

投訴處理：為歧視受害人討回公道

Complaint Handling: Providing Redress for Victims of Discrimination

平機會獲授權調查公眾根據四條反歧視條例提出的投訴，並鼓勵爭議各方進行調停。這些條例禁止基於性別、懷孕、婚姻狀況、餵哺母乳、殘疾、家庭崗位和種族的歧視。條例同時保障公眾免受性騷擾、基於餵哺母乳的騷擾，以及基於殘疾和種族的騷擾與中傷。

公眾人士如感到自己遭受法例所指的歧視、騷擾或中傷，可透過平機會網頁的網上表格提出投訴，或透過郵遞、傳真或親臨平機會辦事處向平機會遞交書面投訴。平機會在投訴處理程序的各個階段，均採用「以受害人為本」的方針，除了恪守公平公正的原則，還同時留心 and 體恤受害人的特別需要。

The EOC is mandated to conduct investigation into complaints lodged under the four anti-discrimination ordinances, and encourage conciliation between the parties in dispute. The ordinances prohibit unlawful discrimination on the grounds of sex, pregnancy, marital status, breastfeeding, disability, family status, and race. They also prohibit sexual harassment, breastfeeding harassment, as well as harassment and vilification on the grounds of disability and race.

Members of the public who feel that they have been subjected to discrimination, harassment, and vilification, as specified in the ordinances, may lodge a complaint with the EOC via the online form on the EOC website, or by submitting the complaint in writing through mail, fax or in person. The EOC adopts a “victim-centric” approach at all stages of the complaint-handling process, which recognises and pays attention to the special needs of the victims while adhering to the principles of fairness and impartiality.



平機會採用「以受害人為本」的方針，並恪守公平公正的原則。

The EOC adopts a “victim-centric” approach at all stages of the complaint-handling process, while adhering to the principles of fairness and impartiality.

投訴處理機制及程序

平機會收到查詢或投訴後，會審視：

- (a) 投訴是否由受屈人或獲認可的受屈人的授權代表提出；以及
- (b) 投訴是否包含在反歧視條例下屬於違法行為的指稱。

如投訴符合上述條件，平機會會迅速編配個案主任跟進。

調查投訴時，平機會會審視所有與個案有關的資料。在合適的情況下，平機會鼓勵爭議各方進行調停。調停完全屬自願性質。

為了讓公眾易於了解投訴處理程序，平機會製作了一系列視聽資訊，包括有關投訴和調停的短片，以及有關投訴處理程序的語音檔案。所有視聽資訊皆備有廣東話、普通話、英文及八種少數族裔語言版本，並已上載至平機會的網站。

Complaint-handling Mechanism and Procedures

Upon receiving an enquiry or complaint, the EOC will verify if:

- (a) The complaint is lodged by the aggrieved person or by an accepted representative authorised by that person; and
- (b) The complaint contains an allegation of unlawful act under the anti-discrimination ordinances.

