

# **Sexual Harassment – Questionnaire Survey for Business Sector**

## **Summary of Survey Findings**

### **Background**

1. Sexual harassment remains a common occurrence in the workplace. In 2012, the Equal Opportunities Commission (EOC) handled a total of 316 employment-related complaint cases under the Sex Discrimination Ordinance, of which 37% involved sexual harassment (118 cases). The proportion of employment-related sexual harassment cases was higher than the corresponding figures in previous years (viz. 32% in 2010 and 28% in 2011). According to figures from the United Nations, about 40-50% of women in the European Union have experienced unwanted sexual advances, physical contact, verbal suggestions or other forms of sexual harassment at their workplace; in Asia-Pacific countries, it is 30-40%. The consequences of sexual harassment can be costly to both employers and employees. Employers will face low staff morale, tarnished reputation and possible legal costs. Affected employees will face emotional stress, anxiety and even depression. Preventing and stopping sexual harassment in the workplace is an obligation for the employer under the Sex Discrimination Ordinance, based on which employers can be held vicariously liable for sexual harassment even if they are unaware that such conduct is taking place. Therefore the management of business organizations should take all practicable and reasonable steps to prevent sexual harassment before it occurs.

2. As an attempt to promote awareness of sexual harassment in the business sector, the EOC has carried out a survey entitled “Sexual Harassment – Questionnaire Survey for Business Sector” from June to early August 2013. A hyperlink to the online questionnaire was sent to companies across the territories via emails or e-newsletter of the EOC Club, and other professional associations / business organizations / government department including the Hong Kong Institute of Human Resource Management (HKIHRM), Hong Kong General Chamber of Commerce, Continuing Professional Development Alliance, Federation of Hong Kong Industries and Labour Department. As a whole, these associations have over 6,000 companies on their membership list with some overlapping membership. A total of 198 questionnaires were returned, giving roughly a response rate of 3%. With reference to overseas studies on sexual harassment in the workplace, the low response rate may be due to the sensitivity of the issue, the large pool base of target companies and the online mode of survey. In this regard, caution has been taken in interpreting the survey data. It is also

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### **Acknowledgements**

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worth noting that one should not interpret the results as representative nor generalize the findings to the whole of Hong Kong.

## **Key Findings**

3. Altogether 113 respondents (57%) indicated that there was a policy statement in the company whereas 85 respondents (43%) did not. Given the low response rate, this should not be interpreted as indicating that the majority of business organizations in Hong Kong have formal sexual harassment policy. Furthermore, among the 113 companies which stated having a policy statement, merely 55% of them provided details. The rest (45%) did not give any further information. One can legitimately question whether sexual harassment policy has been fully implemented or not.

4. The most common items in the policy statement on sexual harassment include: “A clear statement that sexual harassment will not be tolerated” (81%), “A message that management is committed to eliminating and preventing sexual harassment” (77%), and “The options available for dealing with sexual harassment complaints formally” (74%). In contrast, the least common items (frequency rate <50%) include: “There exists a designated person to handle sexual harassment complaints and promotion of preventing sexual harassment” (39%), “A note that the complainant may lodge a complaint directly with the EOC or take action in the District Court” (37%), “Offer anti-sexual harassment training to staff” (37%), “The names and telephone numbers of officers who are responsible for dealing with complaints, providing information and advice, etc.” (35%), “The options available for dealing with sexual harassment complaints informally” (27%), and “The policy on sexual harassment is published periodically” (16%).

5. Of the 16 items listed in the sexual harassment policy, only 3 items were considered common in most companies (over 70%). Another 7 items were in the acceptable range (53%-68%). The other 6 items were often omitted in the sexual harassment policy (16%-39%). These results seem to imply that policy statement on sexual harassment is not comprehensive and that companies have been selective in formulating the sexual harassment policy. Very often the implementation measures (e.g., contact information of designated complaint-handling personnel, provision of training and education) are often lacking. With such vital information missing, it tends to discourage affected staff to raise a complaint.

6. Among the companies without a policy statement on sexual harassment, the reasons are mainly “It appears no urgency to formulate a policy statement on sexual harassment” (46%), and “Never have thought of developing a policy statement” (37%). There are minor reasons such as “Sexual harassment has not occurred in the company and therefore, it is not a necessity to formulate the related policy statement” (27%), “Staff are not trained in formulating the related policy statement” (24%), and “There are concerns that

people may misinterpret the formulation of the related policy statement as frequent occurrence of sexual harassment in the company” (11%). Two items appear as the least concerned reasons: “It will incur additional financial burden to establish a policy statement” (6%), and “Sexual harassment will not bring serious consequences and therefore there is no need to formulate the related policy statement” (1%). Since the companies consider that there is no urgency in formulating a policy statement on sexual harassment, it matches with the data that among the 71 companies, only 17% are willing to adopt a formal policy on sexual harassment in the next 12 months.

