

Building a Positive Culture with Equal Opportunities

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Why EO and Diversity matter?

Workplace culture of respect and dignity to retain the best talent

Diversified insights into the business

Listed companies as role models in various industries

**Compliance/
Risk Management**

Anti-discrimination Laws in Hong Kong

Sex Discrimination Ordinance

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

Disability Discrimination Ordinance

- Disability

Family Status Discrimination Ordinance

- Having responsibility for the care of an immediate family member

Race Discrimination Ordinance

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

Recent Amendments

Sex Discrimination

Disability Discrimination

Race 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)**

Common forms of discrimination

Direct Discrimination

Less favourable
treatment on
prohibited grounds

Indirect Discrimination

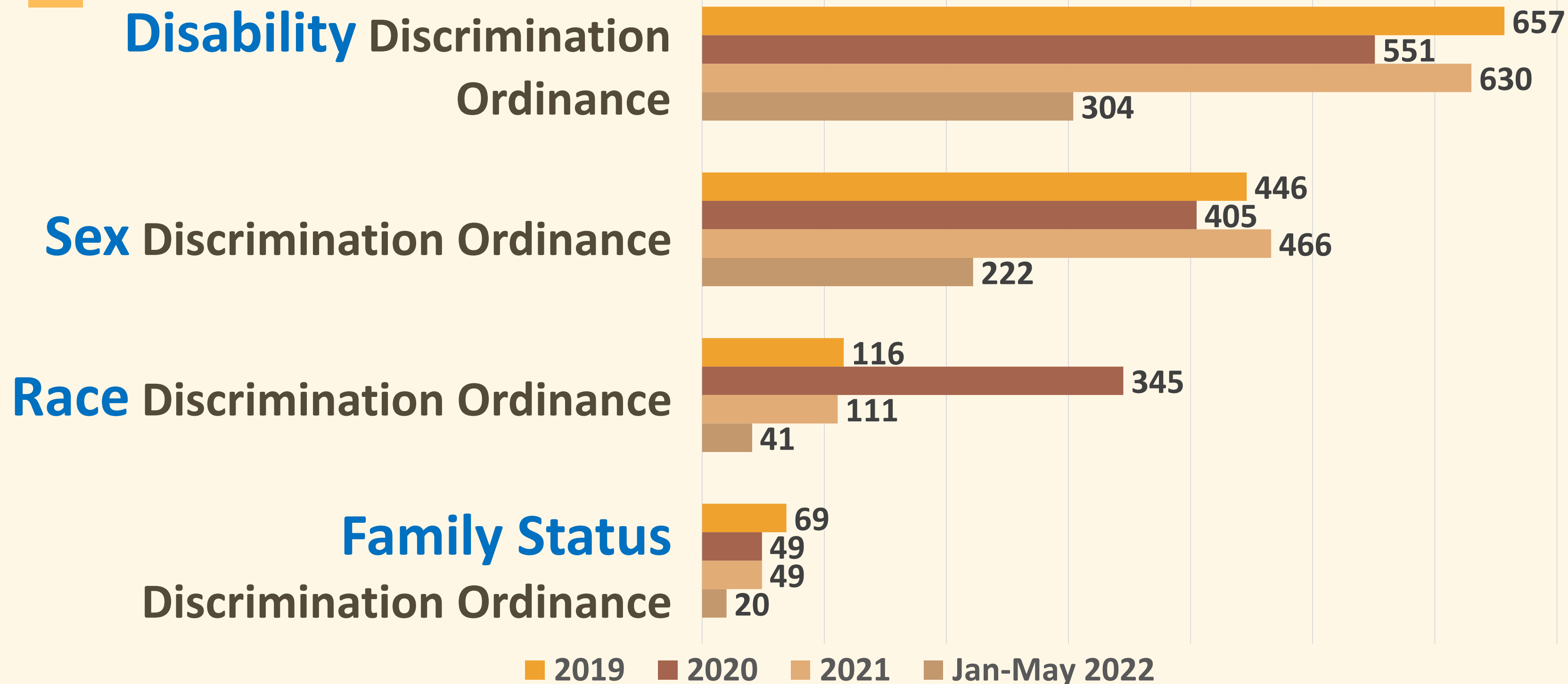
Same requirement is
applied to all but is in
practice unfair to
some groups