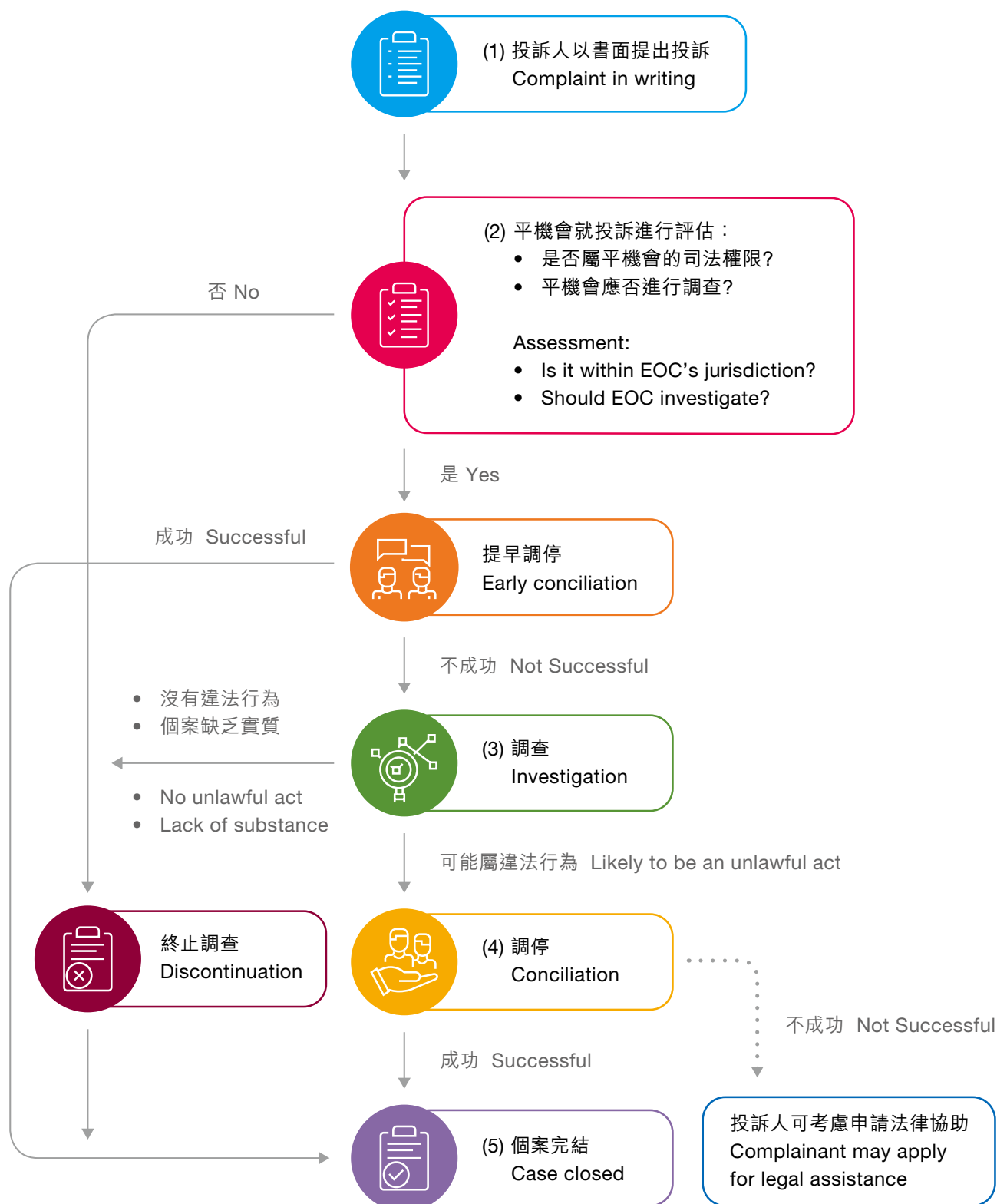
Where the above conditions have been met, a case officer will be promptly assigned to follow up on the complaint.

When investigating a complaint, the EOC examines all information relevant to the case. Where deemed appropriate, the EOC encourages the parties in dispute to settle through conciliation, which is entirely voluntary.

To enable the public to better understand the complaint-handling procedures, the EOC has produced a series of audio-visual materials, including videos about complaints and conciliation, and audio tracks on the procedures. All the materials are available on the EOC website in Cantonese, Putonghua and English, as well as eight languages used by ethnic minority communities.

投訴處理 Complaint Handling

投訴處理程序流程圖 Flowchart of the Complaint-handling Process



已處理的查詢及投訴

查詢

平機會不時收到有關歧視、反歧視條例及平機會工作的查詢。查詢經由平機會網站的網上查詢表格、平機會電話熱線、信件或面談提出，有聽覺障礙／語言障礙人士亦可透過短訊向平機會提出查詢。

