



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

# **Understanding the Race Discrimination Ordinance**

**A Guide for Foreign Domestic Helpers and their Employers**

**English version  
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## **Understanding the Race Discrimination Ordinance A Guide for Foreign Domestic Helpers and their Employers**

- Do you know how the Race Discrimination Ordinance, Cap 602 (RDO) applies to you?
- Do you know your rights and responsibilities under the RDO?
- Do you know that the RDO also applies to your household members?
- Is it permissible to select your helper on the basis of race?
- Does the RDO apply to discrimination on the grounds of religion and language?

### **Foreword**

More than half of the ethnic minorities in Hong Kong work as domestic helpers. Hong Kong's anti-discrimination ordinances—Sex Discrimination Ordinance, Cap. 480, Family Status Discrimination Ordinance, Cap 527, Disability Discrimination Ordinance, Cap 487 and Race Discrimination Ordinance, Cap 602—provide protection to them during their stay and employment from discrimination on the ground of sex, marital status, pregnancy, family status, disability and race.

This booklet provides a general overview of the RDO and its relevant provisions as they apply to employers and foreign domestic helpers. It also explains the role of the Equal Opportunities Commission (EOC) in implementing the RDO. This booklet is meant to serve as a guide only. Employers and foreign domestic helpers are encouraged to consult the EOC or seek independent legal advice if they need explanation or interpretation on specific aspects of the RDO or any other anti-discrimination ordinances.

## **Chapter I**

### **Major Concepts and Definitions in the Race Discrimination Ordinance**

#### **The Race Discrimination Ordinance**

The RDO came into effect in July 2009. It is an anti-discrimination ordinance which prohibits discrimination, harassment and vilification on the ground of a person's race. The RDO also gives the EOC the function of eliminating such discrimination, harassment and vilification as well as promoting equality and harmony among people of different races.

#### **1.1. What is race?**

Race in relation to a person is the race of that person, such as being Chinese or Indian etc.; the colour of that person, such as being black, brown or white etc.; the person's "descent", such as his or her caste, and inherited status or social stratification; the national origin of that person, such as being a Sri Lankan, or the ethnic origin of that person such as being a Tamil.

#### **1.2. Is discrimination based on religion or language considered as discrimination on the ground of race under the RDO?**

Discrimination based on religion or language is not by itself considered as discrimination on the ground of race under the RDO. However, a requirement, condition or provision relating to religion and/or language may lead to indirect discrimination. Please see question 1.4 for detailed explanation.

#### **1.3. What is the applicability of the RDO?**

The RDO is applicable to all employers, including the employers of foreign domestic helpers. The RDO allows employers of foreign domestic helpers to select their helpers on the basis of race. The other provisions in the RDO become applicable once the employment contract takes effect, which may be at the time when the helper enters Hong Kong (in the case where the helper has to wait for her/his employment visa outside Hong Kong), or when the approval to work is issued by the Immigration Department (in the case where the new helper is not

required to leave Hong Kong pending the approval from the Director of Immigration).

The RDO applies even when the helper has to perform her/his duties outside Hong Kong for a short period of time, such as when the employer takes the helper along for holiday.

#### **1.4. What is discrimination?**

A person may claim discrimination under the RDO if she/he is treated less favorably because of her/his race. This is called direct discrimination.

Indirect discrimination in employment may occur when an employer imposes a requirement which applies to everyone regardless of their race. However, as a result of that requirement, people from a certain race are disadvantaged (because only a smaller proportion of members from that racial group can comply with such a requirement compared with people from other racial groups) and there is no justification for the employer to impose such a requirement. For instance, if an employer requires his/her domestic helper to eat pork or pig products only without making alternative arrangements, this could pose a problem for the Indonesian domestic helpers, majority of whom are Muslims, and may be subjecting them to a detriment. They may also feel pressurized to quit their jobs due to this condition.

A domestic helper can claim that she/he is discriminated against if she/he:

1. receives less favorable treatment, and
2. has a reason to believe that the reason for the treatment is her/his race.

