

## **EO Files (December 2014)**

### **"THINGS WE DO, PEOPLE WE MEET - Reflections in Brief"**

#### **We all deserve the right to a life free from threat of sexual harassment**

*York Chow welcomes law change to protect service industry employees*

In October, representatives from the Equal Opportunities Commission travelled to Geneva to make a presentation on Hong Kong to the UN committee on the elimination of discrimination against women. One of our major concerns related to ensuring the safety of women. One important aspect of this is combating sexual harassment.

Recent surveys by the commission show that sexual harassment remains prevalent, particularly in employment situations and the provision of services. For instance, we found that nearly one in five employees working in the service industry said they had been sexually harassed at work in the past 12 months. The situation is even more serious for flight attendants; 27 per cent of them reported having been sexually harassed while on duty during a flight in the past year, while nearly half said they had either witnessed or heard about colleagues being sexually harassed during a flight. In both cases, the harassment was often carried out by customers.

Yet, such forms of sexual harassment have not been prohibited under the Sex Discrimination Ordinance, owing to a loophole in the law, which meant customers were protected from sexual harassment by service providers, but not vice versa.

With the Sex Discrimination (Amendment) Bill 2014 coming into effect on Friday, this loophole will be closed. Sexual harassment by customers against providers or prospective providers of goods, facilities or services will be unlawful. The protection will be in effect even if the act occurs outside Hong Kong on local ships and aircraft.

This is a major step for the protection of everyone in Hong Kong against sexual harassment, and for fostering a safe and inclusive work environment for all. It is particularly relevant for women, who make up the majority of our service and sales workers, as well as complainants of sexual harassment received by the commission. Plugging this gap will help them to equally access employment opportunities and ensure their dignity and safety at work.

The Commission is delighted that the government and the Legislative Council have taken on board our recommendations on this front. Nevertheless, shortfalls remain. For instance, currently, there is no protection for those who face sexual harassment by someone who shares a common workplace but has a different employer. There is also no common workplace liability on the person carrying out the sexual harassment when there is no employment relationship, such as between volunteers. We have made proposals to address these and other loopholes as part of our review of the existing anti-discrimination laws.

Most employers in Hong Kong are small and medium-sized enterprises. Some may feel they do not have the necessary resources or expertise to address this issue. But, irrespective of their size, employers can create a harassment-free work environment. The first step is to ensure they have in place an equal opportunity workplace policy that spells out their zero tolerance of sexual harassment. This should be clearly communicated to all staff. External resources exist to help companies in these undertakings. For example, the commission has introduced a corporate policy framework on sexual harassment, which employers can adapt for their own use. Indeed, it is important that employers take reasonably practicable steps to prevent all sexual harassment at work, particularly if they have been informed of its occurrence.

It is also vital to address the root causes of sexual harassment, which are often related to the power differential between the sexes and fuelled by gender stereotyping. Far too often still, we hear people blame the victims of sexual harassment, saying that they invite such acts because of the way they dress. Such mischaracterisations have no place here if we are to live up to our reputation as a cosmopolitan city.

The new protections are great progress. More are still needed. It is crucial that we all work together to ensure that everyone, whatever their gender, can enjoy a safe and nurturing environment at work and in everyday life.

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