在2023-24年度，平機會共處理了10 015宗查詢，比2022-23年度增加9%。在所有查詢當中，有：

- 6 260宗為一般查詢，關乎反歧視條例的條文和平機會的活動；以及
- 3 755宗為具體查詢，關乎一些可能會演變為投訴的情況和事件。

Enquiries and Complaints Handled

Enquiries

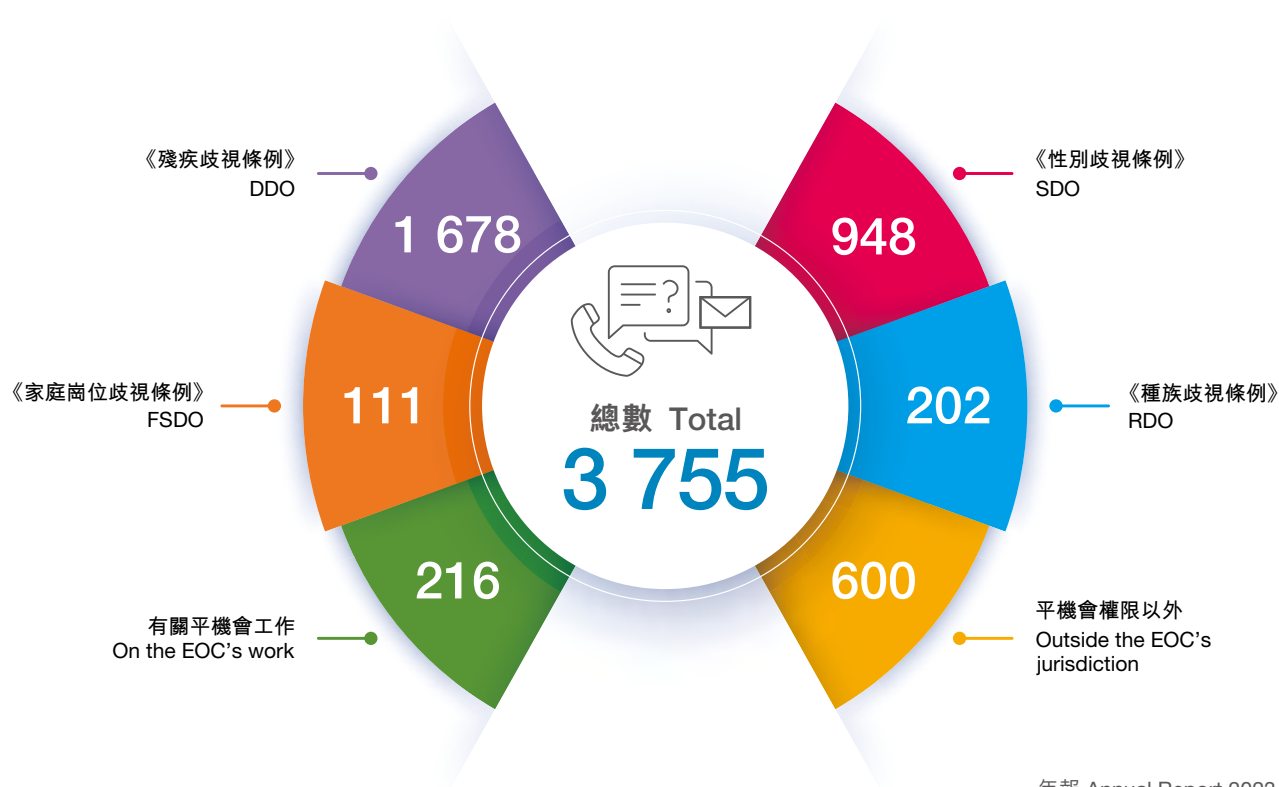
From time to time, the EOC receives enquiries about discrimination, the anti-discrimination ordinances and its work from the public. These are submitted to the EOC through the online form on the EOC website, the EOC telephone hotline, in writing, or in face-to-face interviews. People with hearing impairment/speech difficulties may also submit their enquiries to the EOC through SMS.

In 2023-24, the EOC handled a total of 10 015 enquiries, 9% more than in 2022-23. Out of the total enquiries handled:

- 6 260 were general enquiries about the provisions of the anti-discrimination laws and events organised by the EOC; and
- 3 755 were specific enquiries about scenarios or incidents that might become complaints.