Victimisation

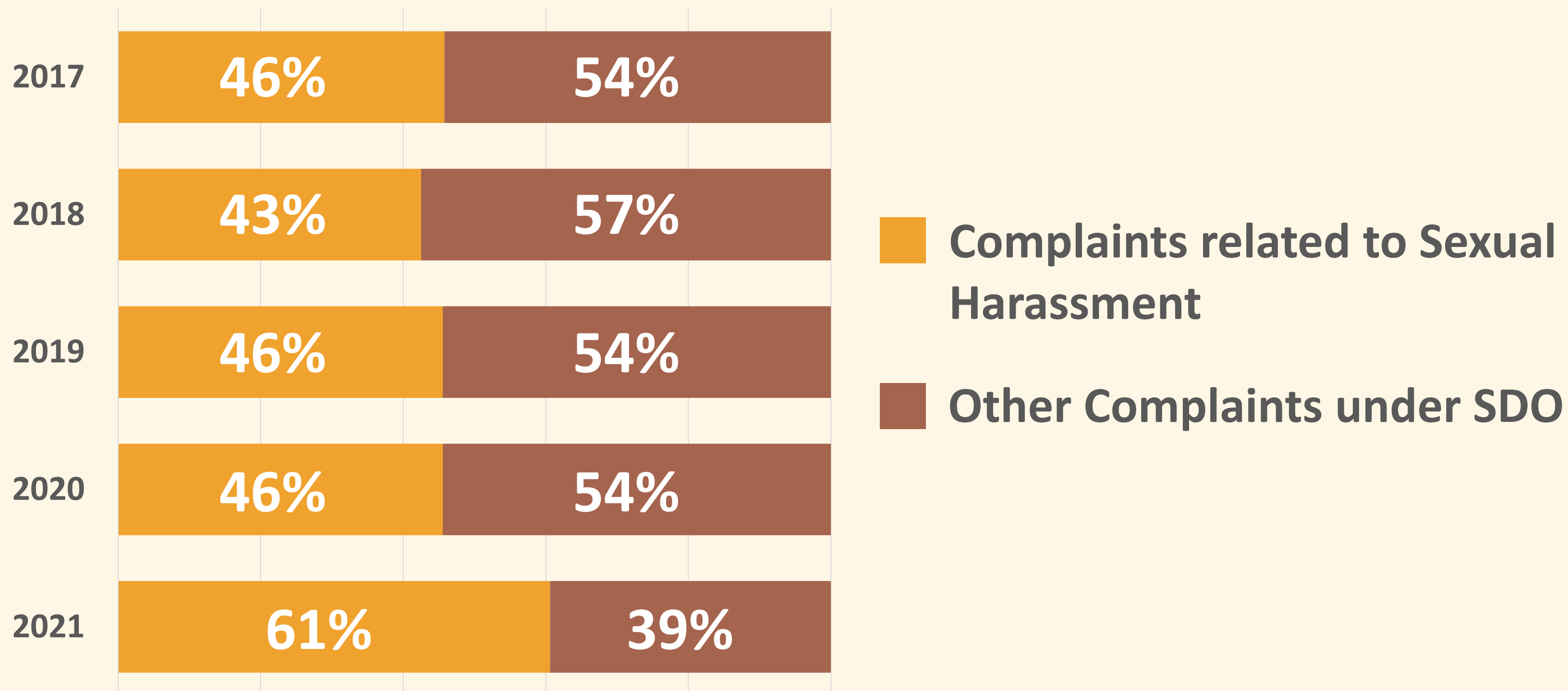
Treating a person less
favourably for

