



## Guidelines on Equal Opportunities and Prevention of Sexual Harassment

### Principles

The Hong Kong Academy for Gifted Education (the “Academy”) advocates equal opportunities and believes that everyone has the right to be respected and be equally treated. It is unlawful for a staff member or stakeholder of the Academy to harass, discriminate against, vilify or victimise another staff member or stakeholder of the Academy, or any other person who has dealings with the Academy, on the grounds of sex, marital status, pregnancy, disability, family status or race of that person. The Academy will not tolerate any unlawful acts of harassment, discrimination, vilification or victimisation, which may lead to our disciplinary actions and/or civil liability and/or even criminal consequences, and it will uphold this principle in all of its operations.

The Academy and its supervisory staff will take all necessary steps in order to ensure that any staff member or stakeholder of the Academy or any other person who has dealings with the Academy is not subject to any unlawful acts of harassment, discrimination, vilification or victimisation in their employment or in their educational experience.

Staff members and stakeholders of the Academy should observe the requirements of the *Sex Discrimination Ordinance*, the *Disability Discrimination Ordinance*, the *Family Status Discrimination Ordinance* and the *Race Discrimination Ordinance* as stipulated in the *Codes of Practice* issued by the Equal Opportunities Commission (EOC) of Hong Kong, and any equal opportunities ordinances that may be enacted. They may be personally liable for acts committed by them. No staff member or stakeholder may use their lack of knowledge about these ordinances as an excuse for inappropriate behaviours or decisions.

Any staff member or stakeholder can lodge a complaint with the Academy if he/she witnessed anyone committed any harassment, discrimination, vilification or victimisation act or was harassed, discriminated, vilified or victimised. Details of the complaint mechanism are in the last section.

### Equal Opportunities Ordinances

The four *Equal Opportunities Ordinances* in Hong Kong are introduced below in order to raise staff members and stakeholders’ awareness against harassment, discrimination, vilification and victimisation.

#### *Sex Discrimination Ordinance (Chapter 480)*<sup>1</sup>

“An Ordinance to render unlawful certain kinds of sex discrimination, discrimination on the ground of marital status or pregnancy, and sexual harassment; to provide for the establishment of a Commission with the functions of working towards the elimination of such discrimination and harassment and promoting equality of opportunity between men and women generally; and to provide for matters incidental thereto or connected therewith.”

#### *Disability Discrimination Ordinance (Chapter 487)*<sup>1</sup>

“An Ordinance to render unlawful discrimination against persons on the ground of their or their associates’ disability in respect of their employment, accommodation, education, access to partnerships, membership of trade unions and clubs, access to premises, educational



establishments, sporting activities and the provision of goods, services and facilities; to make provision against harassment and vilification of persons with a disability and their associates; to extend the jurisdiction of the Equal Opportunities Commission to include discrimination against persons on the ground of their or their associates' disability, and for connected purposes.”

*Family Status Discrimination Ordinance (Chapter 527)<sup>1</sup>*

“An Ordinance to render unlawful discrimination against persons on the ground of family status and to extend the jurisdiction of the Equal Opportunities Commission to include such discrimination and for connected purposes.”

*Race Discrimination Ordinance (Chapter 602)<sup>1</sup>*

“An Ordinance to render discrimination, harassment and vilification, on the ground of race, unlawful; to prohibit serious vilification of persons on that ground; to extend the jurisdiction of the Equal Opportunities Commission to include such unlawful acts; to confer on the Commission the function of eliminating such discrimination, harassment and vilification and promoting equality and harmony between people of different races; to amend certain definitions, and the provisions on discrimination against contract workers, in existing anti-discrimination legislation as well as the provision on unlawful sexual harassment by creating a hostile or intimidating environment in the Sex Discrimination Ordinance for alignment with corresponding provisions in this Ordinance; to make other consequential and related amendments to enactments; and for related purposes.”

**Unlawful Behaviours under the Ordinances**

All staff members/stakeholders should familiarise themselves with the types of behaviour which are unlawful and not acceptable to the Academy. These included but not limited to the followings:

*Harassment*

Harassment is any unwelcome, abusive, insulting or offensive behaviour on account of a person's sex, marital status, pregnancy, disability, family status, his/her or his/her near relative's race, where it can be reasonably anticipated that the person would be offended, humiliated, intimidated, threatened or embarrassed. Harassment can be in any form – physical, visual, verbal or non-verbal – and even a single incident may constitute harassment.

Harassment also occurs if a person creates a hostile environment for another person on the grounds of different sex, marital status, pregnancy, disability, family status, his/her or his/her near relative's race. It refers to an intimidating work environment created by a prejudiced unwelcome conduct or behaviour towards a person that interferes with his/her work performance. The behaviour does not need to be directly or consciously targeted at the particular person.