2023-24年度具體查詢數字(按條例分類)

Breakdown of Specific Enquiries by Ordinances in 2023-24



投訴處理 Complaint Handling

已處理的投訴

在2023-24年度，平機會收到1 101宗投訴，亦對涉及違法行為的事件或情況，以及根據法例可能引起歧視問題的事宜主動展開調查及／或作出跟進行動。有關事件是平機會留意到，或由第三方或不想參與調查或調停過程的個別受屈人士向平機會報告。在這些情況下，平機會會向有關方面查詢事件，解釋相關的法例條文，並就如何改善情況提供意見。

連同過往年度尚未完成的個案(包括平機會主動調查的個案)，平機會在2023-24年度共處理了1 349宗投訴，比2022-23年度的1 209宗增加了12%。

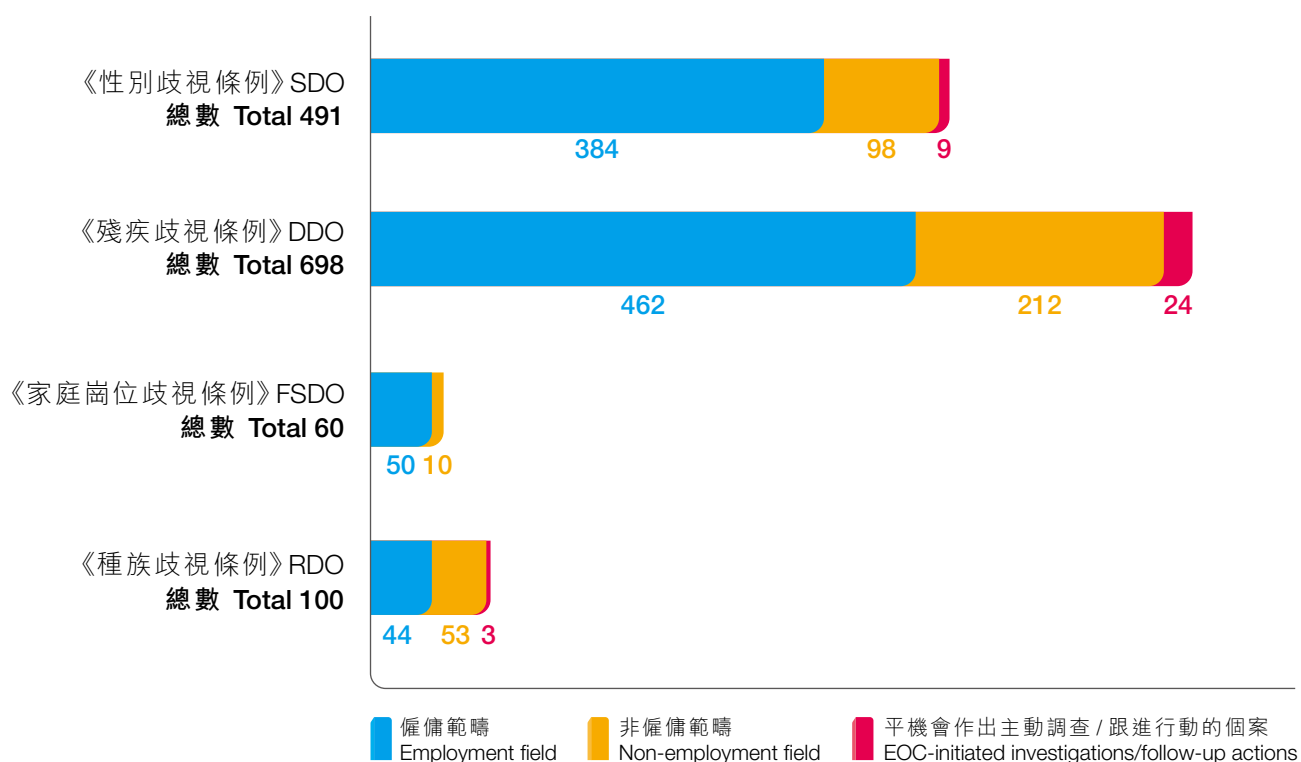
2023-24年度已處理的投訴及平機會作出主動調查／跟進行動的個案總數(包括過往年度尚未完成的個案)：1 349宗

Complaints Handled

In 2023-24, the EOC received 1 101 complaints. The EOC also initiated investigation and/or follow-up actions into incidents or situations involving unlawful acts, and issues that gave rise to concerns of discrimination under the law. These incidents were noticed by the EOC, or brought to the attention of the EOC by third parties or aggrieved individuals who did not wish to be involved in the investigation or conciliation process. Under these circumstances, the EOC would approach the concerned parties to inquire into the matter, explain the relevant legal provisions and advise them on ways to rectify the situation.

