



平等機會委員會簡介
ABOUT THE EQUAL OPPORTUNITIES
COMMISSION



我們的抱負 OUR VISION

建設一個沒有歧視、崇尚多元、包容共濟的社會，人人共享平等機會。

To create a pluralistic and inclusive society free of discrimination where there is no barrier to equal opportunities.

關於我們 ABOUT US

平等機會委員會(平機會)是一個獨立法定機構，於1996年成立，負責執行本港反歧視法例，即《性別歧視條例》、《殘疾歧視條例》、《家庭崗位歧視條例》及《種族歧視條例》。

The Equal Opportunities Commission (EOC) is an independent statutory body established in 1996 to implement the anti-discrimination ordinances in Hong Kong, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO).

我們的組織架構 OUR ORGANISATION

平機會的管治委員會負責領導和指引平機會制訂整體策略和監督平機會的運作，以履行法定責任。根據《性別歧視條例》，管治委員會由主席及不多於16位委員組成，他們均由香港特別行政區行政長官委任。

平機會分為不同部門，分別為投訴事務科、機構傳訊科、機構規劃及服務科、法律服務科，以及政策、研究及培訓科，並設有少數族裔事務組。

The EOC Board provides leadership and guidance on the planning of the Commission's overall strategies and oversees the operation of the EOC in fulfilling its statutory duties. According to the Sex Discrimination Ordinance, the Board is comprised of a Chairperson and no more than 16 Members, all appointed by the Chief Executive of the Hong Kong Special Administrative Region.

The EOC is divided into different functional divisions, namely the Complaint Services Division, the Corporate Communications Division, the Corporate Planning and Services Division, the Legal Service Division and the Policy, Research and Training Division. The EOC has also set up an Ethnic Minorities Unit.



“ 為了個人和社會的福祉，
我們必須消除歧視
We must eliminate discrimination for
the good of individuals and society ”

甚麼是歧視？

WHAT IS DISCRIMINATION?

歧視是在沒有合理的原因或情況下，基於某人的身分（例如性別或種族）或某人擁有的一些特質（例如殘疾），而給予該人較差的待遇。

Discrimination means giving a person less favourable treatment because of who they are (such as gender or race) or because they possess certain characteristics (such as disability) without justifiable reasons or circumstances.

為何要遏止歧視？

WHY DO WE NEED TO FIGHT DISCRIMINATION?

免於歧視的權利被普世視為基本人權。歧視影響受害者的身心，令他們健康受損，甚至造成焦慮及抑鬱；影響人與人之間的關係，還有生活質素。在工作層面，歧視令員工士氣和動力受挫，導致商業機構以至整體經濟的生產力下降。為了個人和社會的福祉，我們必須消除歧視。

The right to freedom from discrimination is universally recognised as a fundamental human right. Discrimination causes physical and emotional harm to the affected individuals and can lead to poor health, anxiety and depression. It affects interpersonal relationships and quality of life. In the workplace, it undermines staff morale and motivation, and lowers productivity of businesses and the overall economy. We must eliminate discrimination for the good of individuals and society.



有關反歧視法例

現時香港四條反歧視條例禁止基於性別、懷孕、婚姻狀況、殘疾、家庭崗位及種族的歧視。反歧視條例亦保障人們免受騷擾和中傷等違法行為，包括性騷擾。

ABOUT THE ANTI-DISCRIMINATION LEGISLATION

Currently the four anti-discrimination ordinances of Hong Kong prohibit discrimination on the grounds of sex, pregnancy, marital status, disability, family status and race. The legislation also provides protection from harassment and vilification, including sexual harassment.



性別歧視條例
SEX DISCRIMINATION
ORDINANCE



殘疾歧視條例
DISABILITY
DISCRIMINATION ORDINANCE



家庭崗位歧視條例
FAMILY STATUS
DISCRIMINATION ORDINANCE



種族歧視條例
RACE DISCRIMINATION
ORDINANCE

反歧視條例涵蓋一系列在公共領域的活動，主要包括：

The ordinances cover a range of activities in the public domain, including mainly:

僱傭	Employment
教育	Education
貨品、服務及設施的提供	Provision of goods, services and facilities
處所的處置或管理	Disposal or management of premises
諮詢團體的投票資格以及被選入或委入該等團體	Eligibility to vote for and to be elected or appointed to advisory bodies
參與會社及體育活動	Participation in clubs and sporting activities
政府的活動	Activities of the Government

我們的職能

OUR FUNCTIONS & DUTIES

執行法例及提供申訴途徑：

ENFORCE COMPLIANCE WITH THE LAW AND PROVIDE REDRESS FOR DISCRIMINATION:

