Report on Female's Employment Situation in Hong Kong:
responding to the Initial Report of SAR government on CEDAW

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Report on Female’s Employment Situation in Hong Kong:

1. General Comment

Although CEDAW is extended to Hong Kong after the handover, SAR government did little to eliminate discrimination towards women. With the economic recession, the situation of working women became more worse.

Since the 1990s, the employment pattern for women employees in HK has been in a state of causalisation. Part-timers, temporary, substitute and contract workers are very common. These are not what women employees want. They want a full-time, stable job on a reasonable salary. But during their job-seeking or even under employment, they are always in an unfavourable situation, for example, discrimination on age, underpay, unnecessary harsh working terms. In addition to inadequate social security and service, the powerless situation of women employee is exploited by employers.

However in the Initial Report of HKSAR, HK government said that most employees "have already taken the attitude and idea for providing equal employment opportunity for both sexes", making people doubt that if the government has satisfied with the attitude of present employers on male and female employees. The statement also arouse doubts that the government simply ignores the fact of employers suppressing women workers’ wage by exploiting their status as women and their age. Generally speaking, when women work in the public domain or choose their career, the issues of sex and age are still not protected by the law. Discrimination simply exists, and women cannot have the same rights or opportunity as men.

2. Employment right

- Participation Rate (Article 5, para 23, para 98-103)

A government report stated that, "working population participation rate for age 20 to 39 has been increasing for the past 10 years", and "decreasing female working population over 60 is the result of prosperous economy and women sharing economic growth and prosperity". This inevitably hides the situation faced by women workers.
According to government statistics, female unemployed in second quarter of 1997 are 23,900, which is 1.9% of female working population, female unemployed in fourth quarter 1997 and second quarter 1998 are 29,500 (2.2%) and 48,000 (3.7%) respectively, showing that female workers unemployment population is increasing. Furthermore, we believed that the real female unemployed are greater than the above figure, because many so-called housewives (statistically not included in working population) do want to continue working in the public domain. But they are suppressed by the unreasonably low wage offered, and find that the wage they earned is not enough even for expenditure of home keeping and children.

Gender stereotyping in employment situation of HK is still severe, the sexual segregation is clearly seen. Wage and benefit of occupations mainly taken up by men is better than the that by women. According to statistical figures in 1998, women employees on the managerial grade are only 52,600 (20.7% of total workers in that grade), and male managers are 201,000 (79.3%). Women employees in the professional grade are 48,500 (29.2%), while male professionals are 117,600 (70.8%); women employees on the clerical grade are 416,900 (70.5%), while male clerks are 174,400 (29.5%). Women unskilled workers are 312,700 (54.3%), while male unskilled workers are 263,300 (45.7%).

Moreover, the participation rate of women in different age group show that gender stereotype hinder the job development of women workers. In 1997, 80% of women between the age of 20-29 were involved in the labour force. Between the age of 30-39, the number dropped to 64% and for age between 40-49, the number dropped drastically to 53%. The society expects women to take up greater family responsibility than to develop job career. With the insufficient childcare facilities and elderly services keep women at home carers to the family, thus women became economically dependent on spouse and other family members.

- Age discrimination (para 90)

It is commonly known that women over 30 are under age discrimination when they try to find a job. According to data released by the Statistics Department, age medium of working population from first quarter of 1997 to first quarter of 1998 is: 38 for men and 33 for women. These figures show that age requirement of labour marker is younger for women, compared to men.

Many women who are barred from the labour market because of age, including women workers from the declining manufacturing sector (industrial transformation) and women with children who are grown up, are between 30 to 50. Although they are still in the prime of their lives, they are usually banned from employment due to "old age". For example, age requirement for shop salesperson is under 30, and even some electronics factories refuse to employ women workers over 30.
• pregnancy benefits (Article 11, para 86, para 95.)

After several revisions, the present rule for maternity leave is: according to a continuous contract, a pregnant employee can have no-pay maternity leave when she have worker for at least 26 weeks; she could have 10 weeks of paid maternity leave when she have worker for at least 40 weeks. But wage during maternity leave is only 4/5 to normal wage. In other word, 1/5 wage of pregnant employees is deducted. This inevitably increases the economic pressure of pregnant employees.

Many women lose employment opportunity because of pregnancy. For example, waitresses in restaurants do not receive suitable job arrangement when they are pregnant and are forced to resign. And in many other sectors, married women employees have fewer chances for promotion and less wage increase.

