the same employer.

(D) Family Status Discrimination

Family status means the status of having responsibility for the care of an immediate family member.

Immediate family member, in relation to a person, means someone who is related to the person concerned by blood, marriage, adoption or affinity. This definition covers a wide range of relationships recognised by law. For example, father, mother, brothers, sisters, husband, wife, sons, daughters, grandparents, grandchildren, nieces, nephews, father-in-law, mother-in-law and the spouse's brothers and sisters. This list is not exhaustive.

Historically, the homemaker role is believed to be the traditional role for women and

any departure from this role required explanation. However, because of changing economic and social conditions, a single income is no longer sufficient for most families. Dual-earner families are common today. Most families now give recognition to women whose incomes are essential.

The increasing number of women in the labour market has made it increasingly necessary for society to address the needs of workers with family responsibility. Nowadays, family responsibilities like the care of children and elderly parents are the responsibilities of both male and female workers. Workers face growing difficulties in trying to balance the demands of work and family. The potential conflict between work and family commitments affect workers' health, performance, career development, productivity as well as competitiveness.

Many discriminatory acts are related to the family role / status. For example, a woman may be transferred to a less favourable job after childbirth because the employer thinks that a female employee with an infant will not be able to travel. Or a company insists that all its employees work overtime and a single mother who has responsibilities to care for her young children cannot comply with that condition. The company then dismisses her.

(E) Related Ordinances

1. The Evolution of Sex Discrimination Ordinance in Hong Kong

1992	The Legislative Council passed a motion to extend Convention on the Elimination of All Form of Discrimination Against Women (CEDAW) to HK.
1993	The government issued the consultation paper: The Green Paper on Equal Opportunities for Women and Men.
1994	Amendment to the New Territories Land (Exemption) Bill.
1995	The enactment of the Sex Discrimination Ordinance & the Disability Discrimination Ordinance.
1996	<ul style="list-style-type: none"> ✧ The extension of CEDAW to HK. (http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm) ✧ The establishment of the Equal Opportunities Commission (EOC).
1997	The Family Status Discrimination Ordinance.
1999	The Initial Report to the UN CEDAW committee.
2001	The establishment of the Women's Commission.







Women's Commission

- ✧ It is a central mechanism to promote the well-being and interests of women in Hong Kong and plays a strategic role in advising Government on policy direction on women issues.
- ✧ Gender Mainstreaming in policy making or service review processes.
- ✧ Initiate and undertake independent surveys and research studies on women's issues and organize educational and promotional activities, e.g. family-friendly employment policies and practices or Capacity Building Mileage Programme "To live is to learn".
- ✧ Develop and maintain contact with local and international women's groups and service agencies with a view to sharing experiences.

2. Sex Discrimination Ordinance

The Sex Discrimination Ordinance (the Ordinance) was enacted on 14 July 1995. Discrimination on the basis of sex (including sex discrimination in pay), marital status and pregnancy, and sexual harassment are made unlawful.



Under the Ordinance, it would be unlawful to:

-  discriminate against a person because of his or her sex
-  discriminate against a person because of his or her marital status
-  discriminate against a pregnant person
-  sexually harass a person

The Ordinance is applicable to both women and men.

The same principles apply to discrimination on the ground of sex, marital status, or pregnancy.

For further information, please refer to:

-  Related Web Page in the Constitutional and Mainland Affairs Bureau
<http://www.cmab.gov.hk/en/issues/sdo.htm>
-  Related Web Page in the Equal Opportunities Commission
<http://www.eoc.org.hk/EOC/GraphicsFolder/sdo.aspx>








3. Family Status Discrimination Ordinance

The Family Status Discrimination Ordinance (the Ordinance) was enacted on 26 June 1997. Under the Ordinance, it would be unlawful to discriminate against a person who has family status. This ground of complaint applies to specified areas of activity and covers both direct and indirect discrimination.



Direct discrimination occurs when a person who has family status or a particular family status is treated less favourably than a person who does not have family status or the same family status, in the same or not materially different circumstances. Discrimination against a job applicant who assumes the responsibility for care of an aged parent would be an example of "direct discrimination".

Indirect discrimination occurs when a requirement or condition exists, which on the surface appears neutral, but in fact has an unfair effect on persons with family status or a particular family status. For example, if a company only recruits staff who can work irregular hours, it is likely that many people having the responsibility for the care of young children are unable to satisfy this job requirement. This kind of requirement or condition would constitute "indirect discrimination" if there is no reasonable justification for the requirement or condition.