Together with the complaints carried forward from previous years (including EOC-initiated investigations), the EOC handled a total of 1 349 complaints in 2023-24, 12% more than the figure (1 209) in 2022-23.

Total Number of Complaints and EOC-initiated Investigations/Follow-up Actions Handled in 2023-24 (including cases carried over from previous years): 1 349



有關《性別歧視條例》的投訴

- 大部分(約80%)有關《性別歧視條例》的投訴屬於僱傭範疇。性騷擾(265宗)和懷孕歧視個案(118宗)仍然是最常見的兩類個案。

有關《殘疾歧視條例》的投訴

- 有關《殘疾歧視條例》的投訴中，有462宗屬於僱傭範疇，當中大多數涉及僱員因放病假和工傷而遭解僱。其餘的個案則主要涉及提供貨品、服務及設施或其他不利(僱傭範疇)。

有關《家庭崗位歧視條例》的投訴

- 在60宗有關《家庭崗位歧視條例》的個案中，50宗屬於僱傭範疇，有些指稱涉及基於家庭崗位而遭解僱或蒙受其他不利(僱傭範疇)。

有關《種族歧視條例》的投訴

- 大部分有關《種族歧視條例》的個案涉及在提供貨品、服務或設施方面的歧視。

平機會的主動調查／跟進行動

如上文所述，平機會亦會對涉及違法行為的事件或情況，以及根據法例可能引起歧視問題的事宜主動展開調查及／或作出跟進行動。平機會在報告期內處理了36宗此類個案，大部分與《殘疾歧視條例》有關(主要是通道和服務提供的問題)，其次是《性別歧視條例》(主要是招聘的問題)。

Complaints under the SDO

- A large majority (around 80%) of the complaints handled under the SDO belonged to the employment field. Sexual harassment (265 cases) and pregnancy discrimination (118 cases) continued to be the two most common types of cases.

Complaints under the DDO

- Of the complaints handled under the DDO, 462 cases were related to employment, and the majority were concerned with the dismissal of employees due to sick leave and work injuries. The majority of the remaining cases were related to the provision of goods, services and facilities and other detriment (employment-related).

Complaints under the FSDO

- Of the 60 FSDO complaint cases, 50 were employment-related. A number of the allegations were concerned with dismissals and other detriment (employment-related) on the ground of family status.

Complaints under the RDO

- A large majority of the RDO cases were related to discrimination in the provision of goods, services and facilities.

EOC-initiated Investigations/Follow-up Actions

As mentioned above, the EOC also initiated investigations and/or follow-up actions on incidents or situations involving unlawful acts, and issues that gave rise to concerns of discrimination under the law. During the period under review, the EOC handled 36 such cases, with the majority falling under the DDO (mainly on accessibility and service provision), followed by the SDO (mainly on recruitment).

投訴處理 Complaint Handling



平機會就通道問題作出的主動跟進行動 EOC-initiated Follow-up Actions on Accessibility Issues

某商場內的多間店鋪，包括髮廊及食肆，沒有提供方便輪椅使用者進出的入口，令他們難以進出。平機會主動跟進該個案後，有關商戶提供協助，並安裝斜道，方便輪椅使用者進出他們的店鋪。

在另一宗個案中，某商場的門過重但沒有安裝自動開門裝置，亦沒有告示告知顧客如何求助。這些安排令輪椅使用者難以獨立進入商場的某些地方。平機會跟進此事後，商場張貼了各種標誌，告知輪椅使用者如何尋求支援。該商場也同意在營業時間內開着大堂入口的玻璃門。

平機會展開上述跟進工作，提高了服務提供者對採用通用設計以建立無障礙環境的意識。

Various shops, including a hair salon and restaurants, at a shopping mall allegedly did not provide entrances that were accessible to wheelchair users, hindering their entry. After the EOC initiated follow-up action on the case, the shops provided assistance and installed ramps to facilitate the entry of wheelchair users to their premises.