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

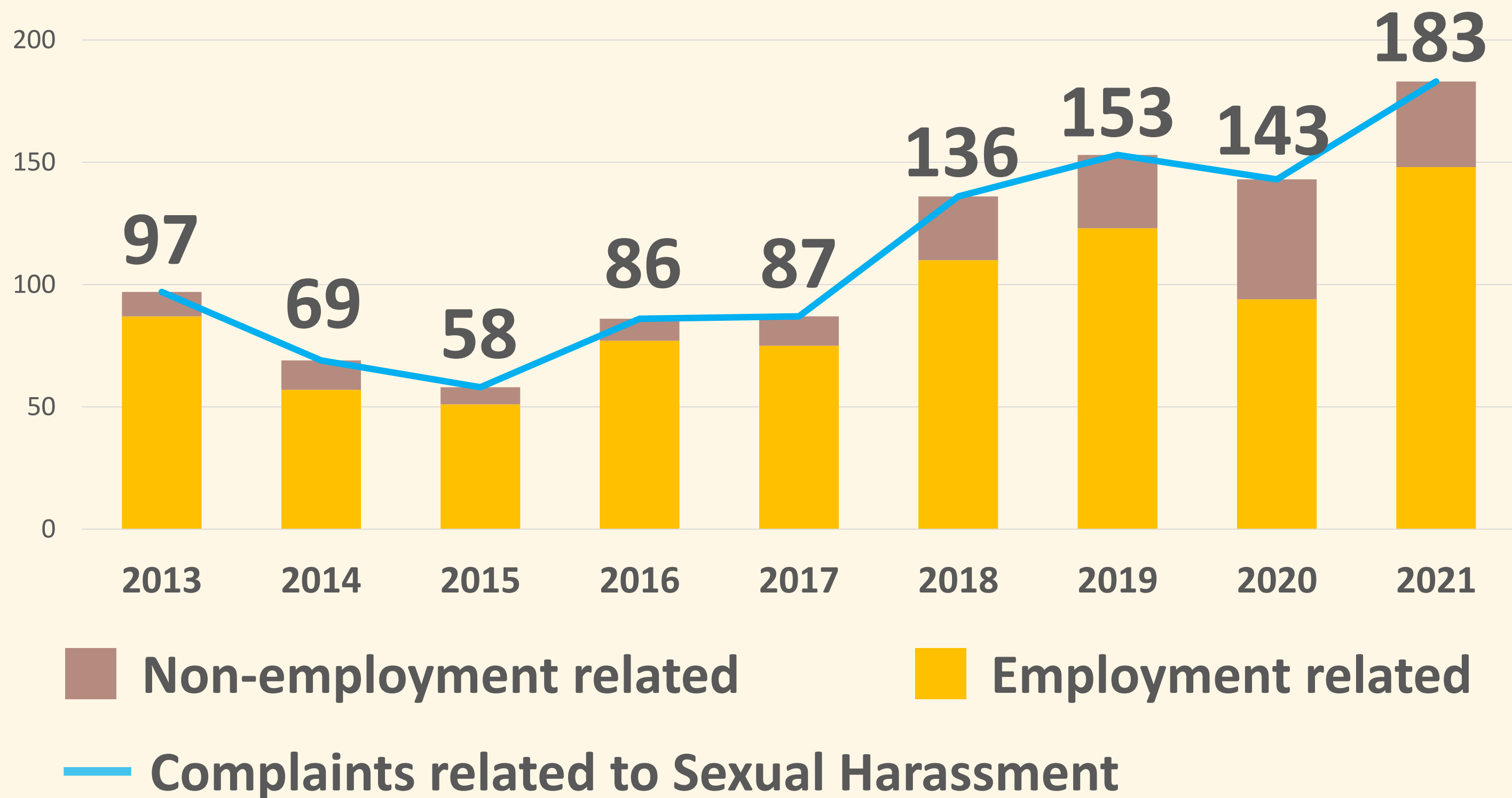
Complaints handled by EOC in 2019 – May 2022