- 就根據反歧視法例提出的投訴進行調查，並鼓勵處於糾紛的各方進行調停
Investigate complaints lodged under the anti-discrimination legislation and encourage conciliation between the parties in dispute
- 就出現歧視的情況及問題進行主動調查，並在有需要時就既定政策進行正式調查，以打擊系統性歧視
Undertake self-initiated investigations into situations and issues giving rise to discrimination, and conduct formal investigation into policies when needed to combat systemic discrimination
- 為合適個案中受到歧視的人士提供法律協助，包括協助進行訴訟
Provide legal assistance to aggrieved persons in appropriate cases, including assistance in proceedings
- 檢討法例的實施情況，擬定修訂建議以改善法例
Monitor implementation of the legislation and make recommendations on reforms to enhance the legislation

宣揚及教育大眾平等機會價值：

ADVOCATE AND EDUCATE ON THE VALUES OF EQUAL OPPORTUNITIES:

- 進行不同課題研究以了解社會上的歧視趨勢，並就公共政策及措施作出建議
Conduct research studies to identify trends of discrimination in society and make recommendations on public policies and measures
- 透過教育及培訓活動，加深大眾對反歧視法例的認識
Empower the public with knowledge of the anti-discrimination ordinances through education and training courses
- 與不同界別的機構合作，制定平等機會政策及良好常規，特別是工作間的措施
Partner with enterprises in different sectors to develop equal opportunities policies and best practices, especially in the workplace
- 利用不同溝通途徑，廣泛宣揚平等機會價值，並舉辦活動，讓大眾身體力行對抗歧視
Promulgate values of equal opportunities through different communication channels, and engage the public to combat discrimination through events and activities

為歧視提供申訴途徑

PROVIDE REDRESS FOR DISCRIMINATION

平機會可如何幫助我？ HOW CAN THE EOC HELP ME?

任何人士若認為自己受到反歧視條例中所指出的歧視、騷擾或中傷，可向平機會提出投訴。平機會將致力以受害人為本的方針，並謹守公正持平的原則，處理市民的投訴。

Anyone who believes that he/she has experienced discrimination, harassment or vilification specified in the ordinances may lodge a complaint with the EOC in writing. The EOC is committed to adopting a “victim-centric” approach, while adhering to the principles of fairness and impartiality in handling the complaint.

提出投訴

根據反歧視法例，市民須以書面向平機會提出投訴。投訴可由受屈人或其授權代表提出，並應包括個人資料及身份證號碼、有關答辯人身份的資料，以及一切有關所指的違法行為的資料，如發生日期、佐證資料和證人姓名（若有）等。

投訴可以郵寄、傳真方式提出，或由投訴人親臨委員會辦事處遞交。投訴人亦可使用平機會網站內的表格遞交投訴。

假如投訴人在撰寫投訴書方面有困難，可聯絡平機會辦事處。委員會會了解投訴人的困難，並按投訴人所提供的資料，考慮是否提供書寫協助。

Lodging a Complaint

As required by the anti-discrimination ordinances, complaints to the EOC must be in writing. The complaint can be made by an aggrieved person or his/her authorised representative and should contain: the personal details and identity card number of the complainant, the information identifying the respondent(s), and the relevant details of the alleged unlawful act(s), such as the date of the alleged act(s), any information in support of the complaint and names of witnesses, if any.

The complaint can be sent by mail, fax, or it may be made in person at the EOC Office. Complainants may also use the online form on the EOC website for filing the complaint.

If a complainant has difficulties in preparing a complaint in writing, he/she can contact the EOC office. The EOC will ascertain the complainant's difficulties and, on the basis of the information given, consider whether to provide any writing support.



網站 | Website

www.eoc.org.hk



郵寄 | Mail

香港黃竹坑香葉道41號16樓
16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong



傳真 | Fax

(852) 2511 8142

為歧視提供申訴途徑

PROVIDE REDRESS FOR DISCRIMINATION

對投訴作出調查

在接獲市民的書面投訴後，平機會將按照內部執程序將個案分類，審視投訴是否屬於平機會的執法權限之內。當個案被確立為投訴後，平機會將委派個案主任展開調查，並會把有關投訴通知答辯人及要求回覆。此外，委員會亦可能去信投訴人要求提供更多資料或澄清某些內容，或要求提供證人或佐證文件以支持其指控。在有需要及合適的情況下，平機會將尋求專家意見。

調停

平機會在調查投訴個案的過程中，會盡力幫助投訴人和答辯人進行調停，以達致和解。調停的作用是讓有關人士在共同的基礎下找出令各方均滿意的方法解決爭端，使他們不再受爭執所困擾。

