

EO Club Seminar

“Myths on Sexual Harassment and How to Prevent It in the Workplace”

If you are a human resources practitioner or employer, you may be eager to know more about what behavior constitutes unlawful sexual harassment in the workplace, how to handle employees’ complaints of sexual harassment when they approach you for assistance, and what psychological support can be provided to them in those situations.

A seminar which attracted over 70 EO Club members was held on 29 March 2012 to address the above issues. Ms Dorothy Wong, Centre-in-charge of the Anti-480 - Anti Sexual Violence Resource Centre, and Ms Florence Chan, Senior Training Officer of the EOC, shared their expertise at the seminar.



There were also group discussions at the seminar, during which participants suggested effective ways to handle sexual harassment complaints.

One of the common myths on sexual harassment is that the victims invite the harassment by the way they act or dress. In fact, one’s behavior or outfit choice is not a justification for sexual harassment. Dorothy quoted a real case.

Case: Mandy was a clerical officer of a bank. Her supervisor and colleagues often commented on her figure when she wore a tight shirt to the office. Mandy never imagined that she would be teased by others just because of her clothing style. When she complained to her boyfriend and family members, they thought that it was only a trivial matter and that she should not be too sensitive. They even criticized Mandy and said that it was her responsibility for inviting these comments. They told her that she should not wear such clothes at work. Afterwards, Mandy stopped wearing tight shirts to the office, but she continued to be harassed with similar comments from her colleagues. Gradually, Mandy lost self-confidence. She became scared to go to work and suffered from depression.

Dorothy added that in most cases, sexual harassment arises from power imbalance. It is common that harassers are in a position of authority over victims. In most cases, the harassment has nothing to do with the victims' appearance, clothing style, age, or other factors. Victims, therefore, should neither be blamed nor have to bear responsibility for the harassment.

Dorothy advised that victims of sexual harassment should firmly and directly say "No" to harassers and lodge complaints with their employers or the EOC.

Generally speaking, after a complaint has been filed against them, most harassers would refuse to admit that they have sexually harassed others. They may use different excuses to defend themselves. Some of them seek support from others to cover up their misbehaviour, and some even intimidate the victims to call off the complaint. On the other hand, victims of sexual harassment might feel confused and scared. The problem is compounded when the victims are blamed for "having invited the harassment" by their appearance, clothing style or interpersonal skills. The victims, feeling guilty, may lose confidence in themselves and in their interactions with others. They may be absent from duties or even quit their job. Some of them may develop psychological or physical problems.

In view of the adverse impact on victims of sexual harassment, management should handle the complaints promptly. They should understand the emotional feelings of the victims and avoid criticizing their clothing styles and interpersonal skill.



Dorothy shared with the audience useful tips to protect oneself against physical sexual harassment.

Another speaker Ms Florence Chan, Senior Training Officer of the EOC, introduced the legal definition of sexual harassment under the Sex Discrimination Ordinance. She also shared with the audience the two latest court cases on sexual harassment and the legal liabilities of the harassers and the employers.

Court Case A and Analysis

Case: L, the Plaintiff, attended a job interview by a senior staff member of a company. After the interview, she received SMS messages with sexual overtones from that senior staff. When she began her employment at the company, the senior staff made repeated unwelcome sexual advances towards L, including brushing against her body and leering at her while putting his hand on his private parts. L avoided contact with the senior staff member and was eventually dismissed.

Analysis: The dismissal letter contained criticism of L's performance. However, no evidence was given and no written warning had been issued against L. The District Court found that this was a clear case of sexual harassment. Employers may also be vicariously liable for the acts done by their employees in the course of employment, whether or not these were done with the employers' knowledge or approval.

Court Case B and Analysis

Case: The Plaintiff (P) was an officer of a government department. She alleged that her male colleague (X) often made lewd remarks and facial expressions of a sexual nature to her, stared at her breasts, and asked her to give him a kiss in the office. She took notes of what had happened to her.

Analysis: P had lodged a formal complaint against X to the employer. X denied all the wrongdoings. Because witness statements on the case were vague, the complaint was found to be lacking in substance by the employer. The case later was brought to court. It is important to note that despite the lack of an eyewitness statement or concrete evidence from P, the District Court employs a “balance of probability” approach when handling sexual harassment claims. A harassment act may be established even in the absence of corroborative evidence. In this case, the Court considered the consistency of the timeline of events from witness statements in connection to P’s claims, and also took as evidence the notes P made of the acts.

As sexual harassment acts often happen in isolation, some victims may feel reluctant to come forward without an eyewitness statement or concrete evidence. This court ruling indicates that victims of sexual harassment no longer need to suffer in silence.

Preventive measures to eliminate sexual harassment in the workplace:

- Policies and procedures must be put into practice;
- Policy should be understood, implemented and observed;
- Complaint handling procedures must be developed and managers should have been trained in how to deal with sexual harassment complaints;
- All employees should be aware of what constitutes sexual harassment;
- A work culture that is free of sexual harassment should be nurtured.

General principles on how to handle complaints:

- Provide formal and informal procedures on how employees can file complaints ;

- Prevent victimization: it is unlawful to victimize someone for filing a complaint;
- Prompt handling;
- Confidentiality;
- Maintain impartiality;
- Sensitivity: management should understand why people are reluctant to complain and use appropriate language during the complaint handling process.