



## 為歧視受害人討回公道——投訴處理 Providing Redress to Victims of Discrimination – Complaint Handling

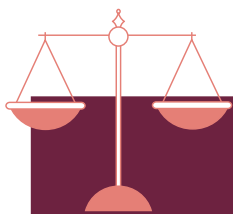


平機會獲授權調查公眾根據四條反歧視條例提出的投訴，並鼓勵爭議各方進行調停。這些條例禁止基於性別、懷孕、婚姻狀況、餵哺母乳、殘疾、家庭崗位和種族的歧視。條例同時保障公眾免受性騷擾、基於餵哺母乳的騷擾，以及基於殘疾和種族的騷擾與中傷。

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. These ordinances prohibit unlawful discrimination on the grounds of sex, pregnancy, marital status, breastfeeding, disability, family status and race. The ordinances 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 subject 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 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,  
while adhering to the principles of fairness and impartiality.



## 投訴處理 Complaint Handling

### 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之授權代表提出；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.

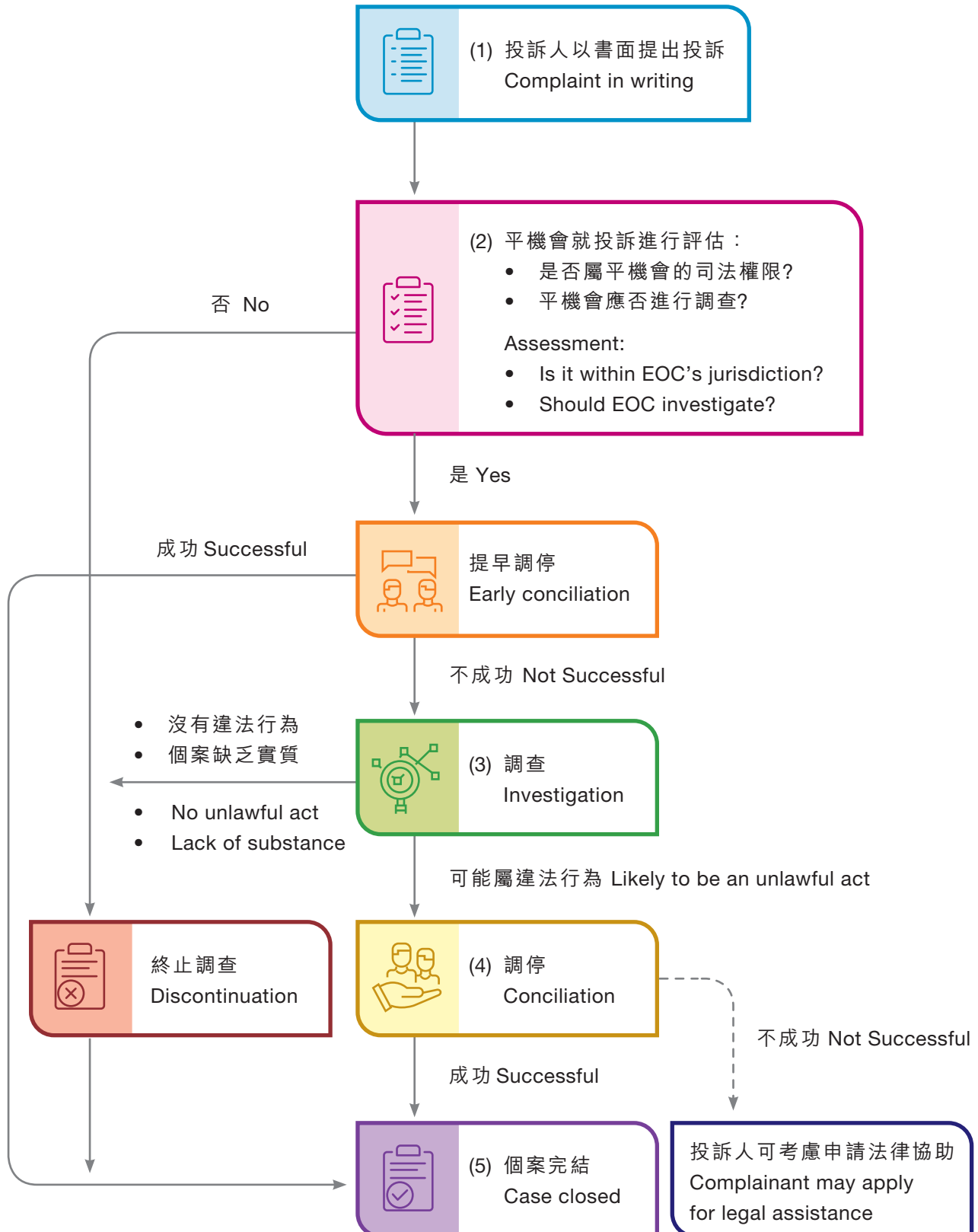
Where the above conditions have been met, a case officer will be promptly assigned to follow up on the complaint.