Complaints related to Sex Discrimination Ordinance

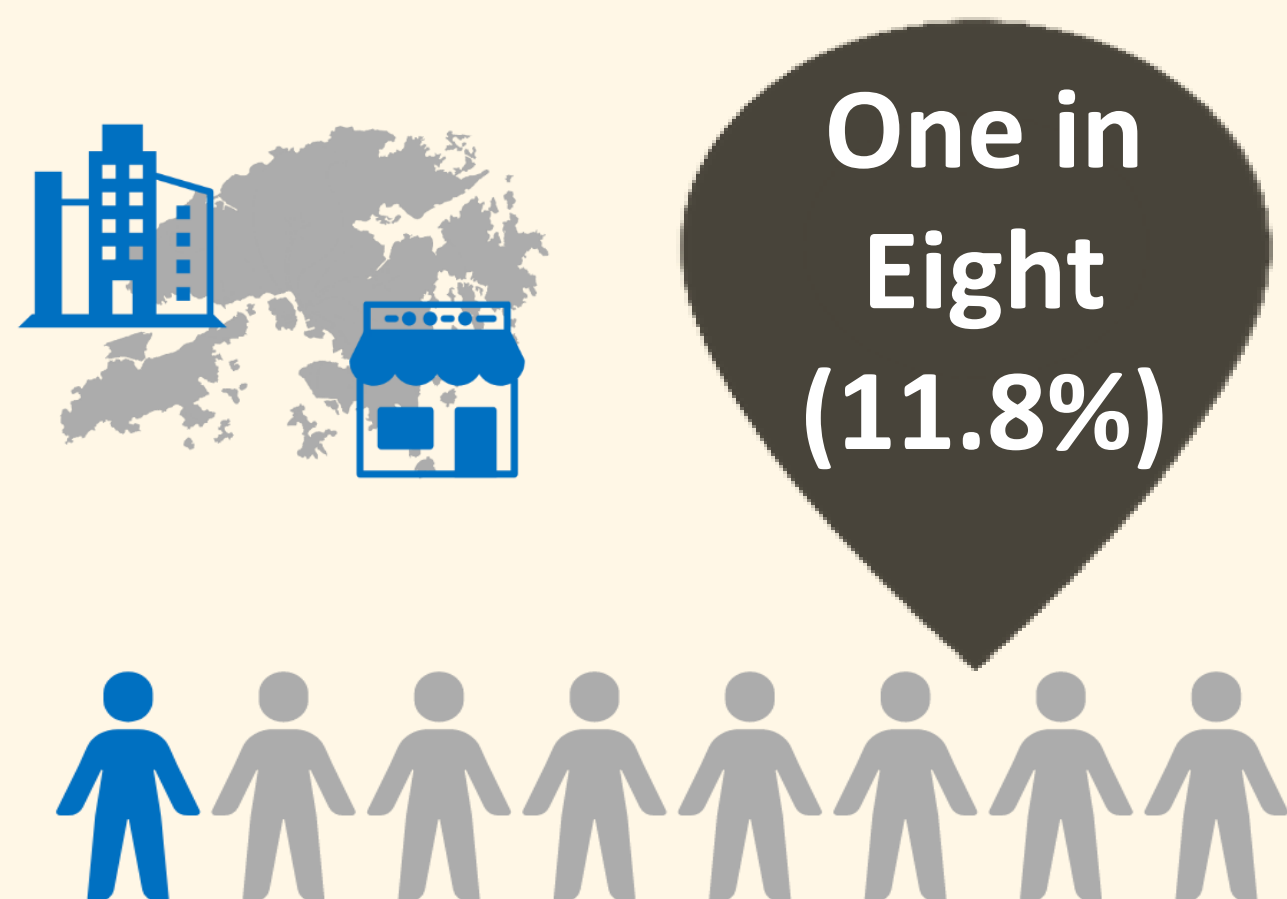


Complaints related to Sexual Harassment (handled)

