# Building a Positive Culture with Equal Opportunities



Dr. Ferrick CHU Executive Director (Operations) Equal Opportunities Commission

## Why EO and Diversity matter?

Workplace culture of respect and dignity to retain the best talent

Listed companies as role models in various industries



### **Diversified insights** into the business

### **Compliance**/ **Risk Management**

## **Anti-discrimination Laws in Hong Kong**

Sex Discrimination Ordinance

- Sex
- Pregnancy
- **Marital Status**
- Breastfeeding (new)

Disability Discrimination Ordinance

Disability lacksquare

**Family Status** Discrimination Ordinance

- Having •

  - family
  - member



responsibility for the care of an immediate

Race Discrimination Ordinance

- Race
- Colour
- **Ethnic Origin**
- **National Origin**
- Descent
- **Imputed Race** lacksquare(new)

## **Recent Amendments**

**Sex Discrimination** 

**Disability Discrimination** 

**Breastfeeding Harassment (2021)** 

**Client <-> Service providers** 

Sexual (2014), Disability (2020) and Racial Harassment (2020) 

**Workplace participants <-> Workplace participants** 

Sexual (2020), Disability (2020) and Racial Harassment (2020) 





### **Race Discrimination**

## **Common forms of discrimination**

### <u>Direct</u> Discrimination

Less favourable treatment on prohibited grounds Indirect Discrimination

Same requirement is applied to all but is in practice unfair to some groups



## **Victimisation**

Treating a person less favourably for

- Bringing a complaint
- Being a witness
- Taking legal action
- Taking other actions under antidiscrimination laws