In another case, a shopping mall allegedly installed heavy doors without automatic functions. There was also no notice informing customers how they could find assistance. These arrangements made it difficult for wheelchair users to access certain areas of the shopping mall independently. The EOC followed up on the case, which prompted the shopping mall to post various signs with information on how to call for support for wheelchair users. It also agreed to keep the glass doors at the lobby entrance open during operating hours.

Through the aforementioned follow-up actions, the EOC enhanced the awareness of service providers about creating barrier-free environments through the adoption of universal design.

調停

在調查投訴個案的過程中，平機會致力協助投訴人和答辯人通過調停達成和解。調停的目的是讓各有關方面找出一致同意的方法解決爭議，協助各人不再受爭議困擾。

調停完全屬自願性質。和解的形式可以是道歉、支付金錢、修改政策和慣例、檢討工作程序或其他安排。

Conciliation

In the course of investigating a complaint case, the EOC endeavours to help the complainant and the respondent reach a settlement by way of conciliation. The purpose of conciliation is to bring together the parties concerned to look for ways of resolving the dispute consensually and help them move forward.

Conciliation is completely voluntary, and the settlement can be in the form of an apology, payment, change in policy and practice, review of work procedures, or other arrangements.

在2023-24年度，有1 076宗投訴個案完結，當中155宗進行了調停，最終132宗成功調停，調停成功率為85%。2022-23年度的調停成功率是84%。

Of the 1 076 complaint cases concluded in 2023-24, 155 proceeded to conciliation, with 132 successfully conciliated. This translates into a conciliation success rate of 85% as compared to 84% in 2022-23.



85% 調停成功率
Conciliation Success Rate

和解個案案例

以下是平機會在2023-24年度處理的投訴個案案例。透過平機會的調停，投訴人和答辯人雙方進行討論，就解決方法達成協議。

Examples of Conciliated Cases

The following are examples of complaints handled by the EOC in 2023-24. Through conciliation facilitated by the EOC, the complainant(s) and the respondent(s) were able to discuss and agree on the resolutions.



提供貨品、服務及／或設施方面的殘疾歧視

Disability Discrimination in Relation to the Provision of Goods, Services and/or Facilities

某餐廳要求一名輪椅使用者改坐餐椅。當她拒絕後，該餐廳不讓她入內，聲稱餐廳內沒有足夠的空間。

A restaurant allegedly asked a wheelchair user to transfer from her wheelchair to a dining chair. When she declined, the restaurant refused to allow her to enter, claiming that there was not enough space inside.

根據《殘疾歧視條例》，服務提供者如基於某人的殘疾而拒絕提供貨品、服務或設施，即屬違法。

Under the DDO, it is unlawful for a service provider to refuse the provision of goods, services or facilities on the ground of a person's disability.

經調停後，餐廳同意向投訴人作出書面道歉，並同意加強前線員工的培訓，提醒他們為有特殊需要的顧客提供適當的安排。

Upon conciliation, the restaurant agreed to provide a written apology to the complainant. It also agreed to strengthen training for frontline staff, reminding them to provide appropriate arrangements for customers with special needs.

投訴處理

Complaint Handling



提供貨品、服務及／或設施方面的殘疾歧視

Disability Discrimination in Relation to the Provision of Goods, Services and/or Facilities

投訴人是一名視障人士。他指稱由於某媒體機構的網站沒有無障礙功能，以致他無法瀏覽該網站的內容。

The complainant, who is a person with visual impairment, alleged that he was unable to view the content on a media outlet's website due to its lack of accessibility features.

根據《殘疾歧視條例》，服務提供者如對所有人施加某項條件或要求，而實際上結果會對殘疾人士造成較不利的影響，即屬違法。

Under the DDO, it is unlawful for a service provider to apply a condition or requirement to everyone, which in practice affects people with a disability more adversely.