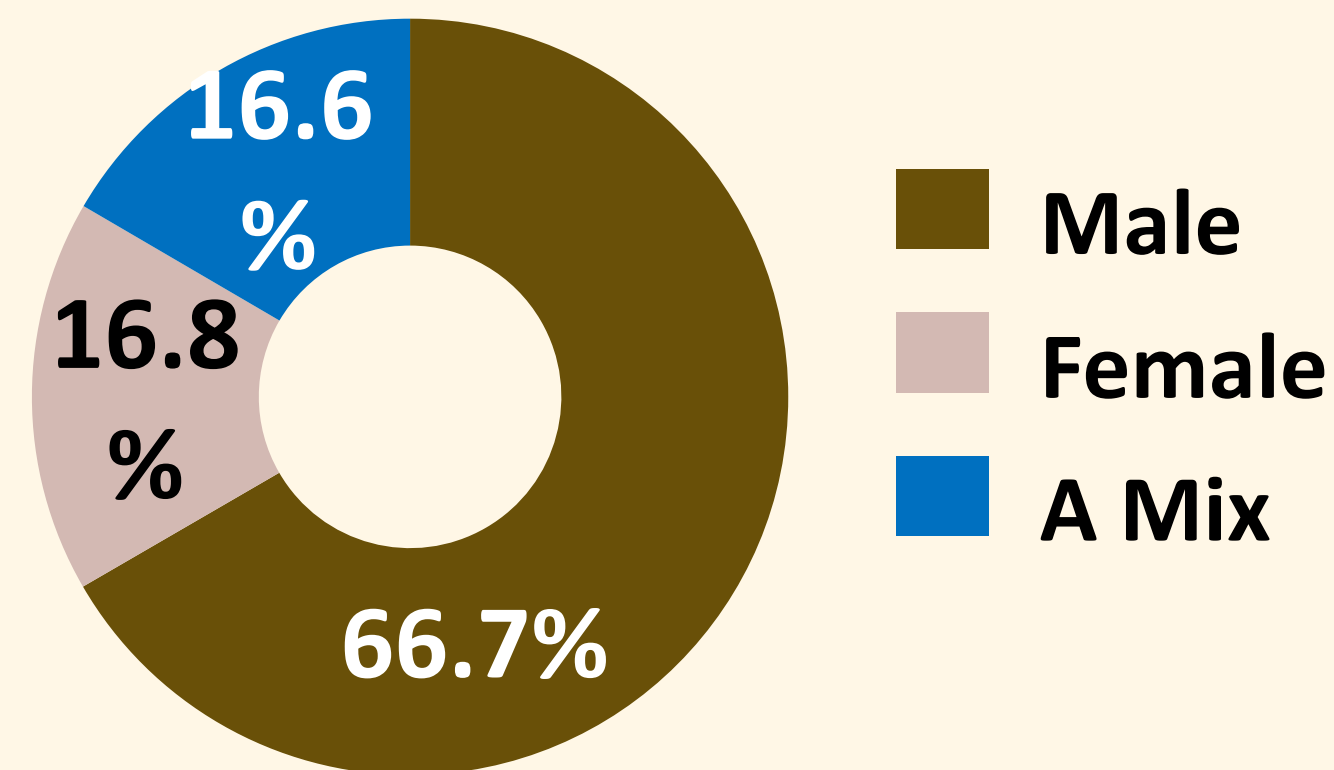


Survey on Sexual Harassment in Hong Kong 2021

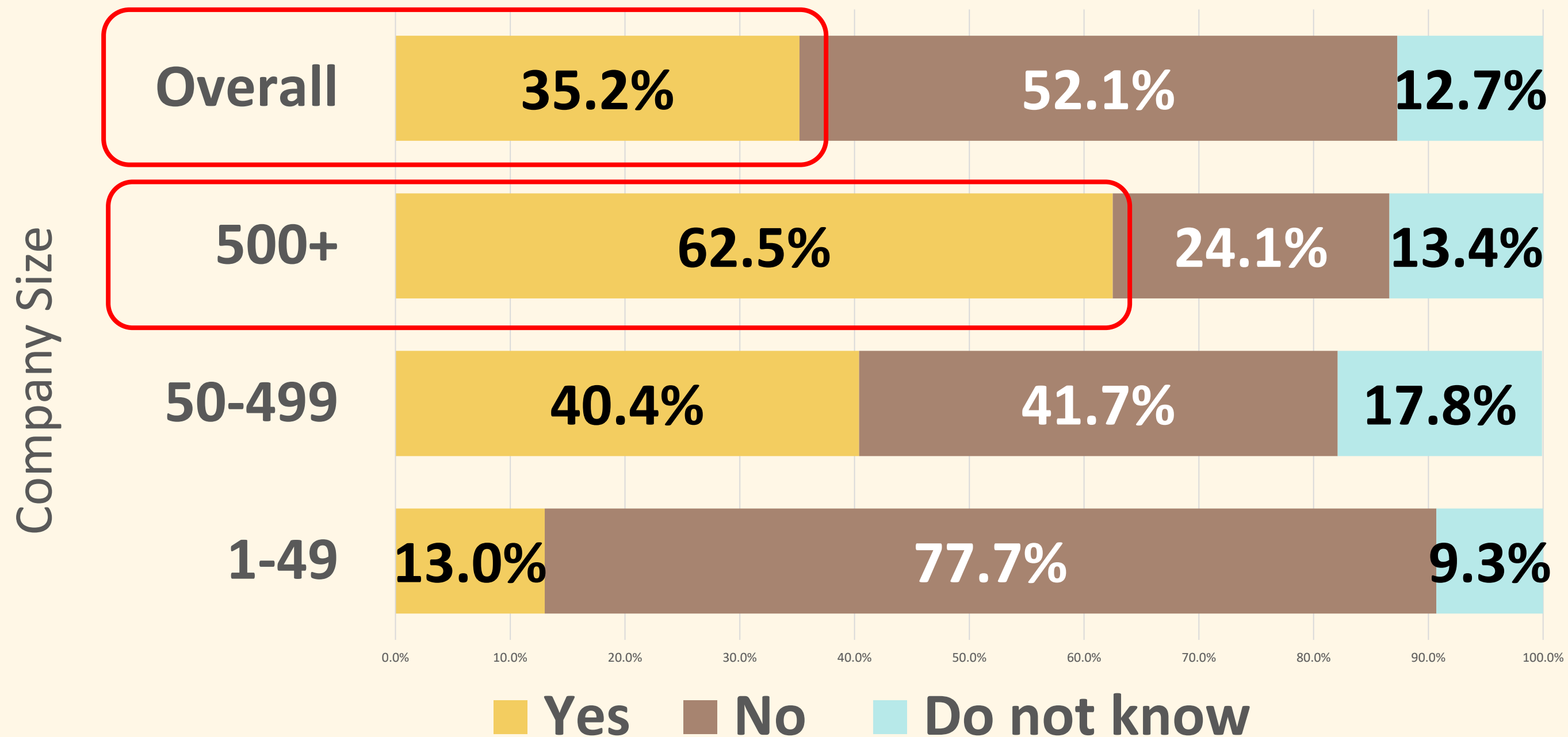
Prevalence of Workplace Sexual Harassment