調停全屬自願性質。調停過程中涉及的一切資料絕對保密，亦不會在訴訟時呈上法庭。假如達成協議，各方所簽署的調停協議書便是一份契約，具法律約束力。

其他協助

平機會並非法院或審裁處，沒有職權就歧視、騷擾或中傷的申索作出裁決，亦非法律援助機構。然而，若個案未能和解，投訴人可考慮向平機會申請其他協助，包括法律協助。委員會的律師將就有關個案準備一份報告，並向平機會的法律及投訴專責小組提出建議，讓小組決定是否給予協助。

Investigation of a Complaint

Upon receiving a complaint in writing, the EOC will classify the case according to the internal operating procedures, and ascertain if the complaint falls within the jurisdiction of the EOC. Once a case has been classified as a complaint, an officer of the EOC will be assigned to conduct an investigation. The EOC will notify the respondent of the complaint and request a response. The EOC may also write to the complainant seeking further information or clarification of certain points, and may also ask for witnesses or documentary proof that might support the allegation(s). Where needed and appropriate, the EOC may seek for experts' opinions.

Conciliation

In the course of investigation into a complaint case, the EOC will endeavour to help the complainant and the respondent reach a settlement by way of conciliation. The purpose of conciliation is to bring the parties concerned together to look for ways of resolving the dispute. Conciliation looks for common ground to help resolve the matter to the satisfaction of both parties so that they can move beyond the dispute.

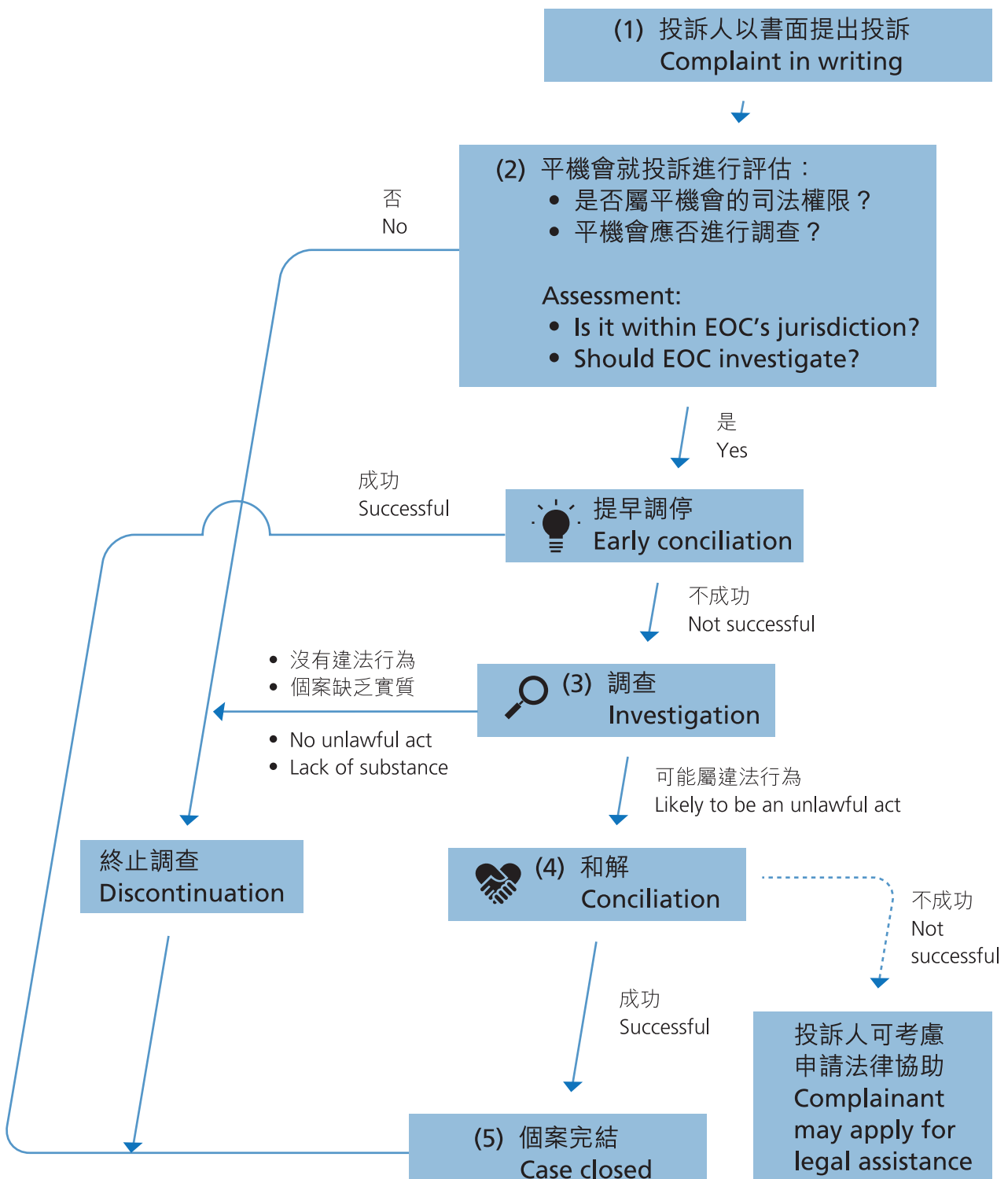
Conciliation is completely voluntary. All information gathered in the conciliation process is kept confidential and is not made available to court proceedings. Should the parties reach a settlement, the agreement signed by the parties is a contract and is legally binding.