All the above ordinances cover:

-  employment
-  education
-  provision of goods, facilities, or services
-  disposal or management of premises
-  eligibility to vote for and to be elected or appointed to advisory bodies
-  activities of clubs
-  activities of Government

For further information, please refer to the website of:

-  the Constitutional and Mainland Affairs Bureau
<http://www.cmab.gov.hk/en/issues/fsdo.htm>
-  Equal Opportunities Commission
<http://www.eoc.org.hk/EOC/GraphicsFolder/fsdo.aspx>

15B.4 Discrimination against Disability

According to Social data collected via the General Household Survey Special Topics Report No.48 of Census and Statistics Department, Hong Kong has about 1.6 million people with disabilities and chronic illness (428,300 to 448,300 persons with disabilities and 1,152,700 persons with chronic illness). The survey conducted by the Department showed that almost one third (29.3%) of the people with disabilities faced great/moderate difficulties in their day-to-day living due to their disability and almost half of those with disabilities (47.6%) faced some difficulties. Likewise, 10% of those with chronic illness faced great/moderate difficulties in their day-to-day living due to their long-term health problems and more than 15% faced some difficulties.

(A) Persons with Disability

Disability means total or partial loss of a person's bodily or mental functions, total or partial loss of a part of the body, the presence of organisms causing disease or illness (such as HIV), the malfunction, malformation or disfigurement of a part of the person's body, or a disorder, illness or disease that affects a person's perception of reality, emotions or judgement or that results in disturbed behaviour, and learning difficulties. A disability includes not only one which presently exists, but also a disability which previously existed but no longer exists, which may exist in the future or which is imputed to a person.

“Disability” refers to a disability that:

- ❖ presently exists
- ❖ previously existed but no longer exists
- ❖ may exist in the future
- ❖ is imputed to a person

Discrimination against disability can be direct or indirect.

Direct	When, on the grounds of disability, a person with a disability is treated less favourably than another person without a disability in similar circumstances. Example of Direct Discrimination: An employer refuses to hire Ah Ying because she is an ex-mental patient despite she is the best qualified applicant.
Indirect	When a condition or requirement is applied to everyone, but in practice affects people with a disability more adversely and is to their detriment, where such a condition or requirement cannot be justified. Example of Indirect Discrimination: In organising an outing, a community organisation rented an inaccessible bus.

The discrimination can be in the form of harassment and vilification.

<p>Harassment</p>	<p>Any unwelcome conduct on account of a person's disability where it can be reasonably anticipated that the person would be offended, humiliated or intimidated, such as insulting remarks or offensive jokes about a person's disability.</p> <p>Example of Harassment: Ah Chi has cerebral palsy. His supervisor scolded: "Speed up, you stupid mental deficient!"</p>
<p>Vilification</p>	<p>An activity in public which incites hatred towards, serious contempt for, or severe ridicule of people with a disability. For example, if a person speaks openly in public that people with a disability are useless and a burden to society, this may amount to vilification.</p> <p>Example of Vilification: A group of residents objected to the Government's plan to set up a mid-way home for ex-mental patients. In a public forum, they said: "They are time-bombs. They are dangerous. They should not be allowed to live in our neighbourhood."</p>
<p>Serious Vilification</p>	<ul style="list-style-type: none"> ✧ Activity in public, threatening physical harm, or inciting others to threaten physical harm towards, or towards any premises or property of, persons with a disability. ✧ It is a criminal offence. <p>Example of serious vilification: A group of residents objected to the setting up of a mid-way home for ex-mental patients in their community. They even threatened to use force to stop staff working in the mid-way home to report duty and to damage the premises.</p>
<p>Victimization</p>	<p>Treats the person victimised less favourably because he or she has:</p> <ul style="list-style-type: none"> ✧ brought proceedings ✧ given evidence or information ✧ done anything under or by reference to the Disability Discrimination Ordinance (DDO) ✧ alleged an act which would amount to a contravention of the DDO has been committed

(B) Persons with Infectious Diseases

People living with infectious diseases e.g. flu, AIDS, tuberculosis or SARS are often discriminated against by others. The discrimination towards people with infectious diseases may be due to a misunderstanding of the nature, particularly the ways of transmission, of the infectious diseases and the course of the infectious diseases.

For example, misconception of tuberculosis also triggers the problems of discrimination against patients with tuberculosis. People do not know that the majority of tuberculosis patients can be rendered non-infectious soon after commencement of treatment and hence they can return to work or school soon after commencement of treatment. Instead, they perceive tuberculosis patients as infectious and should be isolated.