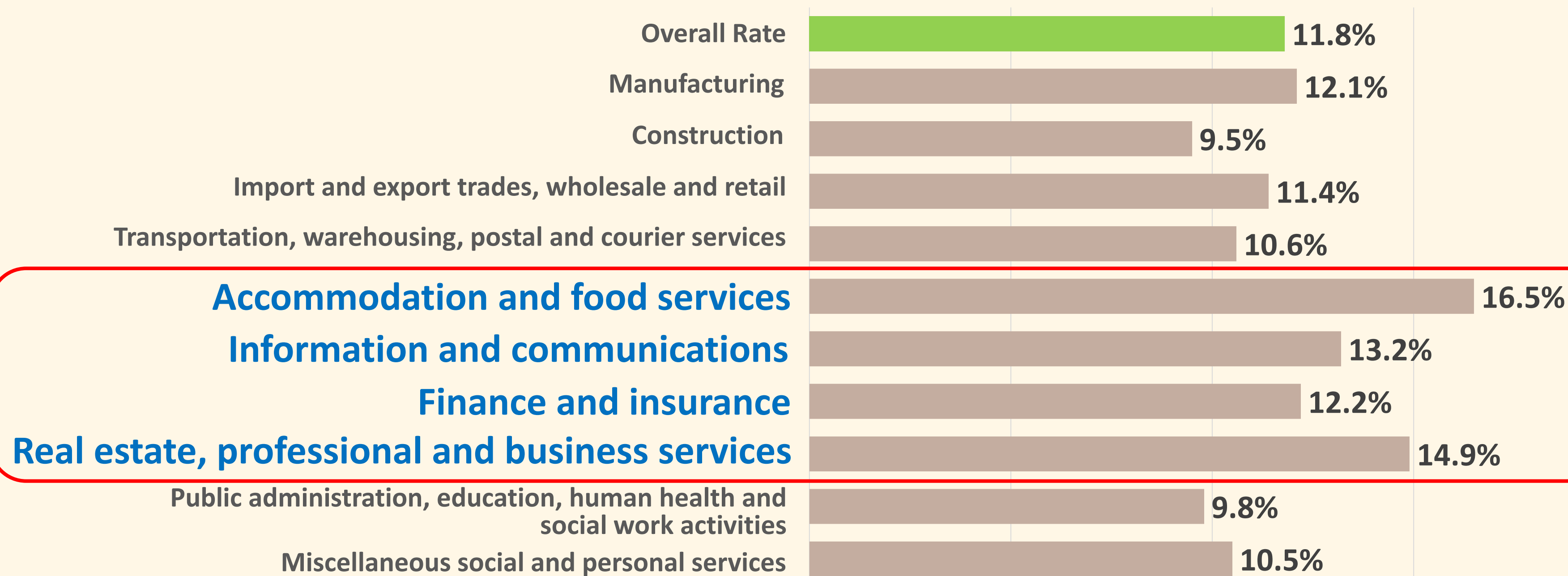
Sex of Harassers in Workplace (by sex of victims)