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 the ethnic minority communities.



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



## 投訴處理 Complaint Handling

### 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2022-23年度，平機會共處理了9 191宗查詢，比2021-22年度減少9%。在所有查詢當中，有：

- 5 844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
- 3 347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

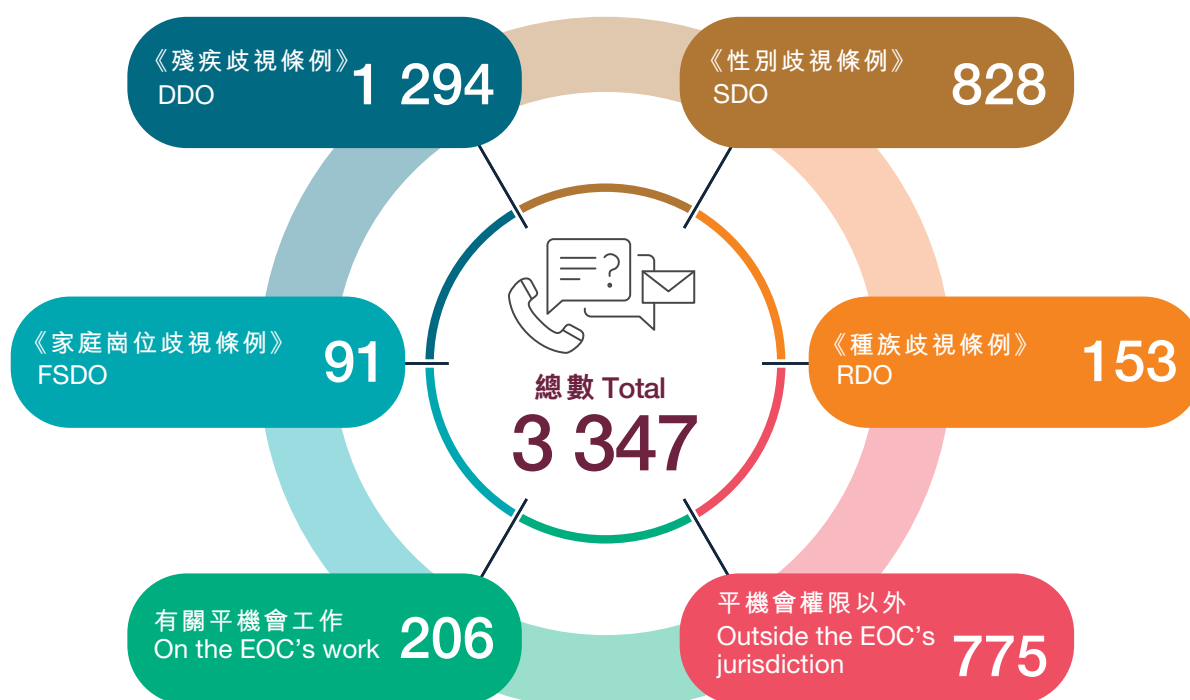
#### Enquiries

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, through 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 2022-23, the EOC handled a total of 9 191 enquiries, 9% less than in 2021-22. Out of the total enquiries handled:

- 5 844 were general enquiries about the provisions of the anti-discrimination laws and events organised by the EOC; and
- 3 347 were specific enquiries about scenarios or incidents that might become complaints.

