



平等机会委员会简介
ABOUT THE EQUAL OPPORTUNITIES
COMMISSION



我们的抱负 OUR VISION

建设一个没有歧视、崇尚多元、包容共济的社会，人人共享平等机会。

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

关于我们 ABOUT US

平等机会委员会(平机会)是一个独立法定机构，于1996年成立，负责执行香港反歧视法例，即《性别歧视条例》、《残疾歧视条例》、《家庭岗位歧视条例》及《种族歧视条例》。

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).

我们的组织架构 OUR ORGANISATION

平机会的管治委员会负责领导和指引平机会制订整体策略和监督平机会的运作，以履行法定责任。根据《性别歧视条例》，管治委员会由主席及不多于16位委员组成，他们均由香港特别行政区行政长官委任。

平机会分为不同部门，分别为投诉事务科、机构传讯科、机构规划及服务科、法律服务科，以及政策、研究及培训科，并设有少数族裔事务组。

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.



“ 为了个人和社会的福祉，
我们必须消除歧视
We must eliminate discrimination for
the good of individuals and society ”

甚么是歧视？

WHAT IS DISCRIMINATION?

歧视是在没有合理的原因或情况下，基于某人的身分（例如性别或种族）或某人拥有的一些特质（例如残疾），而给予该人较差的待遇。

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.

为何要遏止歧视？

WHY DO WE NEED TO FIGHT DISCRIMINATION?

免于歧视的权利被普世视为基本人权。歧视影响受害者的身心，令他们健康受损，甚至造成焦虑及抑郁；影响人与人之间的关系，还有生活质素。在工作层面，歧视令员工士气和动力受挫，导致商业机构以至整体经济的生产力下降。为了个人和社会的福祉，我们必须消除歧视。

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.



有关反歧视法例

现时香港四条反歧视条例禁止基于性别、怀孕、婚姻状况、残疾、家庭岗位及种族的歧视。反歧视条例亦保障人们免受骚扰和中伤等违法行为，包括性骚扰。

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.



性别歧视条例
SEX DISCRIMINATION
ORDINANCE



残疾歧视条例
DISABILITY
DISCRIMINATION ORDINANCE



家庭岗位歧视条例
FAMILY STATUS
DISCRIMINATION ORDINANCE



种族歧视条例
RACE DISCRIMINATION
ORDINANCE

反歧视条例涵盖一系列在公共领域的活动，主要包括：

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

雇佣	Employment
教育	Education
货品、服务及设施的提供	Provision of goods, services and facilities
处所的处置或管理	Disposal or management of premises
谘询团体的投票资格以及被选入或委入该等团体	Eligibility to vote for and to be elected or appointed to advisory bodies
参与会社及体育活动	Participation in clubs and sporting activities
政府的活动	Activities of the Government

我们的职能

OUR FUNCTIONS & DUTIES

执行法例及提供申诉途径：

ENFORCE COMPLIANCE WITH THE LAW AND PROVIDE REDRESS FOR DISCRIMINATION:

- 就根据反歧视法例提出的投诉进行调查，并鼓励处于纠纷的各方进行调停
Investigate complaints lodged under the anti-discrimination legislation and encourage conciliation between the parties in dispute
- 就出现歧视的情况及问题进行主动调查，并在有需要时就既定政策进行正式调查，以打击系统性歧视
Undertake self-initiated investigations into situations and issues giving rise to discrimination, and conduct formal investigation into policies when needed to combat systemic discrimination
- 为合适个案中受到歧视的人士提供法律协助，包括协助进行诉讼
Provide legal assistance to aggrieved persons in appropriate cases, including assistance in proceedings
- 检讨法例的实施情况，拟定修订建议以改善法例
Monitor implementation of the legislation and make recommendations on reforms to enhance the legislation

宣扬及教育大众平等机会价值：

ADVOCATE AND EDUCATE ON THE VALUES OF EQUAL OPPORTUNITIES:

- 进行不同课题研究以了解社会上的歧视趋势，并就公共政策及措施作出建议
Conduct research studies to identify trends of discrimination in society and make recommendations on public policies and measures
- 透过教育及培训活动，加深大众对反歧视法例的认识
Empower the public with knowledge of the anti-discrimination ordinances through education and training courses
- 与不同界别的机构合作，制定平等机会政策及良好常规，特别是工作间的措施
Partner with enterprises in different sectors to develop equal opportunities policies and best practices, especially in the workplace
- 利用不同沟通途径，广泛宣扬平等机会价值，并举办活动，让大众身体力行对抗歧视
Promulgate values of equal opportunities through different communication channels, and engage the public to combat discrimination through events and activities

为歧视提供申诉途径

PROVIDE REDRESS FOR DISCRIMINATION

平机会可如何帮助我？ HOW CAN THE EOC HELP ME?

任何人士若认为自己受到反歧视条例中所指出的歧视、骚扰或中伤，可向平机会提出投诉。平机会将致力以受害人为本的方针，并谨守公正持平的原则，处理市民的投诉。

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.

提出投诉

根据反歧视法例，市民须以书面向平机会提出投诉。投诉可由受屈人或其授权代表提出，并应包括个人资料及身份证号码、有关答辩人身份的资料，以及一切有关所指的违法行为的资料，如发生日期、佐证资料和证人姓名（若有）等。

投诉可以邮寄、传真、电子邮件方式提出，或由投诉人亲临委员会办事处递交。投诉人亦可使用平机会网站内的表格递交投诉。

假如投诉人在撰写投诉书方面有困难，可联络平机会办事处。委员会会了解投诉人的困难，并按投诉人所提供的资料，考虑是否提供书写协助。

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, email, 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.



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为歧视提供申诉途径

PROVIDE REDRESS FOR DISCRIMINATION

对投诉作出调查

在接获市民的书面投诉后，平机会将按照内部执行程序将个案分类，审视投诉是否属于平机会的执法权限之内。当个案被确立为投诉后，平机会将委派个案主任展开调查，并会把有关投诉通知答辩人及要求回覆。此外，委员会亦可能去信投诉人要求提供更多资料或澄清某些内容，或要求提供证人或佐证文件以支持其指控。在有需要及合适的情况下，平机会将寻求专家意见。

调停

平机会在调查投诉个案的过程中，会尽力帮助投诉人和答辩人进行调停，以达致和解。调停的作用是让有关人士在共同的基础下找出令各方均满意的方法解决争端，使他们不再受争执所困扰。

调停全属自愿性质。调停过程中涉及的一切资料绝对保密，亦不会在诉讼时呈上法庭。假如达成协议，各方所签署的调停协议书便是一份契约，具法律约束力。

其他协助

平机会并非法院或审裁处，没有职权就歧视、骚扰或中伤的申索作出裁决，亦非法律援助机构。然而，若个案未能和解，投诉人可考虑向平机会申请其他协助，包括法律协助。委员会的律师将就有关个案准备一份报告，并向平机会的法律及投诉专责小组提出建议，让小组决定是否给予协助。

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.

