

# Conciliated Cases

## Just a Regular Check-up? (Sexual Harassment)

*Sexual harassment remains commonplace. The EOC encourages those who face sexual harassment to speak up.*

### ◆ **The Complaint**

Feeling unwell, Ah Fa visited a doctor. In the examination room alone with the doctor, Ah Fa described her symptoms and had her throat checked as part of a regular check-up. The doctor then requested to examine her chest. Having had check-ups before, Ah Fa knew the routine, so she



acquiesced and unbuttoned part of her shirt. However, what surprised her was the doctor's next move. He turned towards her, edging closer. Placing his stethoscope on her right breast, he repeatedly touched her breast with his fingertips. Shocked and embarrassed, Ah Fa opened her mouth, but was unable to speak as he performed the same action on the left side of her chest. When he removed his hand from her shirt, the doctor winked at Ah Fa and said to her, "You'll be fine." Ah Fa quickly buttoned up her shirt and left the clinic.

Utterly humiliated, shaken and upset, Ah Fa returned to work and discussed with her colleagues what she could do. In the end, Ah Fa decided to lodge a complaint with the EOC.

### ✓ **What the EOC Did**

Upon receipt of the complaint, the EOC contacted the doctor and carried out an investigation. The doctor insisted that he did not deliberately touch Ah Fa's breasts and what he performed was just a regular chest examination. He claimed that when working with a stethoscope, some contact with the patient's skin was unavoidable. However, he felt sorry for the misunderstanding, which had led to Ah Fa's distress, and he wanted an opportunity to clarify his intention and action with her.

Under the Sex Discrimination Ordinance (SDO), it is unlawful for a person to sexually harass another person in the course of providing goods, facilities or services. Sexual harassment is unwanted sexual attention, including inappropriate touching, gestures or remarks. In this case, a reasonable person could anticipate that the doctor's behaviour would make his patient feel offended, humiliated, or intimidated.

The EOC arranged a conciliation meeting during which both parties agreed to resolve the complaint. Other than expressing apology in writing, the doctor agreed to pay Ah Fa monetary compensation for injury to her feelings.

## Points to Note:

- Everyone is protected from sexual harassment even if nobody saw it happen or it happened only once.
- Keep a written record of each incident, including the date, time, place, presence of any witnesses, nature of the harassment (what the harasser said and did) and your own responses. Such records may be useful if you decide to lodge a complaint.
- Employers are encouraged to take reasonably practicable steps to ensure that frontline staff members who regularly provide goods, facilities or services to customers are given adequate training to prevent sexual harassment.