#### **1.5. What is racial harassment?**

Racial harassment is any unwelcome conduct towards another person on the ground of his or her race. There are two types of racial harassment:

(1) **Unwelcome conduct harassment**

Section 24 (12) of the RDO prohibits an employer and other household members to engage in unwelcome conduct **on the ground of the domestic helper's race**. Examples of such act may include:

- an oral or a written statement containing derogatory remarks or insults;
- racial jokes, banter, ridicule or taunts;
- using offensive tone when communicating with people on the ground that they belong to certain racial groups;
- selectively imposing excessive workload on people of certain racial groups;
- name calling; or
- unnecessarily picking on the individuals from particular racial groups.

(2) **Hostile environment harassment**

The employer, alone or together with other persons, engages in conduct that creates an environment which intimidates the domestic helper on the ground of her/his race. For instance, an employer allows other household members to put up a poster or newspaper clipping which contains derogatory remarks about the domestic helper's race. This could make their domestic helper feel offended or intimidated even though the employer or the household members did not intend to offend or intimidate their helper.

**POINT TO NOTE**

In a racial harassment case, the act can be done with or without the intention to harass. If the domestic helper feels offended or insulted by a certain act on the ground of her/his race in circumstances where a reasonable person would have anticipated that the helper would be offended, humiliated or intimidated, the act is considered racial harassment.

## **1.6. Discrimination by way of victimization**

Discrimination by way of victimization occurs if an employer or his/her family member treats the helper less favourably by reason that the helper has done or intends to do or is suspected to have done or intending to do the following:

- (1) Lodge a complaint under the RDO;
- (2) Give information or evidence in connection with a complaint brought under the RDO;
- (3) Allege that someone has contravened the RDO (except where the allegation is false and not made in good faith).

The following example could constitute discrimination by way of victimization. A domestic helper complains to her employer that she was harassed by one of the employer's family members, who hurled racial slurs at her, and informs that she would lodge a complaint to the EOC if the practice did not stop. As a result, the employer decides to terminate the helper's contract. In such a situation, the helper can claim that she has been discriminated by way of victimization by the employer.

## **1.7. Racial vilification**

RDO section 45 makes it unlawful for a person, by any public activity, to incite hatred towards, serious contempt for, or severe ridicule of another person(s) on the ground of race. An activity in public includes any form of communication to the public or conduct observable by the public.

For instance, if an employer becomes angry in public over the domestic helper's mistake and starts blaming the mistake on her race aloud and such remarks contain serious contempt for or severe ridicule of the helper, this could be considered as racial vilification. Putting a statement on the Internet accessible by the public which incites hatred, serious contempt or severe ridicule towards someone on the ground of race could also be considered as racial vilification.

## **1.8. What is the employer's liability?**

Under the RDO, employers are liable for their own act and the unlawful acts committed by their employees. Employers may also be liable for creating a hostile or intimidating environment for the domestic helper if the employer encourages or knowingly allows other household members to harass the helper (even if the employer does not engage in the harassment himself or herself). The employer should take reasonably practicable steps to prevent such incident from happening, especially if the helper brings the harassment to the employer's attention.

An employer may also be liable for a discriminatory act if the employer authorizes the employment agency to recruit a helper of a particular race who would be willing to work for less than the contractual entitlement. While the RDO allows the employers of foreign domestic helpers to select their helpers based on their race, it prohibits an employer from offering less favourable terms and conditions of employment based on the employee's race. Therefore, under the RDO, it is unlawful for an employer to ask an agent to recruit a helper from a particular race so that the employer can pay that helper less than another helper from a different race. The agency will be held liable if it knowingly aids the employer in such an unlawful act, ie. to offer less favourable employment terms to the domestic helper based on her/his race.

### **POINT TO NOTE**

Section 24 (12) of RDO prohibits any person who resides in any premises to harass another person who is employed to work there.

The RDO also applies to minors. We encourage all employers to emphasize the importance of racial equality and compliance with the RDO to their household members.



## Chapter II

### The Race Discrimination Ordinance in Everyday Life

#### 2.1. On application of the RDO

*For employers*

Q1.1. Can I ask my employment agency to find me a Thai helper?