Presence of Anti-SH Policy in the Company



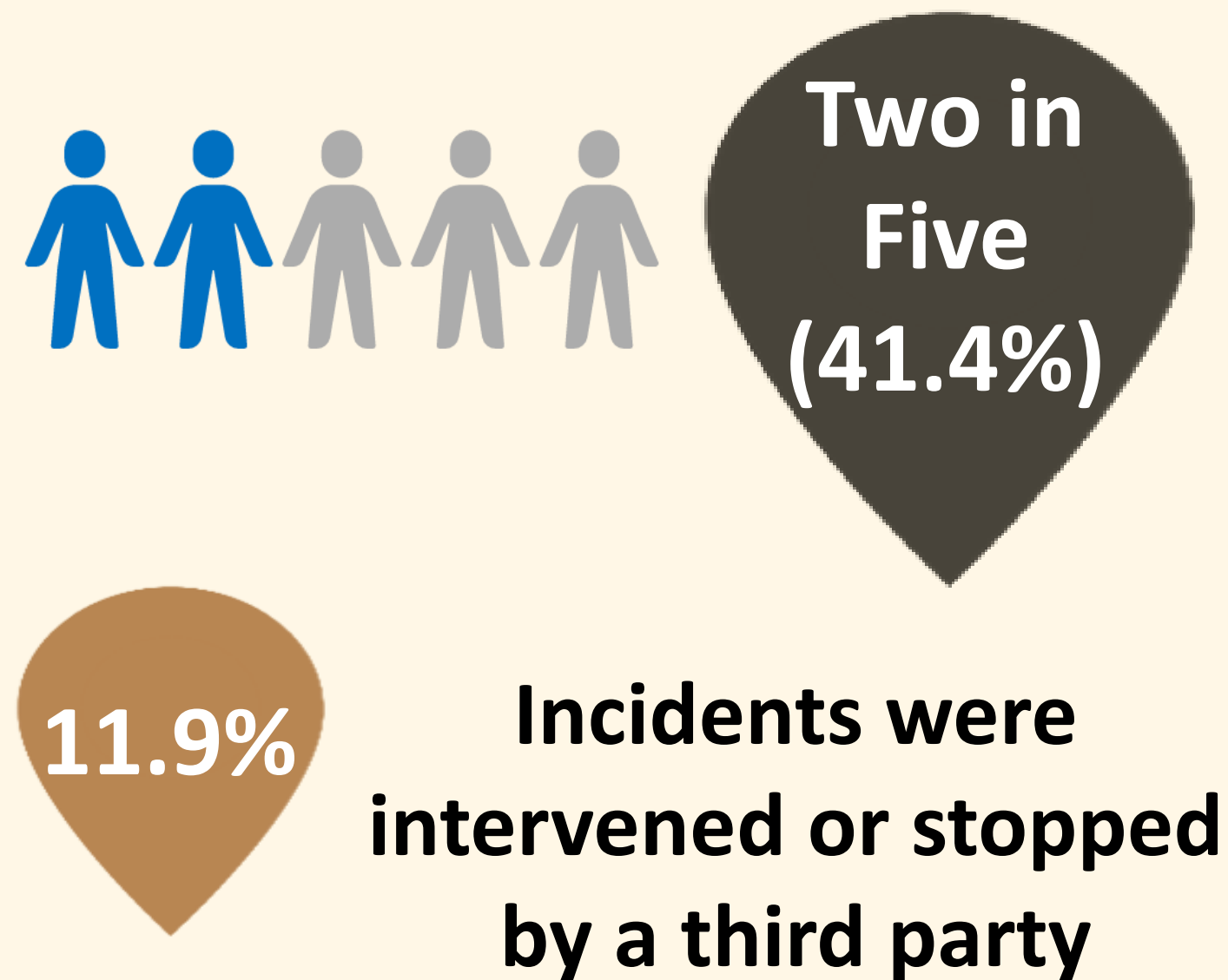
Prevalence Rate of Workplace Sexual Harassment by Industry



Reporting of Workplace Sexual Harassment



Witnesses to Workplace Sexual Harassment



Vicarious Liability

Prevent SH is
also part of the
gender equality
strategies

- **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
- **Defence**: if employers can prove that they have taken reasonably practicable steps to prevent the unlawful discrimination/ harassment