• Salary Difference Between Two Sexes

Wage medium for all workers in 1997 is $10,000, but within the category of unskilled workers, wage medium for women (who make up 54.3%) is $3,900, when men's is $8,000. Female wage medium is only as half as men’s, showing that wage of women employee is relatively low.

There is still wage difference between female and male in the same kind of occupation. For example, in 1997, the median wage of male in Managers and Administrators is $28,000, but female in same occupation only gets $25,000.

• Women and Poverty

According to the third Quarterly Report on General Household Survey, there are about 295,000 person who has monthly income less than the half of median wage (that is $5,000). Among them, 250,000 are women which occupy 83.3% of the total "working poverty" population. To state more clearly, low wages among women workers is not due to trend of performing part-time jobs. Form the statistics, 140,000 women engage in jobs lower than $5,000 still need to work over 30 hours per week.

• Discrimination Towards New Arrived Women

Everyday, there are 150 new arrivals from Mainland China coming to HK for family unity. Half of them are women, who know little about the HK society and lack of supporting resources. Some of them need a job because of family economic pressure, with little negotiating power, they are exploited with very low wages, long working hours, heavy workload and even lack of labour protection. While resources had been largely devoted to family and children, women in her unique situation had not been concerned and care about. Their circumstances illustrate that HK government have not put adequate resources to protect new arrived women from discrimination and exploitation.
3. *Employment Services provided to Women*

- **Employees Retraining Programmes (para 108)**

  Since the restructuring of economic situation, ex-factory-workers in Hong Kong find difficulties in getting a new job. SAR government than set up the Employees Retraining Programmes aiming at equip them with new skills. However, the truth is that there is a serious decrease in job vacancies after the de-industrialization. Thus, the reason of severe unemployment among middle aged women (who formerly participated in manufactory industry) is lack of job. Therefore, retraining programme cannot solve the problem. Although they had been retrained, the Programme failed to upgrade their skills. More importantly, they still cannot find a job as most employers do not recognized the qualification from this Programme.

- **The work of Labour Department (Article 11, para 105-107)**

  The job matching programme is merely decoration than solving the unemployment problem. In 1997, total job seekers registered in Labour Department is 117,424, only 22.2% (which accounted for 26,162 person) get a job through this service. In the period of 1 April 1995 to 31 December 1997, the Job Matching Programme registered 21210 job seekers and secured 15054 job offers, which only counted 21.1% of the unemployment population (71,300) in 1997.

  The report also stated that no complaints had been on age discrimination although Labour Department has set up services to deal it in 1997. This does not show that no age discrimination occurred, but made obvious that this services had not been promoted. None of our members told us that they are informed of this complaint channel.

4. *Retirement Benefits (Article 13, para 134)*

In Hong Kong, no retirement benefits given to citizens. The provisional Legislative Council adopted the bill of Compulsory Provident Retirement Fund, which require contribution of both employers and employees whose monthly income higher than $4,000. It is really discriminatory policy since it neglect the welfare of 500,000 women who participate in low wage and unstable work, and the housewives who devoted lifetime to take care the family members.

5. *The work of Equal Opportunity Commission (para 94)*

The Commission is the only institution in Hong Kong responsible for promoting gender equality. However, its work seem not enough. First of all, the Commission stress on the equity of men and women, but neglect the fact that female is placed in a disadvantaged position inside our society. To enhance gender equality, the Commission should carry out more mechanisms to eliminate the discrimination towards female.
Moreover, the work of EOC confines only to 3 ordinances; i.e. the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance. Since age discrimination is a long-term and severe employment barrier towards middle aged women, the EOC and government refused to formulate legal restriction on it.

6. Conclusion and suggestion

To achieve gender equality and realize the spirit the CEDAW, SAR government as well as EOC should take more firm position to eliminate discrimination towards women. We have the following suggestions:

- To set up minimum wage system, in order to protect the reasonable return for women workers and to narrow the discrepancy between female and male workers.
- To formulate legal restriction on age discrimination.
- To review and set up mechanism to assist new arrived women in understanding their own rights.
- To increase the childcare and elderly services.
- To reconsider the Comprehensive Retirement Scheme which also protect the late life of working women and housewives.
- To formulate legal protection on full pay for maternity leave of women workers.