### 2022-23年度具體查詢數字(按條例分類) Breakdown of Specific Enquiries by Ordinances in 2022-23



## 已處理的投訴

在2022-23年度，平機會收到904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2022-23年度共處理了1 209宗投訴，比2021-22年度的1 266宗減少了5%。

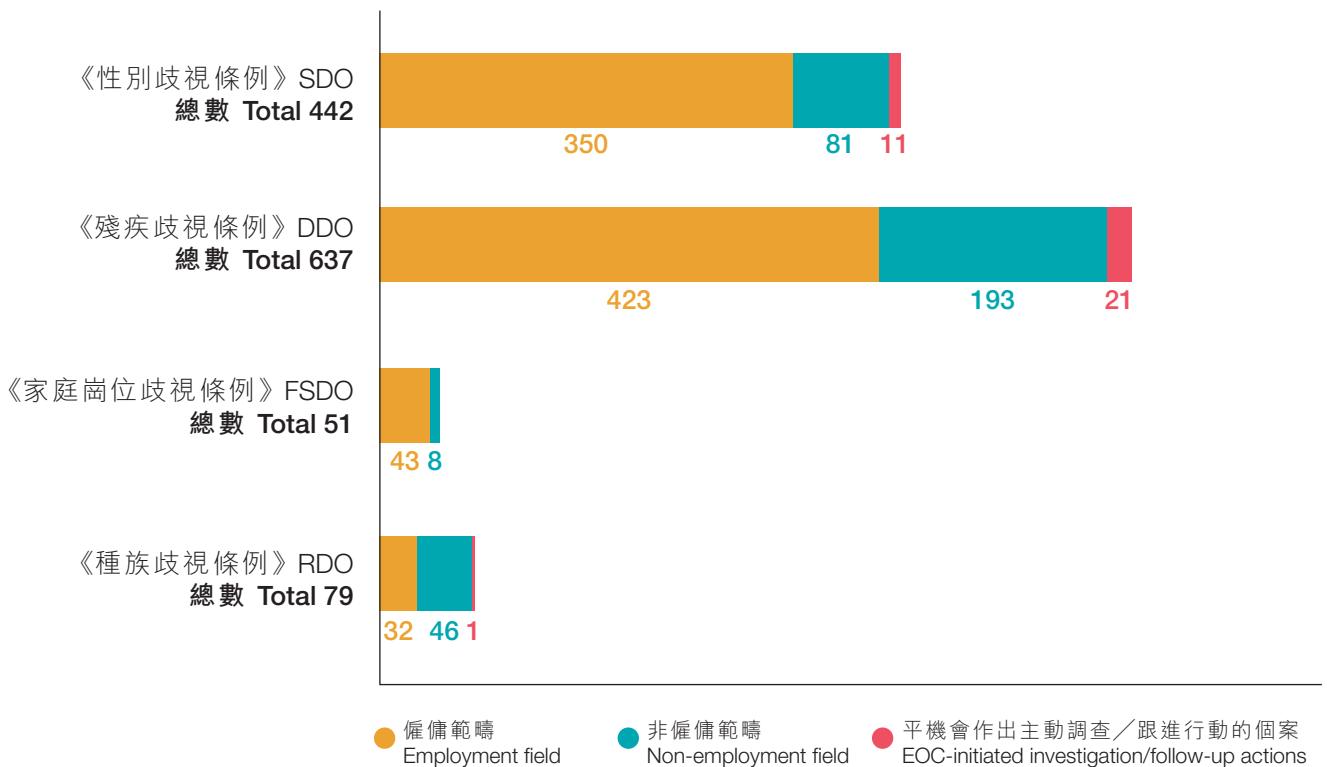
**2022-23年度已處理的投訴及平機會作出主動調查／跟進行動的個案總數（包括過往年度尚未完成的個案）：1 209宗**

## Complaints Handled

In 2022-23, the EOC received 904 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 1 209 complaints in 2022-23, 5% less than the figure (1 266) in 2021-22.