A Yes, you can. The RDO allows employers to select their helpers based on their race.

Q1.2. I decided to hire my domestic helper directly from Thailand and signed a contract with her. Later I changed my mind and wanted to hire a Filipino helper instead. Can I do that?

A The RDO applies once the employment contract takes effect. This may happen even if your helper has not started working for you. Therefore, you cannot change your mind on the ground of race after the contract comes into effect.

#### 2.2. On salary

*For employers*

Q2.1. Can I pay my Sri Lankan helper less than my Filipino helper?

A Firstly, you could be committing a criminal offence to pay your foreign domestic helper less than minimum allowable wage as fixed by the Hong Kong government. Therefore, you should not pay any of your helper less than the minimum allowable wage. Secondly, you should not pay one helper higher than the other on the ground of race. You may only pay different wages on non-racial grounds such as experience, qualification, job requirement, etc. It is best if you communicate your reasons to the helper who receives a lesser salary, so that she or he would not feel that you pay her/him less due to her/his race.

Q2.2. I have two helpers from different races. One of them is quite careless. She broke a few things in my house. I therefore decided to deduct the cost of damage from her salary. My helper said that I discriminated against her because of her race when I only exercised my rights as an employer. What does RDO say about this?

A You may discipline employees on the ground of performance. Nevertheless, if you deduct the salary of your helper who comes from race A, but never deduct the salary of your other helper who comes from race B when she/he did similar things as the helper from race A, then this action could be considered as direct discrimination and a violation of the RDO. Please note that the Employment Ordinance also has a special provision on salary deduction. Please refer to the Labour Department's publications on this subject.

*For domestic helpers*

Q2.3. What can I do if my employer pays me less than the minimum allowable wage?

A If you think you receive less than the minimum allowable wage because of your race, you can consult with the EOC and/or lodge a complaint under the RDO. You can also report the underpayment to the Labour Department at the same time. You can seek assistance, if necessary, from NGOs, your respective Consulate or Trade Union to help you in lodging your complaint with the EOC or with the Labour Department.

Q2.4. What should I do if I receive minimum allowable wage but less than my co-worker who is of a different race?

A You should speak to your employer and find out the reason why your employer pays you less than the other worker. Your employer needs to have a proper justification for paying you less. If there is no satisfactory explanation and you cannot find any other reason for this difference other than your race, you can consult the EOC for possible complaint under the RDO.

### **2.3. On rest days/holidays**

#### *For employers*

Q3.1. The employment agency suggested that I hire an Indonesian helper instead of a Filipino helper because an Indonesian helper will agree to forfeit her statutory holidays in exchange for 3 days of Indonesian holidays, such as Muslim Festival, New Year and Independence Day. Can I do so as suggested by the employment agency?

A If you give an Indonesian helper leave on those three days on condition that she/he will forfeit the remaining 9 statutory holidays set out by the Employment Ordinance, Cap 57 because of her/him being an Indonesian but you would not do the same for a Filipino helper because of race, then this could be considered as direct discrimination under the RDO. You could also be violating the Employment Ordinance.

Q3.2. Can I refuse my helper's request if she/he would like to take a day off on a working day to celebrate her/his religious, cultural or national day or attend other events important to her/him?

A If you need your helper to work on such a day and there is no practicable alternative, then you should explain to your helper why you cannot accede to the request. However, we encourage you, as a good employer, to strike a balance and find an alternative solution so that both parties' needs are appropriately addressed.

#### *For domestic helpers*

Q3.3. Is it discrimination if my employer does not allow me to exchange my rest day with my cultural holiday, while she/he made me work on her cultural holiday which fell on my rest day?

A Your employer's refusal to grant you day off during your cultural

holiday or during her/his cultural holiday may not necessarily constitute a discriminatory act. This will depend on her/his reasons for not granting you such a request. You can consult the EOC if you have a reason to believe that your employer's decision is based on your race.

## **2.4. Religion**

### *For employers*

Q4.1. I have a Muslim helper. She is an Indonesian. When I hired her, I did not realize that she has to pray five times a day. Can I ask my domestic helper to stop praying?