經調停後，該媒體機構同意修改其網站以符合數碼無障礙標準，並按上載日期由新至舊重新排列節目的次序。該機構亦會就網站更新的進度向投訴人口頭匯報中期進度。

Upon conciliation, the media outlet agreed to amend its website to meet digital accessibility standards and rearrange the listing of the programmes from newest to oldest in terms of upload dates. It would also provide a verbal interim report to the complainant regarding the progress of the website update.



提供貨品、服務及／或設施方面的懷孕歧視

Pregnancy Discrimination in Relation to the Provision of Goods, Services and/or Facilities

某美容院拒絕為投訴人延長預繳激光療程計劃的合約期，而投訴人在懷孕期間及餵哺母乳期間均不能使用有關服務。

A beauty salon allegedly refused to extend the contract period of a pre-paid laser treatment plan for the complainant, who was unable to use the service during her pregnancy and while breastfeeding.

根據《性別歧視條例》，服務提供者如對所有人施加某項條件或要求，而實際上結果會對懷孕或餵哺母乳的人士造成較不利的影響，即屬違法。

Under the SDO, it is unlawful for a service provider to apply a condition or requirement to everyone, which in practice affects individuals who are pregnant or breastfeeding more adversely.

經調停後，該美容院同意向投訴人提供預繳計劃中餘下的療程。

Upon conciliation, the beauty salon agreed to provide the remaining treatment in the pre-paid plan to the complainant.



僱傭範疇的懷孕歧視

Pregnancy Discrimination in Relation to Employment

投訴人指，在她懷孕並在懷孕期間請了數天病假後，僱主拒絕與她續約。

The complainant alleged that her employer refused to renew her contract after she became pregnant and took a number of sick leave days during her pregnancy.

根據《性別歧視條例》，僱主如基於僱員懷孕而將其解僱，即屬違法。

Under the SDO, it is unlawful for an employer to dismiss an employee on the ground of her pregnancy.

經調停後，僱主同意提供一筆款項作為全面和解、發信表示對此事感到抱歉，以及向投訴人提供一封受僱證明書。

Upon conciliation, the employer agreed to offer a monetary sum as a global settlement, express regret for the incident in a letter and provide a proof of employment letter to the complainant.



僱傭範疇的家庭崗位歧視

Family Status Discrimination in Relation to Employment

投訴人指，他放取侍產假後被僱主解僱。

The complainant alleged that he was dismissed by his employer after he took paternity leave.

根據《家庭崗位歧視條例》，僱主如基於僱員的家庭崗位而將其解僱，即屬違法。

Under the FSDO, it is unlawful for an employer to dismiss an employee on the ground of his or her family status.

經調停後，僱主同意給予投訴人一筆款項。

Upon conciliation, the employer agreed to offer a monetary sum to the complainant.

投訴處理 Complaint Handling

已完結個案

平機會每年的服務承諾是在所有完成的個案中，75%的個案是在六個月內完成。在2023-24年度，平機會有1 076宗個案完結（1 043宗投訴調查個案及33宗主動調查個案），當中有90%的個案是在六個月內完成處理（936宗投訴調查個案及33宗主動調查個案，共969宗），表示平機會的表現超越目標。此外，投訴的平均處理時間是88日。

根據法例，平機會可基於以下任何一個原因，決定不對投訴進行調查或終止調查：

- 平機會信納，根據有關的條例，投訴所指稱的行為不屬違法；
- 平機會認為受屈人不願意進行或繼續調查；
- 有關行為在12個月前作出；
- 在代表投訴個案中，平機會決定投訴不應以代表投訴方式作出（以處理代表投訴的有關規則為依據）；或
- 平機會認為投訴屬瑣屑無聊、無理取鬧、基於錯誤理解或缺乏實質。

Cases Concluded

The performance pledge of the EOC is to have 75% of the concluded cases each year completed within six months. In 2023-24, there were 1 076 concluded cases (including 1 043 complaints for investigation and 33 cases of self-initiated investigation). Out of these, 90% of the cases were completed within six months (936 complaints for investigation and 33 cases of self-initiated investigation, totalling 969 cases), meaning that the EOC surpassed its target. Furthermore, the average handling time of the complaints was 88 days.

