

Conciliation Case

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The Sexual Harasser

THE COMPLAINT

Miss Chan had been teaching History and English in a secondary school since 2003. She enjoyed her work and had no problem in getting along with the students. However, she could never imagine that she would be sexually harassed by her student.

When I was on my way home, Tom, my student, suddenly came to me. He kept staring at me and made lewd sexual remarks about me. He even asked intrusive questions about my private life. I pretended to stay calm and asked him to go home. I always thought that the sexual harasser was a person who was in a position of authority. It is unbelievable that my student would do this to me.” Miss Chan reported the incident to the school and also turned to the Equal Opportunities Commission (EOC) for help.

WHAT THE EOC DID

As Tom has not yet reached the legal age of adult, the Commission decided to inform his parents about the complaint. Before starting the investigation, the parents, Tom and Miss Chan agreed to resolve the matter by early conciliation, which aimed to settle the case within a shorter period of time. Tom had written an apology letter stating he did not know that it was wrong to humiliate others and he regretted for what he had done. He would enrol in training courses to improve his interpersonal skills and cultivate empathy for others. Miss Chan accepted his apology as Tom had demonstrated strong determination to correct himself. The case was settled speedily and amicably.

WHAT THE LAW SAYS

Sexual harassment is often dismissed by those not suffering from it as just a bit of fun’. In fact, it is a form of sex discrimination and is against the law. Sexual harassment includes any unwanted and uninvited sexual behaviour which would make a reasonable person feel offended or intimidated.

It is worth noting that acts of sexual harassment may be done by any person to a man or a woman, and may be physical or verbal.

和解案例

通訊 2008 年 1 月 第 44 期

性騷擾者

投訴內容

陳小姐自 2003 年起一直在中學任教歷史及英文科。她喜歡這份工作，與學生相處融洽。可是，她從來沒想過自己竟會被學生性騷擾。

「在我回家途中，我的學生阿棠忽然向我走來，他盯著我，對我說了些與性有關的猥褻話，對我的私生活作出侵犯性的提問。我強裝冷靜地叫他回家。我一直以為，有權有勢的人才會做出性騷擾行為，真想不到自己的學生竟然性騷擾我。」陳小姐向學校報告事件，又向平等機會委員會求助。平機會的行動由於阿棠未成年，因此平機會決定把投訴告知其父母。在平機會展開調查前，陳小姐、阿棠及他的父母選擇提早調解，希望在短時間內解決問題。阿棠寫了一封道歉信，解釋自己不知道侮辱別人是錯的，並對自己所做的事感到懊悔。他會報名參加訓練課程，改善人際關係技巧，並培養對人的同理心。由於阿棠決心改過，陳小姐接受了他的道歉，個案在和好氣氛下迅速解決。

平機會的行動

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法理依據

對那些未曾身受其害的人而言，性騷擾可能被視為「玩玩而已」。但事實上，性騷擾是性別歧視的一種，亦是違法行為。性騷擾包括任何涉及性而令人厭惡及不受歡迎的行徑，一個合理的人會因這種行為而感到受冒犯或受威嚇。

值得注意的是，任何人都有可能對男性或女性做出行為上或口頭上的性騷擾行為。

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