*Direct Discrimination*

Direct discrimination occurs when a person is treated less favourably than another on the grounds of different sex, marital status, pregnancy, disability (in similar circumstances), family status, his/her or his/her near relative's race (under comparable circumstances).



It is also direct discrimination to segregate a person on the basis of his/her sex, marital status, pregnancy, disability, family status, his/her or his/her near relative's race.

#### Indirect Discrimination

Indirect discrimination occurs when a same requirement (rule, policy, practice, criterion or procedure) or condition, which cannot be justified on non-discriminate grounds, is applied equally on people of different sex, marital status, pregnancy, disability, family status, his/her or his/her near relative's race, but which has an unfair effect on a particular group because (i) only a small proportion of people from that group can meet that requirement compared to the proportion of people of other groups, and/or (ii) the condition is to the detriment of the persons of that particular group because they cannot meet it.

#### Vilification

Vilification is an activity in public which incites hatred towards, serious contempt for, or severe ridicule of people of different sex, marital status, pregnancy, disability, family status, his/her or his/her near relative's race.

#### Victimisation

Discrimination occurs by way of victimisation if a person treats another person less favourably than other people because that person or a third person has done an act protected under the Ordinances, such as making or planning to make a discrimination complaint, taking legal action, acting as witness against discrimination or helping somebody else to do so.

### **Complaint Mechanisms**

The Academy has appointed an Equal Opportunities Officer (Senior Administration & Compliance Officer) as the contact person to receive related claims. If staff members or stakeholders feel that they have experienced harassment, discrimination, vilification or victimisation within the Academy, they may make a complaint and are encouraged to do so as soon as possible after the alleged incidents. Both formal and informal proceedings are available. All information provided will be treated in strict confidence.

#### Informal proceedings

The informal process may be useful when the party concerned does not realise that certain behaviour is offensive to the recipient, and it may enable prompt action to be taken to stop the unwelcome behaviour at the earliest possible stage. Informal resolution procedures may include talking directly with the respondent or seeking an advocate such as a supervisory staff member of the Academy with whom the complainant feels comfortable. This person may provide advice and support to the complainant and serve as an informal mediator between the complainant and the respondent.

For internal staff, they can follow the *Guidelines on Complaint Management*. For stakeholders, they may contact our Equal Opportunities Officer by phone 3940 0101 or by email to [academy@hkage.org.hk](mailto:academy@hkage.org.hk).



### Formal proceedings

Apart from invoking internal procedures, the complainant may lodge a formal complaint directly with the EOC and request investigation or conciliation within 12 months after the incident occurred. In case conciliation fails, the complainant may request the EOC to provide legal assistance. The complainant may also lodge a complaint with the Education Bureau, consult a lawyer, report to the police or file a civil law suit against the harasser. Any decision to take legal proceedings to the District Court should be made within two years after the incident occurred.

Please note that the above discrimination/harassment complaint mechanism within the Academy does not affect the complainant's lodging complaints with the EOC, reporting to the police or filing a lawsuit in the District Court.

### **Policy Statement**

The Academy publishes a policy statement on equal opportunities and prevention of sexual harassment (**Appendix**) on its website, and the contact details of the Equal Opportunities Officer are as follows:

Senior Administration & Compliance Officer  
The Hong Kong Academy for Gifted Education  
Sha Kok Estate, Shatin  
New Territories, Hong Kong  
Tel: 3940 0101  
Email: [academy@hkage.org.hk](mailto:academy@hkage.org.hk)

### **Remarks**

- 1 The EOC website ([www.eoc.org.hk](http://www.eoc.org.hk)) provides all details regarding the Ordinances; staff members and stakeholders may refer to the website for more details. Alternatively, staff members and stakeholders are welcome to contact our Equal Opportunities Officer for more information.



### Equal Opportunities and Prevention of Sexual Harassment Policy

The Hong Kong Academy for Gifted Education is committed to ensuring a safe, positive and pleasant environment which provides equal opportunity and is free of harassment, discrimination, vilification and victimisation for students and staff alike. We thus do not in any way condone, nor tolerate, any form of harassment, discrimination, vilification and/or victimisation, which are strongly prohibited by law and by our policy. The Academy will respond to reports of harassment, discrimination, vilification and/or victimisation, and will take appropriate action to prevent, and if necessary, to discipline behaviour that violates this policy.

If you have any enquiries and/or complaints, please contact our Equal Opportunities Officer by phone 3940 0101 or by email to [academy@hkage.org.hk](mailto:academy@hkage.org.hk). All information provided will be treated in strict confidence.