Under the ordinances, the EOC may decide not to conduct or to discontinue an investigation into a complaint for any of the following reasons:

- The EOC is satisfied that the alleged act is not unlawful by virtue of a provision under the ordinances;
- The EOC is of the opinion that there is no desire on the part of the aggrieved person(s) for the investigation to be conducted or continued;
- More than 12 months have elapsed since the act;
- The EOC determines, in the case of a representative complaint, that the complaint should not be a representative complaint (in accordance with the relevant rules dealing with representative complaints); or
- The EOC is of the opinion that the complaint is frivolous, vexatious, misconceived or lacking in substance.

在2023-24年度，平機會決定不對51宗個案進行調查，並終止調查809宗個案。前者的情況是指平機會檢視投訴人提供的資料後，決定不對投訴進行調查。至於後者，是指平機會已展開調查，但由於種種原因而在調查過程中決定終止調查。此外，有28宗個案因投訴人與答辯人提早解決而終止調查。

In 2023-24, the EOC decided not to conduct an investigation in 51 cases, and discontinued investigations in another 809 cases. The former refers to situations where the EOC, having reviewed the information provided by the complainant, decides not to conduct investigation into the complaint. As for the latter, it refers to situations where the EOC already began but decided to discontinue the investigation during the process due to various reasons. In addition, 28 cases were discontinued due to early resolution between the complainant and respondent.

原因 Reason	不對投訴進行調查 Investigation not conducted	終止調查 Investigation discontinued
所指稱的行為不屬違法 The alleged act was not unlawful	16	25
受屈人不願意進行或繼續調查 The person aggrieved by the act did not wish for an investigation to be conducted or continued	19	291
有關行為在12個月前作出 A period of more than 12 months had elapsed since the act took place	4	22
投訴缺乏實質、基於錯誤理解等 The complaint was lacking in substance or misconceived etc.	12	471
總數 Total	51	809
投訴人與答辯人提早解決 Early resolution between complainant and respondent	28	

投訴處理 Complaint Handling

服務使用者的正面回應

平機會不時接獲公眾的正面意見和鼓勵說話，這些公眾人士都曾使用平機會的服務，向平機會作出查詢和提出投訴，又或獲得平機會的法律協助，跟進他們的個案。他們具建設性的意見和正面評價促使平機會進一步提升表現。

Positive Feedback from Service Users

From time to time, the EOC receives encouraging and positive feedback from members of the public, who have lodged enquiries and complaints with the EOC, or received legal assistance in taking their cases forward. Their constructive feedback and positive comments provide motivation for the EOC to strive for even better performance.

「十分感謝得到快速的回覆，平機會的工作效率值得稱讚。」

"I am writing to express my sincere thanks for all the good works that the case officer has done to reach for a satisfactory settlement on my complaint case."

"We greatly appreciate your help and guidance throughout the resolution process."

「感激平機會及法律主任一直以來盡心盡力的協助與幫忙。」

「感謝你過去幾個月來的不懈努力與付出。你的專業知識、耐心細心以及對事務的熱忱，為我們提供了無與倫比的支持與指導。」

「答謝平機會個案主任的幫忙協調，令事件得到早日解決。」

“Glad to have brought a mutually-beneficial end to the complaint and thanks again for the invaluable assistance from the Equal Opportunities Commission.”

「非常感謝個案主任在此事件上，履行法律賦予的責任，不辭艱辛與認真地解決問題！辛苦了，謝謝！」

“I appreciate the Commission’s noble efforts to promote equal opportunities and fair treatment for all members of our community.”

「感謝個案主任在中間的協調工作，令事件可以及早達成和解！」

“I wish to express my sincere gratitude to the case officer, on her efforts and time working on my case. The case officer has provided me professional advice but at the same time remained herself as an independent third party, trying hard to work out the reconciliation between me and the respondent.”

「感謝個案主任於調查期間公正無私的處理手法，並於調解機制內盡力嘗試為雙方達至共識。謝謝。」