

Hong Kong Billiard Sports Control Council Co. Ltd.

Policy and Guidelines on Prevention of Sexual Harassment

1. Introduction

Hong Kong Billiard Sports Control Council Co. Ltd. (the “Council”) recognizes the legal rights of all stakeholders, including the right to enjoy a safe and supportive work/sport environment. Sexual harassment will not in any forms be tolerated.

The Council shall ensure that all Officials (including its executive committee members, sub-committee members, coach/instructors, referees, event officials, volunteers, staff members), are able to work, conduct activities or deal with sports affairs under the safeguard of the Sex Discrimination Ordinance (SDO), Cap. 480. This Policy and Guidelines on Prevention of Sexual Harassment gives the definition of sexual harassment, explains the principles and mechanism for handling sexual harassment complaints, and provides preventive measures for stakeholders to increase their awareness of sexual harassment.

2. Definition

2.1 Sexual harassment is discriminatory and unlawful. Section 2(5) of SDO, Cap.480 provides the definition of sexual harassment:

2.1.1 If any person makes an unwelcome sexual advance, or an unwelcome request for sexual favors, to another person; or engages in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that he/she would be offended, humiliated or intimidated; or

2.1.2 The person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person.

2.2 Sexual harassment covers a wide range of situations:

2.2.1 **Regardless of gender:** sexual harassment may occur to any person, regardless of gender; all provisions in the SDO related to sexual harassment and in this Policy are applicable to both men and women as well as sexual harassment to persons of the same sex.

2.2.2 **Intention is irrelevant:** even if the act of sexual harassment is not intentional or there is no direct evidence to prove the intention, it amounts to sexual harassment once the act falls within the definition of sexual harassment. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment.

2.2.3 **Single incident:** a single incident may amount to sexual harassment.

2.2.4 **Power relationship:** Although sexual harassment incidents are usually related to a power relationship, i.e., a more powerful person harassing a less powerful

person, it is also possible for a person weaker in power to harass a more powerful person, e.g., a subordinate harassing the manager

2.3 Some examples of sexual harassment are given below:

- 2.3.1 Repeated attempts to make a date, despite being told “NO” each time.
- 2.3.2 Comments with sexual innuendoes and suggestive or insulting sounds.
- 2.3.3 Displaying sexually obscene or suggestive photographs or literature in working venue/training venue.

3. Handling Sexual Harassment

3.1 A person who believes himself/herself to be a victim of sexual harassment should take actions immediately. Do not ignore sexual harassment as the harasser may misinterpret a lack of action as approval or condonation of the behaviour. Making a delayed complaint could also cause difficulties to the investigation and the collection of evidence. There is also a time bar for lodging a complaint with the Equal Opportunities Commission (EOC) or to take legal action. If the person who is sexually harassed intends to lodge a complaint with EOC, he/she should take action **within 12 months** after the incident occurred. Otherwise, EOC may not handle the case unless there are justifiable reasons for the delay. Any decision to take legal proceedings in the District Court should be made **within 2 years** from the date of the incident.

3.2 Every person has a right to lodge a complaint on sexual harassment. A third party who witnesses sexual harassment could also report the incident. When a person is sexually harassed, he/she may take the following actions :

- 3.2.1 Speak up at the time. Tell the harasser that his/her act is unwelcome and should stop immediately.
- 3.2.2 Keep a written record of the incidents, including the dates, time, location, witnesses and nature (what the harasser has said or done) and the complainant’s own response.
- 3.2.3 Tell someone he/she trusts and ask for emotional support and advice.
- 3.2.4 Lodge a complaint to the Council.
- 3.2.5 Lodge a complaint with EOC and request investigation or conciliation. In case conciliation fails, the complainant may request EOC to provide legal assistance (telephone number: 2511-8211). For enquiries or complaints, please refer to EOC website: <http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx>.
- 3.2.6 Report to the police if it is criminal in nature or file a civil lawsuit against the harasser as the victim may deem fit.

4. Mechanism for Handling Sexual Harassment Complaints

4.1 When a verbal or written complaint is received, the Council may, depending on the seriousness of the complaint and the available evidence, pass it to the Management Committee for investigation.

- 4.2 If a case of sexual harassment is established, the Council may take appropriate disciplinary measures against the harasser.
- 4.3 Where the behaviours in sexual harassment cases may amount to criminal offences, such as indecent assault, and distribution or display of indecent or obscene articles, the Council may consider referring the cases to the police.
- 4.4 Considering that any delay in lodging a complaint could cause difficulty to the investigation and the collection of evidence, a victim should lodge a complaint **within 3 months** after the incident occurred. For cases with justifiable reasons, the Council may at its own discretion consider to handle delayed complaints.

5. Principles of Handling Sexual Harassment Complaints

The Council shall handle sexual harassment complaints based on the following principles:

- 5.1 **Fairness:** enquiries and complaints should be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated, and both parties have chances to present their case.
- 5.2 **Confidentiality:** assurance should be given to complainants that all information and records related to the sexual harassment complaints will be treated confidentially and will only be disclosed to relevant personnel handling the case and the alleged harasser on a need-to-know basis.
- 5.3 **Promptness:** all complaints should be handled promptly.
- 5.4 **Protection for complainants and witnesses:** complainants and witnesses should be protected against victimization, including retaliation. According to Section 9 of the SDO, victimization means being treated less favourably after filing a complaint or acting as witness. Victimization is in itself an unlawful act of discrimination.
- 5.5 **Avoiding conflict of interest:** if the personnel who handles the enquiry/complaint case is closely related to the complainant or the alleged harasser (e.g. relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, the case should be handled by another person.
- 5.6 **Anonymity:** in the case of an anonymous complaint, the Council shall consider the evidence and seriousness of the case before making inquiries or conducting investigations. If the complainant is a minor, he/she could be accompanied by a parent, guardian, or relative to attend meetings related to the complaint.
- 5.7 **Discretion:** empathy shall be shown to the feelings of complainants to ensure that the complainant would not be unnecessarily distressed or humiliated. Complaint cases should be handled discreetly such that related parties would not be unnecessarily distressed.

6. Measures for Prevention of Sexual Harassment

- 6.1 The Council shall promulgate this policy and guidelines to all Officials (including its executive committee members, sub-committee members, coach/instructors, referees, event officials, volunteers, staff members) to enhance their awareness of sexual harassment prevention. This policy and guidelines shall also be uploaded onto the Council's website for stakeholders' reference.
- 6.2 The Council would collaborate with the EOC or other relevant organizations to provide seminars or workshops on prevention of sexual harassment to stakeholders on a need basis.

7. Regular Review

- 7.1 The sexual harassment policy shall be reviewed by the Council regularly with reference to the laws of Hong Kong and guideline from EOC.

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