## Complaints handled by EOC in 2019 – May 2022

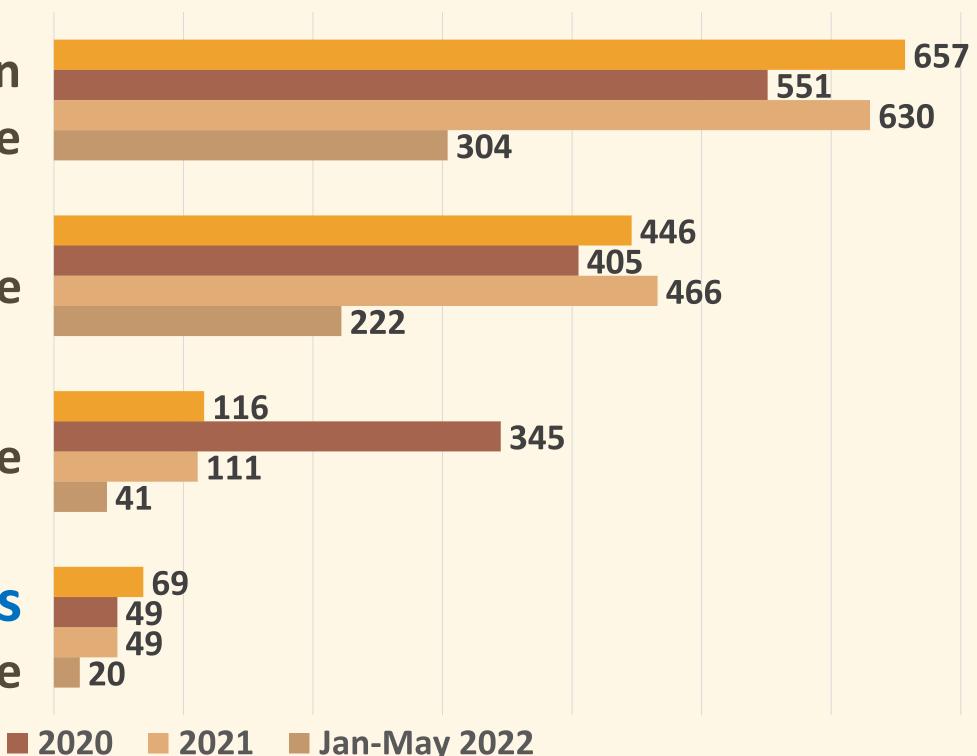


**Sex** Discrimination Ordinance

**Race** Discrimination Ordinance



**2019** 





## **Complaints related to Sex Discrimination Ordinance**

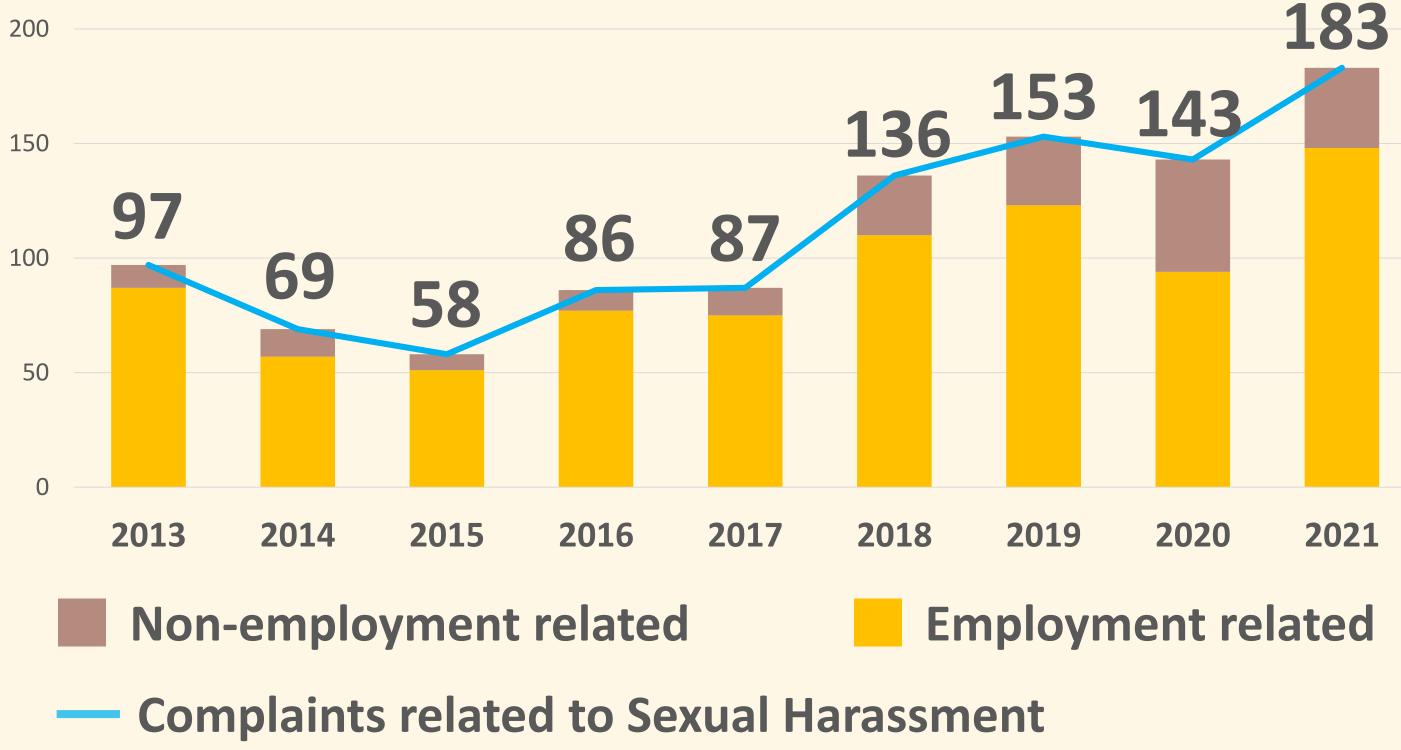
2017	46%	54%	
2018	43%	57%	Co
2019	46%	54%	Ha Ot
2020	46%	54%	
2021	61%	39%	



## Complaints related to Sexual larassment

### ther Complaints under SDO

## **Complaints related to Sexual Harassment** (handled)







## Survey on Sexual Harassment in Hong Kong 2021

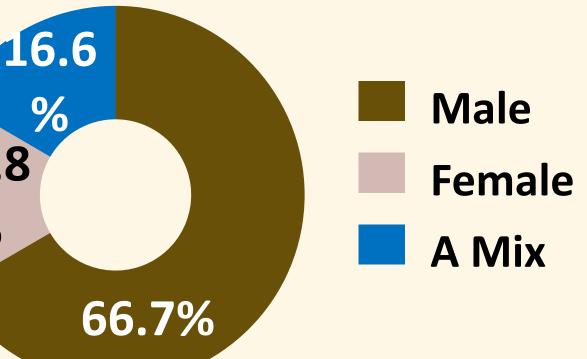
## **Prevalence of Workplace Sexual Harassment**



