

LCQ8: Sexual harassment in employment field

Following is a question by the Dr Hon Elizabeth Quat and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (October 31):

Question:

It has been reported that the Equal Opportunities Commission (EOC) received a total of 233 complaints about sexual harassment in the past three years and, among them, over 190 were in the employment field. Under the Sex Discrimination Ordinance (Cap 480), acts of sexual harassment in the employment field is unlawful. Not only is the harasser required to bear legal liability, his employer may also be held vicariously liable. In this connection, will the Government inform this Council:

(1) of the names of the policy bureaux, government departments and subvented organisations which have at present formulated (i) policies on eliminating sexual harassment and (ii) mechanisms for handling sexual harassment complaints, as well as the details of the policies and mechanisms concerned;

(2) whether it has assessed if the various policy bureaux, government departments and subvented organisations have formulated appropriate measures to eliminate sexual harassment in the employment field; if it has, of the outcome; if not, the reasons for that;

(3) whether it knows if EOC will step up publicity and educational efforts targeting at employers so as to eliminate acts of sexual harassment in the employment field; if EOC will, of the details; if not, the reasons for that; and

(4) whether it will expeditiously present to this Council the Discrimination Legislation (Miscellaneous Amendments) Bill which seeks to outlaw sexual harassment between participants in the workplace who have no working relationship with each other; of the effectiveness the authorities expected of the legislative amendments concerned in curbing acts of sexual harassment in the employment field?

Reply:

President,

In consultation with the Civil Service Bureau (CSB) and the Equal Opportunities Commission (EOC), the consolidated reply to the question raised by Dr Hon Elizabeth Quat is as follows:

Under the Sex Discrimination Ordinance (SDO) (Cap 480), employers are responsible for preventing sexual harassment in the workplace. The CSB has drawn up a set of general guidelines to assist bureaux/departments (B/Ds) in

handling sexual harassment complaints in the civil service. According to the guidelines, staff of B/Ds must ensure that the workplace is free from sexual harassment, and all officers should treat each other with respect. The guidelines stipulate that in dealing with sexual harassment complaints, B/Ds should appoint officers at appropriate levels to handle the complaints, uphold the principle of confidentiality and ensure that the complainants and the witnesses are duly protected. B/Ds should ensure that such complaints are handled seriously, objectively and expeditiously, and that the parties involved are treated fairly. The guidelines also require B/Ds to hold briefing sessions or seminars as and when required so as to raise staff awareness of the proper procedures for handling cases of sexual harassment. In addition to making reference to the relevant guidelines issued by the CSB, B/Ds may also draw up their own procedures that suit their needs for dealing with sexual harassment complaints, taking into account their individual circumstances and operational requirements.

All new recruits are required to read the guidelines on handling sexual harassment complaints, which are also circulated by B/Ds to their staff on a regular basis. The CSB and departments organise thematic seminars and provide relevant training to enhance staff's knowledge and skills in handling sexual harassment complaints.

For Government-subsidised bodies, the EOC currently does not keep records of the mechanism of those bodies on prevention and handling sexual harassment complaints related to employees. The EOC has all along adopted a sectoral approach in promoting the importance of developing anti-sexual harassment policies and measures. In this regard, the EOC has collaborated with the education sector, the business sector (in particular the service industry), the social service sector, and the sports sector to promote anti-sexual harassment. In view of the special circumstances of these sectors, the EOC has formulated a series of "Framework for Sexual Harassment Policy" and organised a number of seminars, talks and workshops to enable stakeholders to better understand what sexual harassment is and the preventive measures they should take.

With regard to stepping up publicity and educational efforts targeting at employers, the EOC will continue to provide training and hold seminars for employers in various sectors. For example, the EOC has provided 200 training sessions on anti-discrimination ordinances and sexual harassment for over 8 000 participants from private and public organisations from January to June 2018. Among the participating organisations were Government departments, public organisations, non-governmental organisations, airlines, banks, hotels, retailers, property management companies, insurance companies and manufacturing companies.

On public education and publicity programmes, the EOC will continue to promote the messages of protection of citizens against sexual harassment under the SDO, the elimination of sexual harassment in the workplace and employers' responsibilities of preventing sexual harassment in the workplace through a series of activities. The series of public education and publicity programmes include a weekly radio programme partnership with RTHK Radio 2, Community Participation Funding Programme on Equal Opportunities, drama

performances for schools, op-ed articles on equal opportunities issues in various newspapers, exhibitions, Generation i Youth Project, comics and video production competition, and multi-media promotional campaign, to promote a friendly working environment that is free from discrimination and sexual harassment.

On legislation, the Government plans to introduce the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 (the Bill) by the end of this year to implement the eight prioritised recommendations in the Submissions on Discrimination Law Review submitted by the EOC to the Government in 2016, which include thereat the expansion of legislative protection from sexual harassment under the SDO to persons working in a common workplace. Upon the passage and commencement of the Bill, an employee, an employer, a contract worker, a principal, a commission agent and a partner in a firm will be protected from sexual harassment of the aforementioned parties at a workplace of them both, with a view to ameliorating the situation of sexual harassment in the workplace.