

Conciliation Case

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Absolutely Unwelcome

THE COMPLAINT

Marie has been working as a secretary in a manufacturing company for four years. She lodged a complaint with the Equal Opportunities Commission, stating that her boss, Mr Wong, had sexually harassed her. "I have had enough! I made it known to him over and over again that his behaviour was unwelcome. I even complained to the management about his indecent acts. The senior manager had warned him, but nothing changed."

Marie claimed that the humiliating incidents started two years ago. "He always stared at me in an intimidating manner. There was a time he even used hand gestures to describe the shape of my body to another colleague while gazing at my chest. I was totally freaked out!"

"He made every excuse to get close to me, brush past me, touch my hand and even my body. On one occasion, I accidentally stained my pants with the fax machine toner. He immediately approached me and wiped my thighs with a cloth. He even mentioned that he would buy me a flimsy nightgown. He pestered me to go out with him many times, even though I had repeatedly say no."

WHAT THE EOC DID

The Commission investigated into the complaint. Mr Wong insisted that he did not touch Marie deliberately. "Our office is so small and we have a close working relationship. Physical contacts, such as touching hands, while passing documents are unavoidable." Marie clearly listed all the incidents and her rebuttals. Mr Wong claimed that the purpose of gazing at Marie was to monitor her at work. Marie protested, "That is not true. His prolonged stares made me feel extremely nervous and uneasy." She also provided witnesses to support her claims.

The EOC arranged a conciliation meeting during which both parties agreed to resolve the complaint. Apart from expressing an apology in writing, Mr Wong agreed to pay Marie monetary compensation in the form of donations to three women's rights groups. He also promised to stop sexually harassing her.

WHAT THE LAW SAYS

Under the Sex Discrimination Ordinance, sexual harassment is unlawful. Sexual harassment is any unwanted or uninvited sexual behaviour which a reasonable person regards as offensive, humiliating or intimidating. Unwelcome sexual advances or unwelcome requests for sexual favours are sexual harassment. Acts of sexual harassment may be committed by any person to a man or a woman, and may be direct or indirect, physical or verbal.

Sexual harassment interferes with a person's work performance, can cause stress and loss of confidence, and sometimes forces people to leave their jobs.

和解案例

通訊 2003 年 6 月 第 26 期

絕對不受歡迎

投訴內容

曼怡在一間製造公司任職 秘書四年。較早前，她向平等機會委員會投訴上司王先生對她性騷擾。她說：「我受夠了！我已一再表明他的行為不受歡迎，我甚至向管理層投訴他的猥褻行為。高級經理也警告過他，但情況依然沒有改善。」

曼怡指稱，令她感到屈辱的事件在兩年前起發生：「他經常以威嚇的眼光盯著我，有一次甚至一面看著我的胸部，一面用手勢向另一同事比畫我的身材，我給他弄得快發瘋了。」

「他用盡各種藉口來親近我、走過我身邊時就觸碰我、又撫摸我的手，甚至觸摸我的身體。有一次，我不小心把傳真機的墨濺到長褲上，他竟立刻走來，用布抹我的大腿。他甚至說要買一件薄睡衣送給我。雖然我嚴加拒絕，但他仍多番提出約會。」

平機會的行動

委員會對投訴作出了調查。王先生堅持沒有刻意觸摸曼怡：「寫字樓地方狹小，我們的工作關係又密切，所以在傳遞文件時，難 會有身體接觸，例如相碰之類。」曼怡則清楚列出騷擾事件，並且提出反駁。王先生指，注視曼怡只是為了監察她的工作。然而曼怡駁斥：「這不是真的，他長時間看著我，令我極度惶恐不安。」她還提供了證人來支持她的說法。

委員會其後安排了調解會議，雙方在會上同意解決投訴。王先生除了作出書面道歉外，還同意捐款給三間婦權組織，作為對曼怡的金錢賠償。他亦答應不會再性騷擾她。

法理依據

《性別歧視條例》訂明，性騷擾是違法的。性騷擾是指任何不受歡迎的涉及性的行為，而一名合理的人應預期此行為會令人感到受冒犯、侮辱或威嚇。不受歡迎的性要求（或在性方面獲取好處的要求），均屬性騷擾。作出性騷擾的人，可以是男性或女性，性騷擾有直接亦有間接，可在身體上或口頭上作出。

性騷擾往往影響員工的工作表現，令人深受壓力、喪失自信，甚至會逼使員工離職。

和解案例

通讯 2003 年 6 月 第 26 期

绝对不受欢迎

投诉内容

曼怡在一间制造公司任职 秘书四年。较早前，她向平等机会委员会投诉上司王先生对她性骚扰。她说：「我受够了！我已一再表明他的行为不受欢迎，我甚至向管理层投诉他的猥亵行为。高级经理也警告过他，但情况依然没有改善。」

曼怡指称，令她感到屈辱的事件在两年前起发生：「他经常以威吓的眼光盯着我，有一次甚至一面看着我的胸部，一面用手势向另一同事比画我的身材，我给他弄得快发疯了。」

「他用尽各种借口来亲近我、走过我身边时就触碰我、又抚摸我的手，甚至触摸我的身体。有一次，我不小心把传真机的墨溅到长裤上，他竟立刻走来，用布抹我的大腿。他甚至说要买一件薄睡衣送给我。虽然我严加拒绝，但他仍多番提出约会。」

平等机会的行动

委员会对投诉作出了调查。王先生坚持没有刻意触摸曼怡：「写字楼地方狭小，我们的工作关系又密切，所以在传递文件时，难 会有身体接触，例如相碰之类。」曼怡则清楚列出骚扰事件，并且提出反驳。王先生指，注视曼怡只是为了监察她的工作。然而曼怡驳斥：「这不是真的，他长时间看着我，令我极度惶恐不安。」她还提供了证人来支持她的说法。

委员会其后安排了调解会议，双方在会上同意解决投诉。王先生除了作出书面道歉外，还同意捐款给三间妇权组织，作为对曼怡的金钱赔偿。他亦答应不会再性骚扰她。

法理依据

《性别歧视条例》订明，性骚扰是违法的。性骚扰是指任何不受欢迎的涉及性的行为，而一名合理的人应预期此行为会令人感到受冒犯、侮辱或威吓。不受欢迎的性要求（或在性方面获取好处的要求），均属性骚扰。作出性骚扰的人，可以是男性或女性，性骚扰有直接亦有间接，可在身体上或口头上作出。

性骚扰往往影响员工的工作表现，令人深受压力、丧失自信，甚至会逼使员工离职。