A Under the RDO, religion itself is not race. However, certain requirements which are related to religion may constitute indirect discrimination. For instance in this case: If (i) you impose a requirement by asking your helper not to pray; (ii) you do not have any proper justification to impose such a requirement; (iii) your requirement will mainly affect the Indonesian domestic helpers because a higher number of Indonesians are Muslims in comparison to domestic helpers from other races; and (iv) your helper suffers a detriment due to this requirement, e.g. she feels pressurized to resign from her post, this may constitute indirect discrimination.

Q4.2. Can I ask my Muslim helper not to wear a headscarf at home?

A Headscarf (Hijab) is part of Muslim women's everyday attire. The principle explained in Q4.1. also applies here. You can ask your helper to adjust the length of her scarf if that affects her safety at work. However, you should not ask your helper not to wear her headscarf at home, without a justifiable reason.

## **2.5. Visit to the hospital**

### *For domestic helpers*

Q5.1. My employer insists that she/he would accompany me to see a

doctor or if I need to go to the hospital. The doctor/nurse generally speaks to my employer directly and my employer does not always explain what the doctor says to me. Is this discrimination and what can I do about it?

- A Your employer's request to accompany you to the hospital may not be considered as discrimination. However, your employer would need your consent before she/he can be present during your medical appointment. As a patient, you have the right to ask your doctor or nurse to explain your medical condition to you directly without the presence of other people. If you do not understand the language spoken, you can ask the hospital to provide you with an interpreter or you can contact the Community Interpretation Service on telephone number 3106 3104 and request interpretation service through the telephone.

## **2.6. On accommodation**

*For employers*

Q6.1. My daughter does not like to share her room with our domestic helper. Is it unlawful to ask my helper to sleep in the living room?

- A If your domestic helper considers that your decision to make her sleep in the living room is due to her race, then she may think that you are racially discriminating against her. Additionally, it is important to ensure that you provide your domestic helper with appropriate accommodation as stated in the schedule of accommodation and domestic duties which is part of your helper's employment contract.

## **2.7. On liability**

*For employers*

Q7.1. As I am very busy with my work and travel frequently, I asked my mother who is living together with me to deal with my helper on a daily basis, such as giving instructions to my helper relating

to her duties, handing over her salary, etc. My helper once complained that my mother racially harassed her by using a racial slur. If my helper's allegation is true, did my mother contravene the RDO? Am I responsible for my mother's act?

A Using racial slurs during a conversation could be considered racial harassment and a violation of the RDO. We should avoid using racial slurs, banter or jokes at all times. Therefore, if your mother used racial slurs during a conversation with your helper, whether with or without ill intention, she might have committed racial harassment towards your helper. In that case, your mother would be liable for her own act. If you do not take appropriate action to rectify the situation after your helper talks to you about this, you may also be liable for creating a hostile or intimidating environment for your helper by encouraging or knowingly allowing racial slurs.

Q7.2. Would I be held responsible if one of my relatives in Mainland China racially harassed my helper while we were there for a short holiday?

A The RDO applies even when you go for a short holiday outside Hong Kong. Therefore, there is a possibility that you will be liable for creating a hostile or intimidating environment for your helper together with your relatives if you do not take any action to stop the harassment.

Q7.3. What should I do if my helper claims that my other helper racially harassed her? Am I liable for my other helper's act?

A As an employer, you are liable for your employee's act if she/he racially discriminates or harasses your other employee(s) unless you have taken reasonable practicable steps to prevent your other employee from doing so. You also have an obligation to handle the complaint of your helper.

*For domestic helpers*

Q7.4. What would I need to do if my employer's other helper racially

harassed me?

- A You should talk to your employer if your co-worker racially harassed you. Your employer should deal with your complaint and take the necessary steps to prevent such an incident from happening again. You are advised to make a note of the details and the time of the incident as this information will be useful if you decide to lodge a complaint with the EOC. You can lodge a complaint against the other helper for racially harassing you. You can also lodge a complaint against your employer as your employer is liable for the act of your co-worker unless the employer has taken reasonably practicable steps to prevent your co-worker from doing so.