**Total Number of Complaints and EOC-initiated Investigations/Follow-up Actions Handled in 2022-23 (including cases carried over from previous years): 1 209**



## 投訴處理

### Complaint Handling

#### 有關《性別歧視條例》的投訴

- 大部分(約81%)有關《性別歧視條例》的投訴屬於僱傭範疇。性騷擾(192宗)和懷孕歧視個案(88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423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。

#### 有關《家庭崗位歧視條例》的投訴

- 在51宗有關《家庭崗位歧視條例》的個案中，43宗屬於僱傭範疇，不少指稱涉及基於家庭崗位而遭解僱。

#### 有關《種族歧視條例》的投訴

- 在78宗有關《種族歧視條例》的個案中，大部分涉及在提供貨品、服務或設施方面的歧視。

#### 有關2019冠狀病毒病的投訴

就2019冠狀病毒病疫情以及政府和其他界別實施的預防和管控措施，市民提出了不同查詢。在2022-23年度，平機會就疫症事宜收到180宗查詢和74宗投訴；就疫苗接種則收到106宗查詢和13宗投訴。投訴主要涉及僱傭範疇，部分關乎貨品、服務及設施的提供。

#### Complaints under the SDO

- A large majority (around 81%) of the complaints handled under the SDO belonged to the employment field. Sexual harassment (192 cases) and pregnancy discrimination (88 cases) continued to be the two most common types of cases.

#### Complaints under the DDO

- Of the complaints handled under the DDO, 423 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.

#### Complaints under the FSDO

- Of the 51 FSDO complaint cases, 43 were employment-related. A number of the allegations were concerned with dismissals on the ground of family status.

#### Complaints under the RDO

- A large majority of the 78 RDO cases were related to discrimination in the provision of goods, services and facilities.

#### Complaints Concerning COVID-19

The COVID-19 epidemic and the implementation of preventive and control measures by the Government and other sectors have led to various kinds of enquiries from the public. During 2022-23, the EOC received 180 enquiries and 74 complaints concerning the epidemic, and 106 enquiries and 13 complaints concerning vaccination. The complaints were mainly employment-related, while some were concerned with the provision of goods, services and facilities.



例如，一名醫生涉嫌拒絕為一名確診2019冠狀病毒病的病人提供服務。根據《殘疾歧視條例》，服務提供者若基於某人的殘疾，包括2019冠狀病毒病，拒絕向該人提供服務，即屬違法，除非提供有關服務會對服務提供者造成不合情理的困難。經平機會調停後，雙方達成和解，該名醫生同意之後為患上2019冠狀病毒病的病人提供服務。

在另一宗個案中，一名感染2019冠狀病毒病的送貨員康復後復工，隨即被僱主解僱。根據《殘疾歧視條例》，僱主若基於僱員的殘疾而解僱該名僱員，即屬違法。雙方就個案達成和解，僱主同意向該送貨員支付一筆款項。

For example, a medical practitioner allegedly refused to provide service to a patient who was diagnosed with COVID-19. Under the DDO, it is unlawful for a service provider to refuse the provision of services to someone on the ground of that person's disability, which includes COVID-19, unless it would impose unjustifiable hardship to the service provider. Upon conciliation by the EOC, the case was settled, with the medical practitioner agreeing to provide services to patients contracted with COVID-19 thereafter.

In another case, a delivery worker, who had recovered from COVID-19, was dismissed upon his resumption of duty. The DDO makes it unlawful for an employer to dismiss an employee on the ground of the employee's disability. The complaint was settled with a monetary payment by the employer to the delivery worker.

### 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33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》(主要是服務提供的問題)。

### 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 year under review, the EOC handled 33 such cases, with the majority falling under the DDO (mainly on accessibility and service provision), followed by the SDO (mainly on service provision).

