



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

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Good Management  
Practice Series:

The Sex Discrimination  
Ordinance

## Recruitment Planning

# Disciplinary Actions and Handling of Grievances and Complaints

Regardless of size and structure, companies in any industry should have in place a clear set of procedures for handling grievances related to sex, marital status, pregnancy and breastfeeding discrimination, as well as sexual and breastfeeding harassment. Having explicit guidelines on the procedures would give employees confidence that complaints of discrimination or harassment would be taken seriously, while also enabling employers to process grievances with consistency.



## What the law says

The Sex Discrimination Ordinance (SDO) does not ascribe any particular type of complaint procedure, giving employers the flexibility to design a system that suits the organisation's size, structure and resources.

Nevertheless, employers are advised to handle disciplinary procedures uniformly without reference to sex. Furthermore, employers should set up a mechanism or set of procedures for dealing with all complaints concerning the SDO within the organisation. Besides designating personnel to deal with the complaints, employers should take steps to communicate the procedures to all staff and review the procedures from time to time. In particular, employers should ensure that employees who have in good faith taken action under the SDO do not receive less favourable treatment than other employees, such as being subject to discipline or dismissal.



# There are five key elements to consider when designing grievance and complaint-handling procedures:

## Element 1: Clear and Accessible Grievance Procedures

Employers should draw up clear, step-by-step grievance procedures in plain language and ensure that all employees have direct access to the details by including such information in company handbooks, personnel manuals, company intranet or employment contracts.

## Element 2: Contact Officers

The designated officers, such as supervisors or HR personnel, for receiving complaints need to be clearly communicated to all staff. This would ensure that employees know who to contact should they wish to file a complaint.

## Element 3: Informal and Formal Procedures

Informal or formal procedures should be put in place to give complainants different options to seek redress.

**Informal procedures** are only suitable for situations where all relevant parties agree to discuss and resolve complaints through communication. The process should be designed to mend broken relationships and address grievances quickly.

**Formal procedures** entail a full investigation of the complaint, including individual interviews with relevant parties, detailed documentation of statements, written report of the outcome and a decision on disciplinary actions.

## Element 4: Decision on Appropriate Action(s)

Employers need to make a decision on whether to take any actions, such as disciplinary actions or preventive measures, following a formal investigation. Examples of possible disciplinary actions include making apologies, issuing a warning, withholding benefits, transfer, demotion, or dismissal.

It is good practice to communicate the decision and its rationale to relevant parties in writing. The complainant should also be informed of their right to appeal at this stage if they are dissatisfied with the outcome.

## Element 5: Record Keeping

Complete and accurate record of all complaints would allow employers to effectively identify problem areas and take proactive action to prevent discriminatory behaviours in the workplace.

## Good practices



Respond to complaints promptly and within a set timeframe.



Take all complaints of discrimination and harassment seriously by assessing in detail the evidence and ensure complainants are not victimised for coming forward.



Maintain confidentiality by only disclosing details of the complaints to relevant parties on a need-to-know basis.



Give all relevant parties ample opportunities to explain their version of events and remain impartial throughout the investigation.



Keep all relevant parties up to date on the progress and outcome of investigations.



Accurately record and file details of reported incidents and investigation outcomes.