SARS was a completely new disease in 2003. Nowadays, associated discrimination still occurs against SARS patients. Actually, the Equal Opportunities Commission has received over 500 SARS-related complaints and enquires since the outbreak began in March 2003. They cover many aspects of everyday life, including work and the provision of services. (Equal Opportunities Commission, 2008). Avoidance of recovered SARS patients may be due to misconceptions about infectivity of recovered SARS patients. These misconceptions induce fear for contracting SARS from recovered SARS patients, hence resulting in avoidance or discriminatory behaviours.

(C) AIDS Patients

The public rejects AIDS patients in general with a stigmatising attitude. One of the reasons is that the majority have limited knowledge of the contracting modes of HIV. There are four different modes (blood transfusion, unsafe sexual behaviours, injecting drug use and commercial sex) for contracting HIV. It is common for the public to isolate HIV carriers and to be unwilling to make social contact with them in fear of contracting the infection.

AIDS discrimination manifests itself in the unfair treatment of individuals based upon irrational fears and prejudices. The hostile, intrusive, offensive and disturbing actions of the residents of the Richland Gardens are an example of a discrimination incident in Hong Kong. The residents' prejudices and discrimination against the setting up of an AIDS clinic in its neighborhood resulted in repeated attacks and disturbances against the AIDS patients of the clinic as well as the staff working there (Hong Kong Standard, June 25, 1999).

The social consequences of discrimination are great at the individual, family and society levels. In addition to living with strong feelings of humiliation, shame, rejection, and stigmatisation, individuals and families under discrimination are deprived of equal access to societal resources and opportunities. This in turn impacts their personal growth and development. The cost of social exclusion includes disruption of social harmony, an increase in social conflicts, and social disintegration.

(D) Persons with Mental Illness

People with mental illness have long been labeled and stigmatised by others as dangerous, violent and insane. People with mental illness may become the most rejected among disabled groups. Ever since 1997, the Hong Kong Government has spent millions on mental health promotion and acceptance of people with mental illness, but mental patients are still facing the problems of discrimination.

Since the establishment of the Equal Opportunity Commission in 1996 to implement the Disability Discrimination Ordinance (DDO), it is unlawful for a person to discriminate against another person with a disability, including persons with mental illness, on the grounds of that other person's disability. For eight years from 1996 to 2004, the Equal Opportunity Commission has received over 2500 complaints of disability discrimination. Among these complaints, over 400 were lodged by persons with mental illness. Of these 400 complaints, around 280 were employment-related cases. Moreover, over 120 of the 270 employment-related cases were complaints of dismissal (Equal Opportunities Commission, 2004).

As pointed out by the Equal Opportunity Commission in 2004, of the many vulnerable groups in Hong Kong, those with mental illness form the most misunderstood group. Attitudinal stereotyping and discrimination against the mentally ill still exist. They are generally perceived to be violent, suicidal, unpredictable and incapable of rational decisions. In Hong Kong, anecdotal accounts, media reporting, everyday observations, discrimination complaint figures and attitudinal surveys suggest that discrimination against mental illness is still widespread.

(E) Related Ordinance

1. The Disability Discrimination Ordinance

This is a law that has been enacted to protect people with a disability against discrimination, harassment and vilification on the grounds of their disability.

The law gives people with a disability protection against discrimination, harassment or vilification in the areas of:

- ✎ Employment (including partnerships, trade union memberships, vocational training, etc.)
- ✎ Education
- ✎ Access to, disposal and management of premises (Premises are places that can be accessed by members of the public.)
- ✎ Provision of goods, services and facilities
- ✎ Practising as barristers (Any offer of pupillage and training provided to barristers.)
- ✎ Clubs and sporting activities

This protection also extends to the associates of people with a disability.



For further information, please refer to the website of

- ✧ Equal Opportunities Commission
<http://www.eoc.org.hk/EOC/GraphicsFolder/dd>

2. Exceptions

Genuine Occupational Qualification

- Having no disability is a genuine occupational qualification
- The person can perform the inherent requirements of the job (accommodation would cause unjustifiable hardship)

Reasonable Accommodation

- Recruitment process
- Physical settings
- Facilities
- Training and assistance

Unjustifiable hardship

- Burden of proof
- Considerations
 - * reasonableness of the accommodation to be made available
 - * nature of the likely benefit or detriment
 - * the effect of the disability
 - * financial resources

Infectious Disease

- The act is reasonably necessary to protect public health
- Scheduled infectious disease under the Prevention and Control of Disease Ordinance
- Any communicable disease specified by the Director of Health by notice in the Gazette
- HIV/AIDS is not an infectious disease

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Learning and Teaching References

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- 2** Health and Well-being
- 3** Physical Well-being – Healthy Body
- 4** Mental Well-being – Healthy Mind
- 5** Social Well-being – Inter-personal Relationship
- 6** Healthy Community
- 7** Caring Community
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