**POINT TO NOTE**

In a racial harassment case, the act can be done with or without the intention to harass. If the domestic helper feels offended or insulted by a certain act on the ground of her/his race in circumstances where a reasonable person would have anticipated that the helper would be offended, humiliated or intimidated, the act is considered racial harassment.

**2.8. Termination of contract**

*For employers*

- Q8.1. I have two domestic helpers who come from different ethnic backgrounds. They do not get along with each other. Therefore, I decided to replace one helper with a new helper belonging to the same ethnic group as the one I retain. Am I allowed to do that?

- A If you terminate one helper because you would like to retain the other helper on racial ground, then this would be considered as a violation of the RDO. If you terminate your helper based on non-racial grounds such as performance or other personal

qualities which are unrelated to race, it may not be considered as discrimination under the RDO.

Q8.2. Would I be accused of racial discrimination if I terminate the contract of one of my helpers because she/he keeps complaining that my other helper racially harasses her/him?

A If your helper A complains against helper B because B harassed or discriminated A on the ground of A's race and you decide to terminate A's contract because of A's complaints, this could be considered as a discriminatory act against A by way of victimization. Discrimination by way of victimization is unlawful under the RDO.

## **2.9. In relation to the employment agency**

### *For Employers*

Q9.1. My employment agency told me that I could hire Indonesians, Sri Lankans, Indians and Nepalese and pay them less than the minimum allowable wages. Am I liable under the RDO if I follow my agency's suggestion?

A Under the RDO, it is unlawful to offer different employment conditions based on a person's race even if you act upon your employment agency's suggestion. You will be held liable if you underpay your helpers because of her/his race. In addition to this, you would also breach the employment law on minimum allowable wage and could be subject to prosecution. Please refer to the Labour Department's publications on this subject.

Q9.2. I had to pay agency fee for renewal of my helper's contract. My agency told me that I should ask my helper to shoulder half of the fee. Is it acceptable?

A If you require your helper to contribute to the contract renewal fee because the employment agency advised you to do so saying this is a common practice for domestic helpers from a certain race, this may constitute a discriminatory act against



your helper based on her/his race and a violation of RDO.

*For domestic helpers*

Q9.3. What can I do if the employment agency tells me to pay for my contract renewal fee and asks me to work for a lower salary and accept fewer rest days than stipulated in the contract?

A Your agency should not propose less favourable terms and conditions on your employment based on race. Your employer is also prohibited from doing so. You can consult the EOC if you have a reason to believe that you are receiving less favourable employment conditions because of your race. You may also consult the Labour Department for possible violations under the employment law.

**POINT TO NOTE:**

A domestic helper can claim that she/he is discriminated against if she/he:

1. receives less favorable treatment, and
2. has a reason to believe that the less favorable treatment is meted due to her/his race.

To prevent themselves from committing discrimination, we recommend employers to engage in regular self examination by asking questions such as: “Am I behaving in this way because my helper is from a particular race? Would I have treated her/him differently if she/he were from another race?”

## **Chapter III**

### **Filing a complaint to the EOC**

#### **3.1. How can I lodge a complaint with the EOC?**

The law requires that complaints be lodged with the EOC in writing. Complaints can be submitted online, or by mail, facsimile, electronic mail or in person. You may make use of the complaint form provided by the EOC.

A complainant can approach the EOC if she or he has difficulties in writing their complaints or have questions about the anti-discrimination ordinances and the complaints procedures. You can call the EOC hotline on 2511 8211 or e-mail to EOC at [complaint@eoc.org.hk](mailto:complaint@eoc.org.hk) to request for assistance. If you have language problem, we can also provide you with an interpreter upon request.

#### **3.2. Who can lodge a complaint?**

You can either lodge it yourself or appoint a representative to do it on your behalf.

#### **3.3. Is there any time limit for lodging a complaint?**

You should do it within 12 months from the time the incident occurred if you wish to lodge a complaint with the EOC. If you decide to take legal proceedings with the District Court, you should do so within two years.