## 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 into Accessibility Issues

某商場把暢通易達洗手間鎖上，此舉可能影響殘疾人士使用。平機會主動就個案展開跟進行動，其後商場不再鎖上暢通易達洗手間，讓公眾得以使用。

在另一宗個案中，某快餐店只設有固定的餐桌和餐椅，令輪椅使用者難以在店內移動，亦只能坐在桌子之間的空間，但該處經常有食客和職員端着食物走過。平機會跟進此個案後，快餐店同意提供可移動的椅子和優先座位，以確保用餐空間暢通易達。

平機會主動展開上述跟進行動，有助提升設施的便利程度，並建立無障礙環境。

A shopping mall was alleged to have locked up its accessible toilet, potentially affecting people with disabilities. The EOC initiated follow-up actions into the case, after which the shopping mall unlocked the accessible toilet for public use.

In another case, a fast-food restaurant allegedly provided inflexible dine-in settings with only fixed tables and chairs. The arrangement was difficult for wheelchair users to navigate, and forced them to sit in the spaces between tables, where customers and staff would frequently walk by carrying food. The EOC followed up on the case and the restaurant agreed to provide movable chairs and priority seats to ensure an accessible dine-in setting for the wheelchair users.

The follow-up actions initiated by the EOC mentioned above helped enhance accessibility and foster a barrier-free environment.

## 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、檢討工作程序及其他安排。

## 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 and other arrangements.



在2022-23年度，有964宗投訴個案完結，當中162宗進行了調停，最終136宗成功調停，調停成功率為84%。2021-22年度的調停成功率是86%。

Of the 964 complaint cases concluded in 2022-23, 162 proceeded to conciliation, with 136 successfully conciliated. This translated into a conciliation success rate of 84% as compared to 86% in 2021-22.



### 和解個案案例

以下是平機會在2022-23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 2022-23. Through conciliation facilitated by the EOC, the complainant(s) and the respondent(s) were able to discuss and agree on resolutions.



#### 僱傭範疇的種族歧視 Racial Discrimination Related to Employment

某餐廳向一名巴基斯坦裔女求職者提出不能在工作期間穿戴頭巾的聘用條件，該名求職者投訴餐廳種族歧視。

A restaurant allegedly disallowed a female job seeker of Pakistani origin to wear a hijab at work as an employment condition. The job seeker lodged a racial discrimination complaint against the restaurant.

雖然宗教並非《種族歧視條例》涵蓋的受保障特徵，但如果僱主在沒有充分理由的情況下，對所有僱員施加一項要求或條件，導致屬某些族群的僱員因未能符合有關要求或條件而蒙受不利，便可能構成「間接歧視」。

Although religion is not a protected characteristic under the RDO, if an employer, without justifiable reasons, imposes a common requirement or condition on all employees, such that employees of certain ethnic groups would not be able to comply with it and suffer a detriment, then this may constitute “indirect discrimination”.

經平機會調停後，爭議雙方達成和解。餐廳同意向投訴人支付一筆款項及作出道歉，並表明日後歡迎不同種族、文化背景及宗教信仰人士應徵工作。

Upon conciliation by the EOC, the dispute was settled with the restaurant agreeing to give the complainant a monetary sum and an apology. The restaurant also indicated that it welcomed applicants of all races, culture and religions to work in future recruitment.

## 投訴處理 Complaint Handling



### 對外籍家庭傭工的懷孕歧視 Pregnancy Discrimination of a Foreign Domestic Worker

某外籍家庭傭工在產假後遭僱主解僱。

An employer allegedly dismissed a foreign domestic worker after her maternity leave.

根據《性別歧視條例》，僱主若基於僱員懷孕而把她解僱，即屬違法。法例亦保障外籍家庭傭工。

Under the SDO, it is unlawful for an employer to dismiss an employee on the ground of her pregnancy. The law also protects foreign domestic workers.