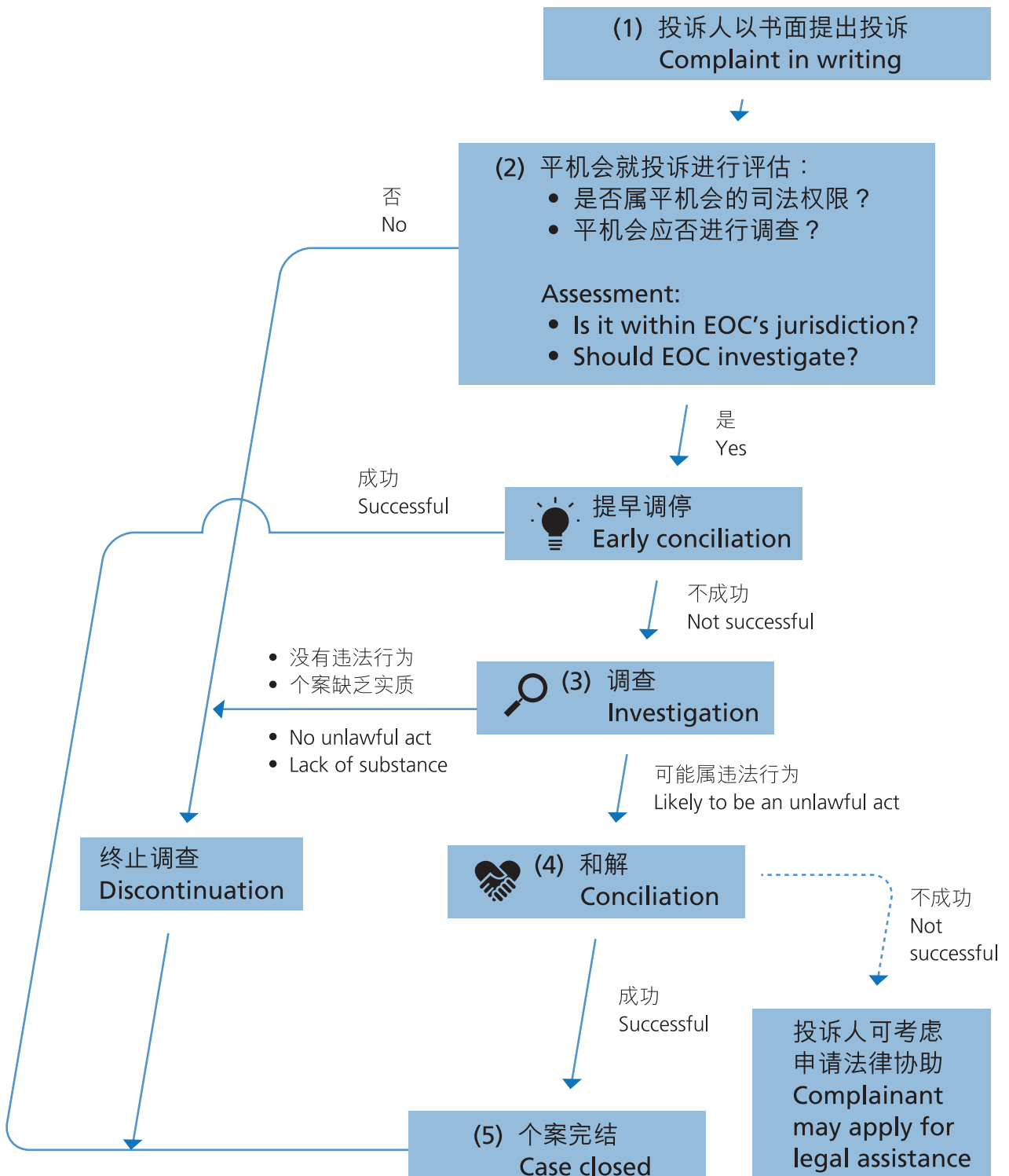
Conciliation is completely voluntary. All information gathered in the conciliation process is kept confidential and is not made available to court proceedings. Should the parties reach a settlement, the agreement signed by the parties is a contract and is legally binding.

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.

为歧视提供申诉途径 PROVIDE REDRESS FOR DISCRIMINATION

向平机会提出投诉 TAKING A COMPLAINT TO THE EOC



为歧视提供申诉途径

PROVIDE REDRESS FOR DISCRIMINATION

法律协助

Legal Assistance

给予或不给予法律协助的主要考虑因素包括：

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

- 个案能否就某些重要法律议题确立先例？
- 个案的复杂程度或双方的相对位置(例如权力不平衡)会否令申请人难以处理其个案？
- 个案可否引起市民对香港常见歧视问题的关注？
- 个案能否推动制度改变，消除歧视？
- 就有关个案而言，法律程序是否消除歧视的最佳方法？
- 个案是否具备足够证据，有合理的胜诉机会？
- 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?

和解条款

Settlement Terms

经调停方式或提供法律协助后的和解条件可包括：

Settlement terms after conciliation or legal assistance may include:

- 道歉；投诉人接受答辩人的解释
- 金钱补偿；慈善捐赠
- 聘用；复职；福利补偿；撰写推荐信；提供教育课程／培训
- 提供货品、服务及设施；改善及提供无障碍设施
- 修改政策／处事程序；承诺停止歧视行为；限制某些行为；纪律处分
- 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

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(For people with hearing impairment/speech difficulties)

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