7. When asked if there were complaints about sexual harassment in the companies in 2012, 28 respondents revealed that there had been sexual harassment, mostly 1-2 complaint cases recorded. Further analysis shows that significantly more complaints about sexual harassment are received in companies with a policy statement than those without it (21 vs 7,  $p < 0.05$ ). Also, more staff have received training on anti-sexual harassment in companies with a policy statement than those without it (26 vs 4,  $p < 0.05$ ). It is worth noting that this should not be interpreted as a causal relationship. Rather, it highlights the importance of having an sexual harassment policy which encourages and empowers staff to report such cases once they have occurred.

8. Regarding the nature of sexual harassment, the majority of the 19 responding companies indicated that it was physical (58%) and oral (53%) in nature. Other means including non-verbal sex cues (26%), hostile environment (11%) and cyber-harassing (5%) were also involved.

9. To handle complaints about sexual harassment in 2012, of the 20 responding companies, 90% of them employed “Undertaking an internal investigation and/or administering punitive measures to the harasser(s) whenever it was deemed appropriate”. It constituted 25%-40% for the alternatives: providing information to the involved parties about options of lodging complaints to the EOC and/or police, transferring the harassers/victims away, and assisting the investigation conducted by the EOC and/or police. The least adopted option is “Advising the involved parties to settle the complaints informally by themselves” (10%).

10. With respect to demographic background of the 108 respondents, over 95% are employed as senior staff in the human resources and/or administrative department. Most of them have served fewer than 6 years in the companies, with a mean of 5.3 years. The business activities cover a variety of representative categories (e.g., retail, business services/professional services, construction/ real estate property development, wholesale, import/export, trading, etc.)

11. Of the 111 responding companies, most of them (69%) have employed 100 or above staff whereas 31% should be small and medium sized enterprises (SMEs) which have employed fewer than 100 staff. Results show that whether there is a policy statement in the company is not correlated with the company size. However, SMEs tend to be run without a policy statement. Most respondents welcome the invitation if training courses are provided for them (67%) but a considerable number of respondents decline (30%).

## **Recommendations**

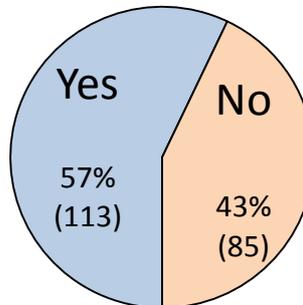
12. It is somewhat disturbing to note that 43% of the surveyed 198 companies have not adopted a policy statement on sexual harassment. This tends to indicate that generally speaking the level of awareness by company management board on sexual harassment seems to be low. The EOC intends to take the initiatives and collaborate with professional associations in launching anti-sexual harassment campaigns in order to ensure that sexual-harassment-free-environment wide exists in the business sector in Hong Kong.

13. The common reasons for not having an sexual harassment policy are “It appears no urgency to formulate a policy statement on sexual harassment” and “Never have thought of developing a policy statement”. Some management personnel even considered “Sexual harassment has not occurred in the company and therefore, it is not a necessity to formulate the related policy statement”. It is important to point out that because of the potential harm of sexual harassment, company management board should not wait until sexual harassment becomes serious before formally tackling it. All companies should adopt and implement an sexual harassment policy, ensuring that bullying does not exist in the workplace.

14. As for those companies without a policy statement on sexual harassment, it is unfortunate to note that 82% would not choose to formulate this policy in the near future. Given the serious nature of sexual harassment, it makes sense for company management boards to embrace an sexual harassment policy. Sufficient information on anti-sexual harassment should be provided to all company staff at a regular interval and a policy of zero-tolerance has to be implemented. The EOC will join hands with relevant stakeholders (e.g., professional associations, business organizations) to launch a “Business Against Sexual Harassment” (BASH) campaign. Certificate training courses on the prevention of sexual harassment will take the form of continuing professional development. Furthermore, an award scheme will be set up to recognize companies with a comprehensive sexual harassment policy.