經調停後，答辯人同意向投訴人支付一筆款項，以同時解決投訴人就《性別歧視條例》及《僱傭條例》提出的個案。

Upon conciliation, a monetary sum was offered to the complainant by the respondent as a global settlement for both cases under the SDO and the Employment Ordinance.



### 對外籍家庭傭工的性騷擾 Sexual Harassment of a Foreign Domestic Worker

某外籍家庭傭工遭僱主的丈夫性騷擾。

The husband of the employer of a foreign domestic worker allegedly sexually harassed the latter.

根據《性別歧視條例》，任何僱主、主事人或代理人(即獲授權發出工作指令和監督工作的人士)，如對其僱員或合約工作者作出性騷擾，即屬違法。換言之，《性別歧視條例》不僅保障外籍家庭傭工免受僱主的性騷擾，也保障他們免受有代理人身份的僱主家人的性騷擾。

Under the SDO, it is unlawful for an employer, principal or agent (being authorised to give work instructions and supervise the work) to sexually harass an employee or contract worker. In other words, the SDO protects foreign domestic workers from sexual harassment not only by their employers, but also by the family members of the employers who act as agents.

經調停後，爭議雙方達成和解，該僱主和她的丈夫同意向投訴人支付一筆款項。

Upon conciliation, the dispute was settled with both the employer and her husband agreeing to give the complainant a monetary payment.

## 已完結個案

平機會的服務承諾是在180日或六個月內完成處理75%的投訴個案。在2022-23年度，平機會的表現超越目標，有86%的個案在六個月內完成處理，投訴的平均處理時間只是106日。

## Cases Concluded

The EOC's performance pledge is to conclude 75% of the complaints within 180 days or six months. In 2022-23, the EOC outperformed its target, with 86% of the complaints concluded within six months, and the average handling time of the complaints only at 106 days.

## 投訴處理 Complaint Handling

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。

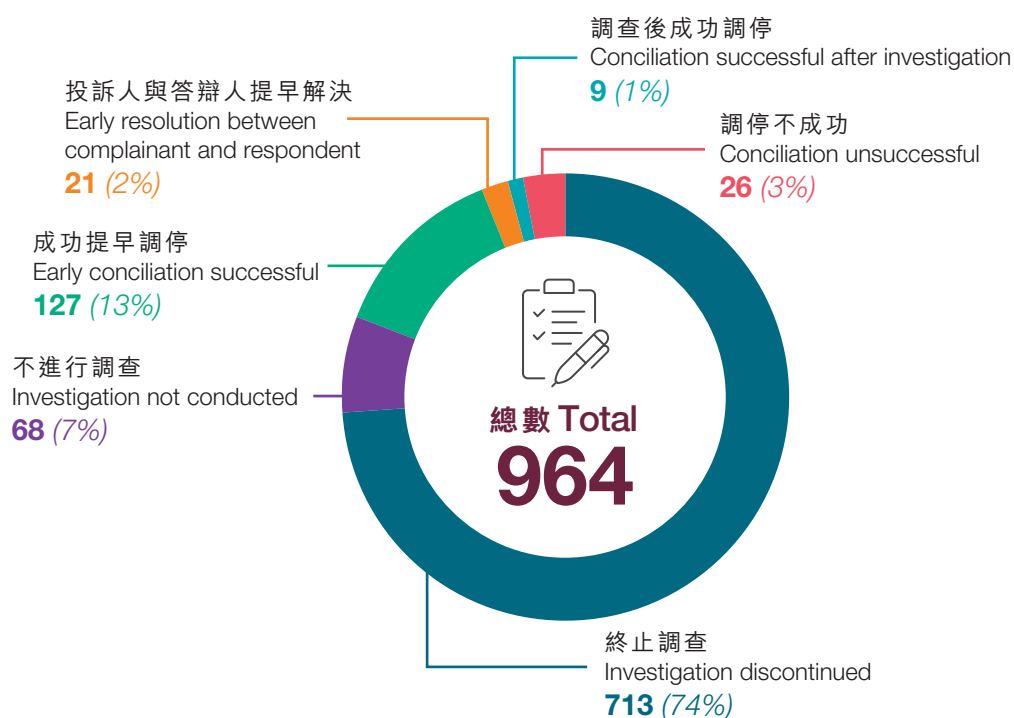
在2022-23年度，平機會決定不對68宗個案進行調查，並終止調查713宗個案。

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.