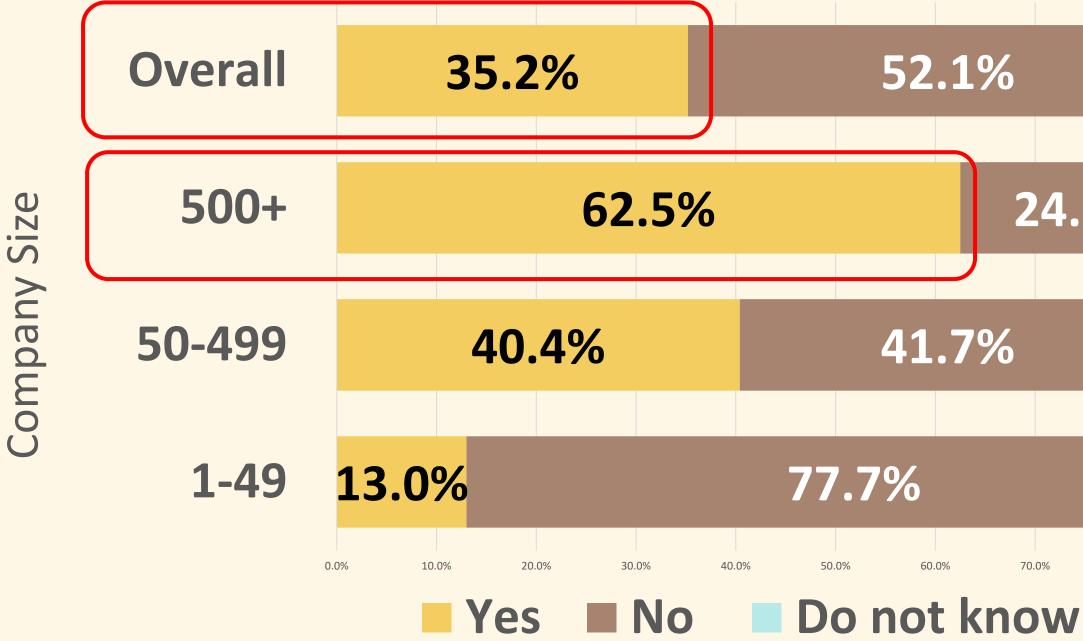
16.8 %



## **Sex of Harassers in Workplace** (by sex of victims)



## Presence of Anti-SH Policy in the Company



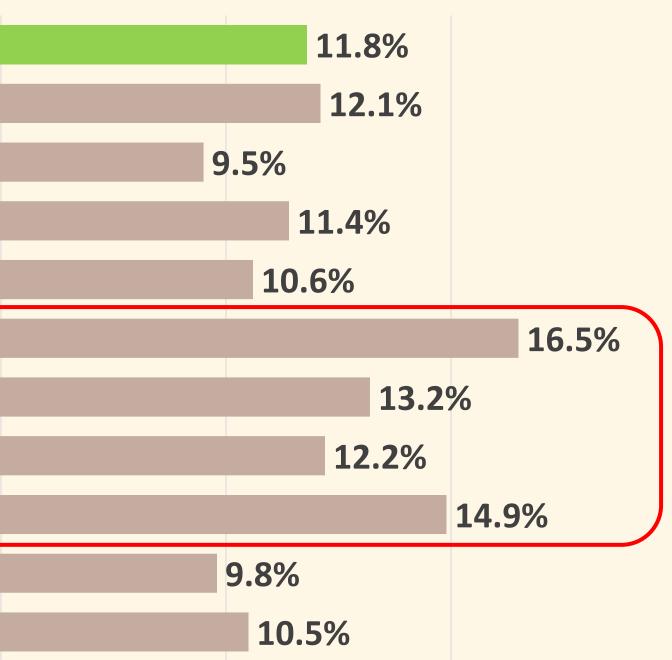


, )			12.	7%
2	4.1%	6	13.4	4%
,		1	7.8	%
			9.	3%
70.0	0% 80	).0%	90.0%	100.09

## Prevalence Rate of Workplace Sexual Harassment by Industry

Overall Rate	
Manufacturing	
Construction	
Import and export trades, wholesale and retail	
Transportation, warehousing, postal and courier services	
Accommodation and food services	
Information and communications	
Finance and insurance	
Real estate, professional and business services	
Public administration, education, human health and social work activities	
Miscellaneous social and personal services	





**Reporting of Workplace Sexual Harassment** 

> One in Seven (14.7%)