#### **3.4. What should be included in the complaint?**

Complaints should include:

- Date and details of the incident
- Personal information such as name and contact information

- Name and contact details of the respondent(s)
- Information supporting your claim of unlawful acts
- Details of any detriment or emotional disturbance you have suffered because of the discriminatory act
- Information on witness(es) and their contact details

### **3.5. Can I still lodge a complaint if I have to leave Hong Kong immediately?**

You can lodge a complaint with us even if you are not in Hong Kong. You can lodge a complaint personally from home country and we will communicate with you through letters, emails, telephone calls or other suitable means. You can authorize your friend, relative, trade union or other representative in Hong Kong to represent you in the complaint. However, your presence in Hong Kong may be required at a later stage.

### **Investigation and Conciliation**

#### **3.6. How does the EOC investigate into the complaint?**

Upon receipt of the complaint the EOC will first assess the case (additional information may be requested) and then notify the respondent(s) about the complaint. The EOC will show the respondent(s) the relevant details or evidence of the complaint and ask for their response to the complaint and answer to questions posed to them. Responses are then made available to the complainant for rebuttal. Witness statements are taken and pertinent materials gathered to determine if the case should proceed to conciliation or be discontinued. All information gathered during the investigation stage is kept confidential from third parties but may be used in court proceedings. The time taken by the EOC in investigating a complaint will not be counted in the two years limitation period for taking legal action in the District Court.

### **3.7. What is conciliation?**

Conciliation is a voluntary process, when different parties are brought together to look for ways to resolve the dispute. Conciliation looks for common ground to help resolve the matter to the satisfaction of both parties so that both can move beyond the dispute. As the conciliation process allows for both parties in the dispute to have their say, it is possible for each side to come to a better understanding of the other's position. This can help to eliminate misunderstandings based on incorrect assumptions or information and to achieve a real change in attitude. All information gathered in the conciliation process is kept confidential and will not be used for court proceedings.

### **3.8. How does the EOC conciliate the complaint?**

Generally, an officer of the EOC will act as the conciliator assisting both parties to examine the issues that led to the complaint, identify points of agreement and negotiate a settlement of the dispute. The settlement agreement is equivalent to a contract and is legally binding. The conciliator would act fairly and impartially to help the parties resolve their problems. The terms of settlement would depend on the nature of the dispute and mutual agreement of the parties. It could be in the form of reinstatement, letter of apology or monetary settlement. Please read the EOC brochure "What is Conciliation" for additional information.

### **3.9. What are my options if conciliation fails?**

If the conciliation fails, the complainant can apply to the EOC for legal assistance. Legal assistance could include legal advice, representation by the EOC's lawyers or outside lawyers or any other forms of assistance the EOC considers appropriate. Applications for legal assistance are considered by the Legal and Complaints Committee of the EOC. Alternatively, the complainants can also commence legal proceedings by taking the matter to Court themselves, or, approach the Legal Aid Department of the Hong Kong SAR Government for assistance.

## Chapter IV

### Good practices to maintain racial harmony at home

Employing a foreign domestic helper at home is a common practice in Hong Kong. Even though the domestic helpers perform duties inside the domestic sphere, they are still employees and good working relationship should be maintained at all times. We advise you to maintain racial harmony at home by:

#### **4.1. Communicating your needs clearly to each other before employment**

Some domestic helpers do not eat pork or pig product due to their religion. Therefore an employer's requirement for a Muslim domestic helper to handle pork or eat pork needs to be clearly stated before offering employment. On the other hand, if the employer has concerns about the colour of the domestic helper's praying clothes or the headscarf, it is advisable that this issue be discussed before recruitment of the domestic helper. Similar discussions should be held on the issues of holiday, sleeping arrangement, working arrangement, dress code, etc. It is also advisable for employers to explain their habits and state expectations so that the domestic helper knows exactly what is expected from her/him.

#### **4.2. Understanding each other's culture better**

Many people from South East Asian countries consider it impolite to look into their employer's eyes when speaking to them. Therefore, domestic helpers who come from these regions may look downwards during conversation with their employers. Employers may interpret this as being disrespectful, when in fact this is not the intention of the helper.