In 2022-23, the EOC decided not to conduct an investigation in 68 cases, and discontinued investigations in another 713 cases.

### 2022-23年度已完結的個案數字(根據所採取的行動分類) Breakdown of Cases Concluded in 2022-23 by Action Taken



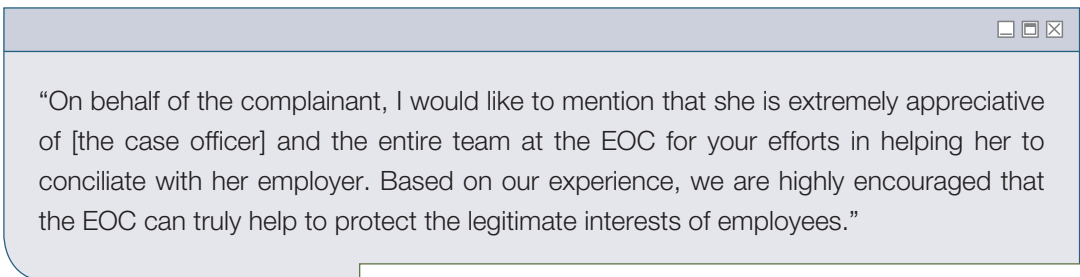
## 投訴處理 Complaint Handling

### 服務使用者的正面回應

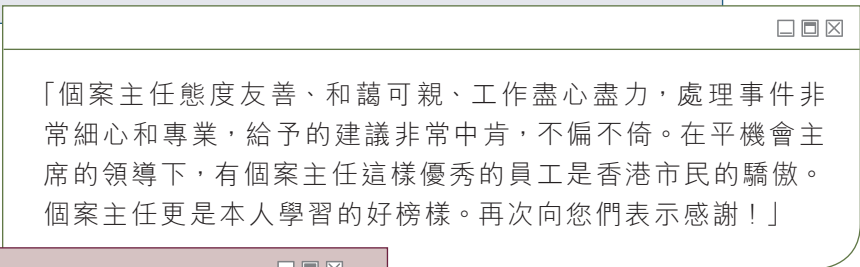
平機會不時接獲公眾的正面意見和鼓勵說話，這些公眾人士都曾使用平機會的服務，向平機會作出查詢和提出投訴，又或獲得平機會的法律協助，跟進他們的個案。他們具建設性的意見和正面評價印證了平機會的專業和優質服務水平，驅使平機會進一步提升表現。

### Positive Feedback from Service Users

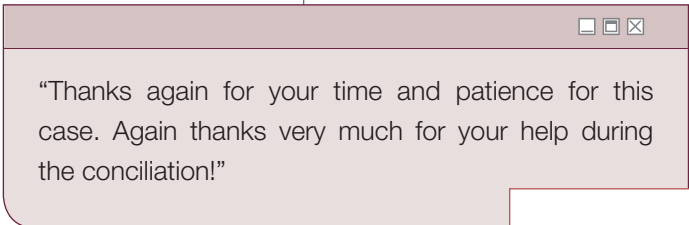
From time to time, the EOC receives encouraging and positive feedback from members of the public, who have lodged enquiries and complaints with the EOC, or received legal assistance in taking their cases forward. Their constructive feedback and positive comments are a testament to the EOC's professionalism and service quality, and motivate the EOC to strive for even better performance.



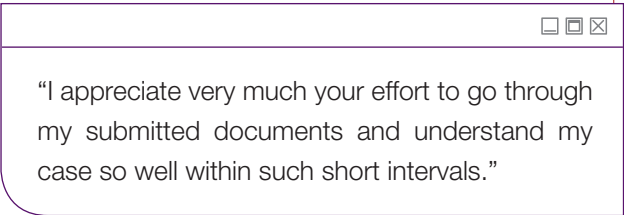
"On behalf of the complainant, I would like to mention that she is extremely appreciative of [the case officer] and the entire team at the EOC for your efforts in helping her to conciliate with her employer. Based on our experience, we are highly encouraged that the EOC can truly help to protect the legitimate interests of employees."