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.**

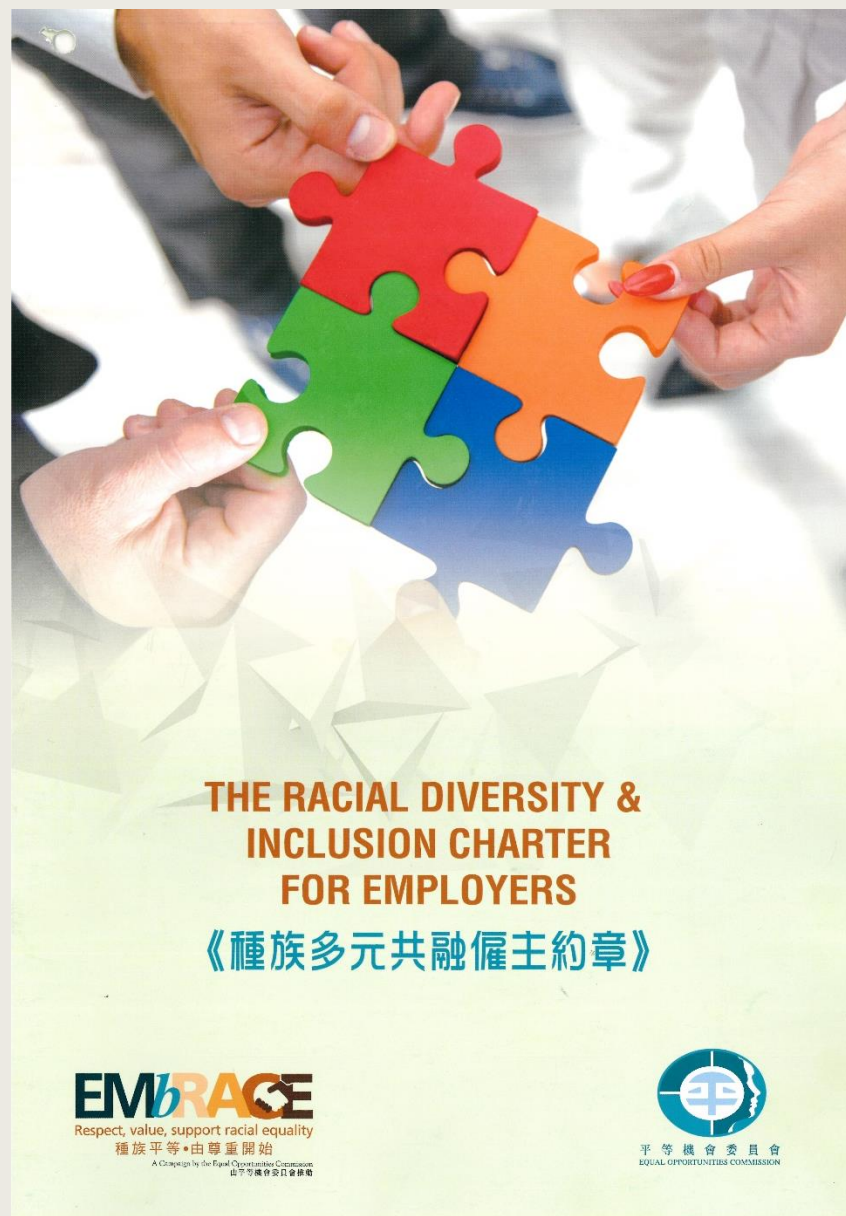
Good Management Practices to enhance Corporate Governance

- 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
 - 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;
over 220 signatories signed the Charter as at 30 June 2022
- A set of **nine guidelines**
 - To help employers improve diversity and inclusion in their organisations
 - To use as a measure for organisations to assess their 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**

Racial D&I Charter for Employers



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

Good Management Practices	https://tinyurl.com/eocgmp
Code of Practice on Employment under SDO	https://tinyurl.com/sdocop
Code of Practice on Employment under DDO	https://tinyurl.com/copdisability
Code of Practice on Employment under FSDO	https://tinyurl.com/fsdocop
Code of Practice on Employment under RDO	https://tinyurl.com/racecop
Anti-SH Policy Framework	https://tinyurl.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