Other Assistance

The EOC is not a court or a tribunal. It does not have the power to decide on claims of discrimination, harassment or vilification. Neither is it a legal aid agency. Nevertheless, if a case is not conciliated, the complainant may apply to the EOC for other assistance, including legal assistance. The EOC lawyer will prepare a report on the case and make a recommendation to the EOC Legal and Complaints Committee, which has been delegated with the power to decide which cases should be given assistance.

為歧視提供申訴途徑 PROVIDE REDRESS FOR DISCRIMINATION

向平機會提出投訴 TAKING A COMPLAINT TO THE EOC



為歧視提供申訴途徑

PROVIDE REDRESS FOR DISCRIMINATION

法律協助

Legal Assistance

給予或不給予法律協助的主要考慮因素包括：

Main factors in considering whether or not legal assistance would be provided include:

- 個案能否就某些重要法律議題確立先例？
- 個案的複雜程度或雙方的相對位置(例如權力不平衡)會否令申請人難以處理其個案？
- 個案可否引起市民對香港常見歧視問題的關注？
- 個案能否推動制度改變，消除歧視？
- 就有關個案而言，法律程序是否消除歧視的最佳方法？
- 個案是否具備足夠證據，有合理的勝訴機會？
- Could the case establish a precedent on any important legal issues?
- Would it be difficult for the applicant to handle the case given its complexity or the relevant position of the parties (e.g. imbalance of power)?
- Would the case raise public awareness on areas of discrimination which are still prevalent in Hong Kong?
- Would the case encourage institutional changes to eliminate discrimination?
- Is legal proceeding the best or most effective way to eliminate discrimination insofar as the particular case is concerned?
- Is the evidence sufficient to support a reasonable prospect of success in court?

和解條款

Settlement Terms

經調停方式或提供法律協助後的和解條件可包括：

Settlement terms after conciliation or legal assistance may include:

- 道歉；投訴人接受答辯人的解釋
- 金錢補償；慈善捐贈
- 聘用；復職；福利補償；撰寫推薦信；提供教育課程／培訓
- 提供貨品、服務及設施；改善及提供無障礙設施
- 修改政策／處事程序；承諾停止歧視行為；限制某些行為；紀律處分
- Apology; complainant accepting respondent's explanation
- Monetary compensation; donation to charity
- Offer of employment; reinstatement; provision of benefits; provision of reference letter; provision of education programmes/training
- Provision of goods, services and facilities; improvements to facilities and accessibility
- Changes in policies/practices; undertaking to cease discriminatory practices; restrictions on certain acts; disciplinary actions

版權 | COPYRIGHT

如用作非牟利用途，本刊物可部分或全部複印，但須在複印本上適當註明出處。
Reproduction of all or any parts of this publication is permitted on condition that it is for non-profit-making purposes and an acknowledgement of this work is duly made in reproduction.

免責聲明 | DISCLAIMER

本刊物所載的資料只作一般參考用途，並非為反歧視條例的應用提供詳盡指引。有關法例的詳細及明確內容，請直接參閱條例的條文。平等機會委員會（平機會）並沒有就上述資料的準確性或個別目的或使用的適用性作出明示或隱含保證。上述建議不會影響平機會在條例下獲賦予的職能及權力。

The information provided in this publication is for general reference only. It does not provide an exhaustive guide to the application of the anti-discrimination ordinances. For a complete and definitive statement of the law, direct reference should be made to the ordinances. The Equal Opportunities Commission (EOC) makes no express or implied warranties of accuracy or fitness for a particular purpose or use with respect to the above information. The above suggestions will not affect the functions and powers conferred to the EOC under the ordinances.



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

電話 | Tel

(852) 2511 8211

傳真 | Fax

(852) 2511 8142

地址 | Address

香港黃竹坑香葉道41號16樓
16/F, 41 Heung Yip Road
Wong Chuk Hang
Hong Kong

電郵 | Email

eoc@eoc.org.hk

電話短訊 | SMS

6972566616538

(供聽障/有語言障礙人士使用)

(For people with hearing impairment/speech difficulties)

www.eoc.org.hk