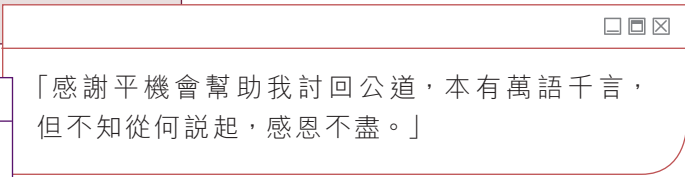
「個案主任態度友善、和藹可親、工作盡心盡力，處理事件非常細心和專業，給予的建議非常中肯，不偏不倚。在平機會主席的領導下，有個案主任這樣優秀的員工是香港市民的驕傲。個案主任更是本人學習的好榜樣。再次向您們表示感謝！」



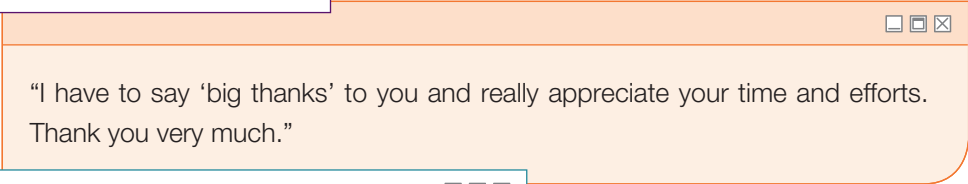
"Thanks again for your time and patience for this case. Again thanks very much for your help during the conciliation!"



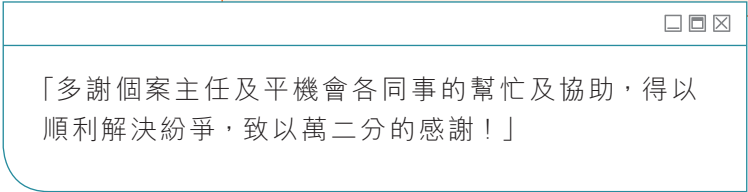
"I appreciate very much your effort to go through my submitted documents and understand my case so well within such short intervals."



「感謝平機會幫助我討回公道，本有萬語千言，但不知從何說起，感恩不盡。」



"I have to say 'big thanks' to you and really appreciate your time and efforts. Thank you very much."



「多謝個案主任及平機會各同事的幫忙及協助，得以順利解決紛爭，致以萬二分的感謝！」



“Thank you very much for helping me throughout the process. It is helpful to have you who is so experienced in similar cases and be here to offer guidance impartially. Your help and patience is invaluable.”

“We are indebted to your patience, professional guidance and assistance throughout this matter and have learned during the process.”



「感謝平等機會委員會在這次事件中體現認真及專業的能力。」

「個案主任細心向本人講解程序及處理方法。在短短數月內已經協調有關部門處理及將問題解決……為傷殘人士及其家人解決了使用通道的困苦。現特函向平等機會委員會表達謝意及讚揚個案主任的出色工作表現。」

「我非常感謝從我投訴以來個案主任和平機會對我的支持，你們的幫助在我最憤怒無助的時候給了我很大的信心和安慰。」

「平機會處理個案效率優良……個案主任皆秉持專業及持平態度，致力解決問題，現特函表揚。感謝你們的用心及努力！」



“During this period, I really appreciate that you guided me on how to face and solve the problem professionally. Thank you.”

「致以衷心感謝個案主任過往以來的工作表現優秀，充分表現個案主任對工作的熱誠，專業的工作效率，待人熱誠有禮……現特函表揚……感謝平等機會委員會提供的服務。」

「真是十分感激個案主任的幫忙！……希望平機會繼續為社會上不公平的事件伸張正義！謝謝！」