Likewise, many South East Asians prefer to eat rice three times a day. They also consider touching someone on their head, pointing with fingers or toes as rude. Therefore, a friendly gesture from the employer may be misinterpreted as an insult. For instance, Thais consider their heads a sacred part of their bodies. Therefore, they feel uncomfortable to have anything hanging above their heads. On the other hand, some

Chinese employers consider white colour, which many domestic helpers use for their prayer clothes, as a colour connoting bad luck. Therefore, we encourage employers and foreign domestic helpers to learn about each other's culture to reach mutual understanding.

#### **4.3. Understanding the religious requirements of the domestic helper**

A Christian domestic helper would like to go to Church on Sundays. A Buddhist and a Hindu domestic helper may need to visit temples from time to time. A Muslim domestic helper may want to wear a headscarf and pray five times a day, fast during Ramadan (an auspicious month for Muslims when they only eat and drink before sunrise and after sunset), and celebrate Muslim festivals by mass prayer and visiting friends and relatives.

We encourage employers to discuss the above requirements with their domestic helpers before commencement of work, such as which room the domestic helper can use to pray, the preferred colour of headscarf/praying clothes, alternative arrangement for the domestic helper who needs to go to church on Sunday or to the temple or pray during the Muslim festivals, etc.

Some employers are also religious. Therefore, we encourage employers to communicate their religious needs or practices to their domestic helpers.

#### **4.4. Avoiding racial slurs and commenting on the other's race**

Employers and domestic helpers should not use racial slurs at any time or pass comments on each other's race, religions, culture or habit.

#### **4.5. Informing household members about the RDO and promoting racial equality and harmony at home**

To prevent racial discrimination or harassment at home, the employers are advised to emphasize the importance of adhering to the RDO to their household members and also to promote racial equality and harmony at home. It is important for other household members, including all domestic helpers employed in the household to understand their liability

under the RDO.

#### **4.6. Maintaining direct communication**

Employers are advised to maintain direct communication with the domestic helpers based on mutual respect, so that they understand that they can speak to the employer if they feel they are receiving less favourable treatment or being harassed during their employment. We encourage domestic helpers to communicate with their employers if they feel they are being treated less favourably so that the employer can address the issue. We also encourage employers to use plain language, which is easier to understand, while communicating with domestic helpers in order to avoid misunderstanding.

#### **4.7. Striking a balance between the employers' needs and their helpers' cultural, racial and religious needs**

Employers are advised to maintain a balance between their needs and their helpers' needs. They are also advised to address their helper's concern whenever their helper approaches them on specific employment issue. Creating a working condition which is based on mutual respect for each other will create a long term harmonious working relationship and win-win situation for all.

Employers and foreign domestic helpers are advised to understand their rights and obligations under other existing anti-discrimination ordinances, namely Sex Discrimination Ordinance, Disability Discrimination Ordinance and Family Status Discrimination Ordinance. If you have doubts about whether certain practices contravene any section of the anti-discrimination ordinances, you can contact our hotline (listed below) for advice. Our officer will answer your questions. You can also come to our office where our officer would meet with you and address your concern.

The EOC is a forefront organisation in promoting equality and non-discrimination. If you need further information regarding your rights under Hong Kong's anti-discrimination ordinances, the EOC and its complaint handling procedure, please contact:

**Equal Opportunities Commission**

16/F., 41 Heung Yip Road,  
Wong Chuk Hang, Hong Kong

Hotline: 2511 8211

Email: [eoc@eoc.org.hk](mailto:eoc@eoc.org.hk)

Website: <http://www.eoc.org.hk>

Office hour: Monday to Friday from 8:45 am to 5:45 pm



## **Supplementary explanatory notes**

The contents of this booklet are written mainly from the perspective of promoting racial equality and racial harmony. Some matters dealt with in this booklet may also be subject to other laws and regulations, for example the Immigration Ordinance, Cap 115 and the Employment Ordinance, Cap 57. Where other laws and regulations also apply, this booklet should be read subject to the requirement of the relevant laws of relevant authorities. You may wish to consult the Immigration Department and the Labour Department regarding such laws and regulations.