## Tables and Charts

1. Is there a policy statement on sexual harassment in your company? (N=198)



Among the 113 companies which state having a policy statement, 62 companies (55%) provide details but 51 companies (45%) do not give any further information.	Among the 85 companies which state having no policy statement, 71 companies (84%) provide some more data but 14 companies (16%) do not give any further information.
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2[a]. If there is a policy statement on sexual harassment in your company, its content includes: (N=62)

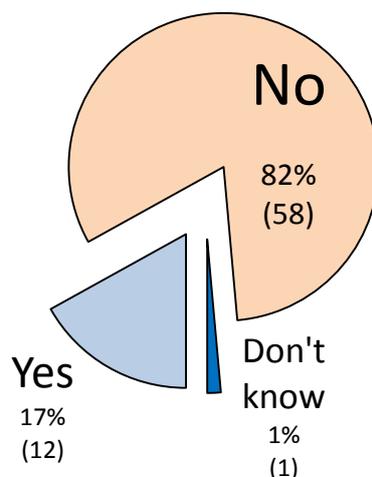
Item	n	%
A clear statement that sexual harassment will not be tolerated.	50	81
A message that management is committed to eliminating and preventing sexual harassment.	48	77
The options available for dealing with sexual harassment complaints formally.	46	74
Information about the organisation's internal complaint procedures, assuring employees that confidentiality will be observed.	42	68
The policy on sexual harassment is disseminated to all staff.	37	60
The legal definition of sexual harassment.	36	58
A behavioural definition of sexual harassment, i.e. some examples of conduct which could amount to sexual harassment.	35	56
An assurance that no one will be victimised or penalised for coming forward with a complaint.	35	56
A note about disciplinary action.	34	55
The policy on sexual harassment is posted on bulletin boards, company's website or intranet.	33	53
There exists a designated person to handle sexual harassment complaints and promotion of preventing sexual harassment.	24	39
A note that the complainant may lodge a complaint directly with the EOC or take action in the District Court.	23	37

Item	n	%
Offer anti-sexual harassment training to staff.	23	37
The names and telephone numbers of officers who are responsible for dealing with complaints, providing information and advice, etc.	22	35
The options available for dealing with sexual harassment complaints informally.	17	27
The policy on sexual harassment is published periodically.	10	16

2[b]. If there is NOT a policy statement on sexual harassment in your company, the reasons are:  
(N=71)

Item	n	%
It appears no urgency to formulate a policy statement on sexual harassment.	33	46
Never have thought of developing a policy statement.	26	37
Sexual harassment has not occurred in the company and therefore, it is not a necessity to formulate the related policy statement.	19	27
Staff are not trained in formulating the related policy statement.	17	24
There are concerns that people may misinterpret the formulation of the related policy statement as frequent occurrence of sexual harassment in the company.	8	11
Others <ul style="list-style-type: none"> <li>- Mother company has this policy but Hong Kong company did not use it.</li> <li>- The company has not formulated the policy yet.</li> <li>- We have a draft but not launched yet.</li> <li>- Work in progress.</li> <li>- We have a relevant policy which is not specialized in sexual harassment.</li> <li>- Not mentioned.</li> <li>- Do not know.</li> </ul>	7	10
It will incur additional financial burden to establish a policy statement.	4	6
Sexual harassment will not bring serious consequences and therefore there is no need to formulate the related policy statement.	1	1

2[c]. Based on your understanding, will a policy statement on sexual harassment be formulated in your company in the next 12 months? (N=71)



3[a]. Based on your understanding, were there any complaints about sexual harassment in your company in 2012? (N=132)

Company	Company with SH complaints	
	Yes	No
With policy statement (n=62)	21*	41
Without policy statement (n=70)	7*	63
Subtotal	28 (21%)	104 (79%)

Note: -

\* No. of companies having received SH complaints are significantly different if there is a policy statement or not,  $p < 0.05$ .

3[b]. If there were complaints about sexual harassment in your company in 2012, please indicate the nature:

(The no. of SH complaint cases received by most companies is 1-2.)

(N=19)

Nature of sexual harassment	n	%
Physical (e.g. pulling someone's clothing or inappropriate touching [e.g. patting, touching, kissing or pinching])	11	58
Oral (e.g. dirty jokes related to sex [i.e. unwelcome sexual jokes], comments with sexual innuendoes)	10	53
Non-verbal sex cues (e.g. looking someone up and down in a sexual way)	5	26
Hostile environment (e.g. eye-catching sexual messages/ graffiti/ sexually obscene or suggestive photographs on toilet door, wall, notice board, locker area, computer screen saver and personal decorations, etc)	2	11
Others		
- One kept sending love messages to another employee of department head grade.	1	5

3[c]. If there were complaints about sexual harassment (SH) in your company in 2012, please indicate the ways of handling the SH complaints.