11.9%



## Witnesses to Workplace **Sexual Harassment**

## Two in Five (41.4%)

**Incidents were** intervened or stopped by a third party

## Vicarious Liability

- Employers are vicariously liable for the unlawful act done by their employees in the course of employment, whether or not it was done with the employer's knowledge or approval
- Principals are vicariously liable for the unlawful act done by their agents
- Persons engaging interns or volunteers will be liable for an act done by an intern/ volunteer
- <u>Defence</u>: if employers can prove that they have taken <u>reasonably practicable steps</u> to prevent the unlawful discrimination/ harassment

Prevent SH is also part of the gender equality strategies



## **Recommendation for HKEX**

## **Review the Environmental, Social and Governance (ESG) Reporting Guide of the Listing Rules**

to include the adoption of an anti-sexual harassment policy as one of the key gender equality strategies that issuers of listed companies should disclose in their ESG report.



## **Recommendations for Listed Companies**

1. Employers are strongly encouraged to:

(a) Develop a clear corporate anti-sexual harassment policy; (b) Establish an effective system to handle complaints; (c) Take **disciplinary or appropriate actions**; (d) Implement timely improvement measures; and (e) Provide awareness training to staff (including bystander intervention approach) regularly.



2. Appoint a top-level managerial staff member to oversee matters related to anti-sexual harassment

3. Communicate to every staff about the redress channels and regularly remind staff not to commit acts of sexual harassment



### 4. Companies from client-facing industries can:

(a) raise awareness among their clients or workplace participants by providing knowledge about the recent legal changes in anti-sexual harassment provisions under **SDO** 

(b) send a clear message that staff complaints against clients' or workplace participants' inappropriate behaviour(s) would be properly dealt with.



## **Good Management Practices to enhance Corporate Governance**

- Use of **Consistent Selection Criteria** in Recruitment/Talent acquisition process (from planning to execution):
  - Board nomination and workforce recruitment
- Inclusive workplace practice:
  - flexible work arrangements
  - work-life balance
  - return to work plan for pregnant staff ullet
  - accessible work environment, reasonable accommodation for staff with medical conditions
  - multipurpose room for breastfeeding/rest/prayers



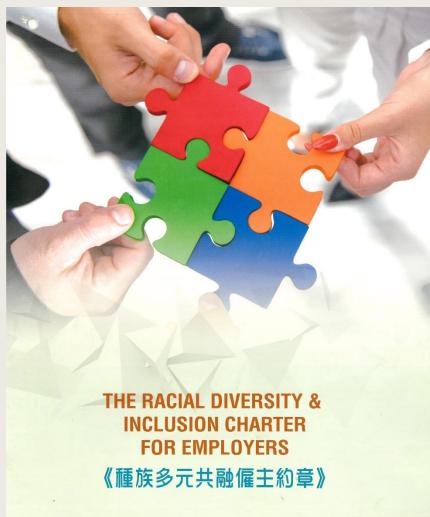


## **Good Management Practices to enhance Corporate Governance**

- Policies promoting equal opportunities e.g., - EO policy - Anti-SH policy
- Grievance procedures e.g., complaint-handling mechanism



## **Racial D&I Charter for Employers**





- Launched by the EOC in December 2018;
- A set of **nine guidelines** 
  - organisations
  - performance on racial diversity and inclusion goals

### **Eligibility**:

Companies registered with Business Registration: the business must be in operation in Hong Kong for at least 1 year



## over 220 signatories signed the Charter as at 30 June 2022

### $\succ$ To help employers improve diversity and inclusion in their

> To use as a measure for organisations to assess their

## **Racial D&I Charter for Employers**

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Extracted from the newspaper supplement published by South China Morning Post on 17 December 2021

Come and join us as a signatory of the Charter to build a diverse and inclusive workplace: Website: www.eoc.org.hk Hotline: 2511 8211





## **Useful Resources**

<b>Good Management Practices</b>	https://tinyurl.c
Code of Practice on Employment under SDO	https://tinyurl.c
Code of Practice on Employment under DDO	https://tinyurl.c
Code of Practice on Employment under FSDO	https://tinyurl.c
Code of Practice on Employment under RDO	https://tinyurl.c
Anti-SH Policy Framework	https://tinyurl.c



com/eocgmp

com/sdocop

com/copdisability

com/fsdocop

com/racecop

com/antishpolicies

## Anti-Sexual Harassment Hotline: 2106 2222 EOC Hotline: 2511 8211

## **Training and Consultancy Services**

- Customised training
- Review existing policies, complaint handling procedures and induction training materials