No. 11

Equal employment and labour rights

Gender inequality on employment rights and opportunity

1. Since the 1990s, the employment pattern for women employees in HK has been in a state of casualisation. Part-timers, temporary, substitute and contract workers are very common. These are not what women employees want. They want a full-time, stable job on a reasonable salary. But during their job-hunting or even under employment, they are always in an unfavourable situation, for example, discrimination on age, underpay, unnecessary harsh working terms. In addition to inadequate social security and service, the powerless situation of women employee is exploited by bad employers.

2. However in the Initial Report of HKSAR, HK government said that most employees "have already taken the attitude and idea for providing equal employment opportunity for both sexes, making people doubt that if the government has satisfied with the attitude of present employers on male and female employees. The statement also arouse doubts that the government simply ignores the fact of employers suppressing women workers’ wage by exploiting their status as women and their age. Generally speaking, when women work in the public domain or choose their career, the issues of sex and age are still not
protected by the law. Discrimination simply exists, and women cannot have the same rights or opportunity as men.

Part III: Employment discrimination

Legislation prohibiting age discrimination against women should be passed

3. It is commonly known that women over 30 are under age discrimination when they try to find a job. According to data released by the Statistics Department, age medium of working population from first quarter of 1997 to first quarter of 1998 is: 38 for men and 33 for women. These figures show that age requirement of labour marker is younger for women, compared to men.

4. Many women who are barred from the labour market because of age, including women workers from the declining manufacturing sector (industrial transformation) and women with children who are grown up, are between 30 to 50. Although they are still in the prime of their lives, they are usually banned from employment due to "old age". For example, age requirement for shop salesperson is under 30, and electronics factories refuse to employ women workers over 30.

5. The government considers "public education and self-regulatory scheme" as most appropriate. It also stated that from 1997, labour department began to "coordinate and handle complaints concerning age discrimination on employment, but not receiving any complaint yet". The government’s saying is completely irresponsible. On the one hand, the government never promotes that people can complain employers for age discrimination. On the other hand, due to "absence of legal protection", women under age discrimination feel frustrated. Absence of legal protection makes complaining useless.

6. So, we suggest that a law should be passed to prohibit age discrimination. Some norms could only be set up through legislation, to remind and let people understand what rights is and what responsibility is. Law-enforcing body could only work according to law. Furthermore, there is no confrontation between legislation and education, and the passing of law against age discrimination is just on of the ways to warn and punish those bad
employers. There is no need for government to reject ordinance concerning "prohibition against age discrimination".

Women employees should have full-pay maternity leave

7. After several revisions, the present rule for maternity leave is: according to a continuous contract, a pregnant employee can have no-pay maternity leave when she have worker for at least 26 weeks; she could have 10 weeks of paid maternity leave when she have worker for at least 40 weeks. But wage during maternity leave is only 4/5 to normal wage. In other word, 1/5 wage of pregnant employees is deducted. This inevitably increases the economic pressure of pregnant employees.

8. Many women lose employment opportunity because of pregnancy. For example, waitresses in restaurants do not receive suitable job arrangement when they are pregnant and are forced to resign. And in many other sectors, married women employees have fewer chances for promotion and less wage increase.

9. We suggest that the government should revise the ordinance concerning pregnancy, in order to let pregnant employees to have full-pay maternity leave. The government should also set up "assistant maternity leave" for husbands, in order to reduce living pressure for pregnant women.

Existing unequal status for women participating in economic activities

10. A government report stated that, "working population participation rate for age 20 to 39 has been increasing for the past 10 years", and "decreasing female working population over 60 is the result of prosperous economy and women sharing economic growth and prosperity". This inevitably hides the situation faced by women workers.
11. According to government statistics, female unemployed in second quarter of 1997 are 23,900, which is 1.9% of female working population, female unemployed in fourth quarter 1997 and second quarter 1998 are 29,500 (2.2%) and 48,000 (3.7%) respectively, showing that female working population is increasing. Furthermore, we believed that the real female unemployed are greater than the above figure, because many so-called housewives (statistically not included in working population) do want to continue working in the public domain. But they are suppressed by the unreasonably low wage offered, and find that the wage they earned is not enough even for expenditure of home keeping and children.

12. Wage medium for all workers in 1997 is $10,000, but within the category of unskilled workers, wage medium for women (who make up 54.3%) is $3,900, when men's is $18,000. Female wage medium is only as half as men’s, showing that wage of women employee is relatively low.