(N=20)

<b>Ways of handling SH complaints</b>	<b>n</b>	<b>%</b>
Undertaking an internal investigation and/or administering punitive measures to the harasser(s) whenever it was deemed appropriate	18	90
Providing information to the involved parties about options of lodging complaints to the EOC and/or police	8	40
Transferring the harasser(s) to another department/branch where business contact with the victim(s) should be minimal.	7	35
Assisting the police's investigation into the allegation (if it is a criminal case) lodged by the victim(s) against the harasser(s)	7	35
Transferring the victim(s) to another department/branch where business contact with the harasser(s) should be minimal.	6	30
Assisting EOC's investigation into the complaint lodged by the victim(s) with the EOC and/or attending conciliation meetings arranged by the EOC	5	25
Others - Conciliation - Human Resources Department went to interview involved parties and it stopped. - When she submitted her resignation, she made the complaint to the company. She did nothing before she left the company.	3	15
Advising the involved parties to settle the complaints informally by themselves	2	10

4. Within 3 years from 2010 to 2012, have staff in the company received training on anti-sexual harassment? (N=111)

<b>Company</b>	<b>Company with trained staff</b>		
	<b>Yes<sup>†</sup></b>	<b>No</b>	<b>Don't know</b>
With policy statement (n=51)	26*	20	5
Without policy statement (n=60)	4*	44	12
Subtotal	30 (27%)	64 (58%)	17 (15%)

Notes: -

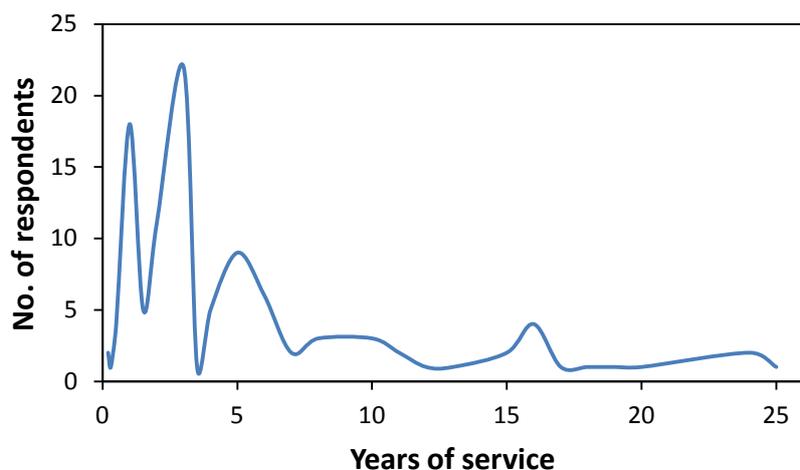
\* No. of companies having trained staff are significantly different if there is a policy statement or not,  $p < 0.05$ .

<sup>†</sup> The no. of trained staff per company varies tremendously in a range of 1 – 1,312.

5. Your position in the company (N=108)

Of the 108 respondents, over 95% are employed as senior staff in the human resources and/or administrative department.

6. Years of service in your company (N=109, mean=5.3)



7. You company's main business activity (N=110)

Category	n	%
Banking	4	4
Business services/professional services	9	8
Community/social/personal services	7	6
Construction/real estate property development	9	8
Financial services	4	4
Hotel/furnished accommodation	4	4
Insurance	6	5
Manufacturing	7	6
Property management	4	4
Restaurant/catering	4	4
Retail	10	9
Telecommunication	2	2
Transport/logistics	7	6
Wholesale, import/export, trading	9	8
Others (e.g. media, utilities)	24	22

8. Number of employees currently employed by your company (N=111)

Company	Company size	
	<100	≥100
With policy statement (n=51)	12	39
Without policy statement (n=60)	22	38
Subtotal	34 (31%)	77 (69%)

Notes: -

- The small and medium sized enterprises (SMEs) are here defined as “any business which employs fewer than 100 people in Hong Kong”.  
(Refer to <http://www.legco.gov.hk/yr06-07/english/panels/ci/papers/ci0612cb1-1849-3-e.pdf>)
- Results show that whether there is a policy statement in the company is not correlated with the company size. However, SMEs of no more than 100 staff tend to be run without a policy statement.

9. If training courses on the prevention of sexual harassment and how to handle complaints about sexual harassment will be provided by the EOC, will you or related colleagues plan to participate? (N=109)

