

# **Sexual Harassment and Discrimination in Employment – Questionnaire Survey for Workers of Service Industries**

## **Summary of Survey Findings**

As an attempt to promote awareness of sexual harassment in the service industries, the Equal Opportunities Commission (EOC) has partnered with the Hong Kong Federation of Trade Unions (HKFTU) and Hong Kong Confederation of Trade Unions (HKCFU) to carry out a survey entitled “Sexual Harassment and Discrimination in Employment – Questionnaire Survey for Workers of Service Industries”.<sup>1</sup> A quantitative study was carried out from November 2013 to February 2014. Questionnaires were distributed to 6,000 workers of service industries (including workers in retails / catering / healthcare and nursing industries) via the HKFTU and HKCFU. A total of 472 completed questionnaires were returned, giving a response rate of about 8%. The major findings revealed that nearly one-fifth (19%) of the respondents have been sexually harassed in the last 12 months. Common harassers were colleagues of same rank as well as customers. Sexual harassment was mostly in the forms of non-verbal sex cues and oral/textual/electronic messages.

2. Furthermore, with the support of the Hong Kong Bar and Club Association, a qualitative case study on two women who worked separately in the bars was conducted on 12 March 2014. The interviewees indicated that there was no sexual harassment policy and relevant training in the bar and club industry. Both bar workers supported the amendment to the Sex Discrimination Ordinance (SDO) (Cap. 480) which would protect service providers (viz. workers in the bars and clubs, and beers promoting girls in restaurants) against sexual harassment by customers.

## **Background**

3. Sexual harassment remains a common occurrence in the workplace. In 2013, the EOC handled a total of 282 employment-related complaints under the SDO, of which 40% involved sexual harassment (112 cases). The proportion of employment-related sexual harassment complaints was higher than the corresponding figures in previous years (viz. 32% in 2010, 28% in 2011 and 37% in 2012).

4. Workers in the service industries often express being sexually harassed by customers as well as by other staff. Among those sexually harassed victims, workers in retails / catering / healthcare and nursing industries have long been regarded as the vulnerable groups. According to a local survey conducted by The Association for the Advancement of Feminism (AAF) on 203 female workers in 2011, about 30% of them had been sexually harassed in the workplace.<sup>2</sup> The AAF highlighted the allegation that workers in retails / catering / healthcare and nursing industries were vulnerable service providers who encountered sexual harassment by the customers.<sup>3</sup>

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<sup>1</sup> Workers of several service industries were invited for the questionnaire survey. Report on flight attendants was released to the public at a press conference held on 20 February 2014.

<sup>2</sup> The Association for the Advancement of Feminism, Legco Paper No. CB(2)1378/12-13(01).  
<http://www.legco.gov.hk/yr12-13/chinese/panels/ca/papers/ca0617cb2-1378-1-ec.pdf>

<sup>3</sup> China Daily Asia, Focus Hong Kong, 5 July 2013. *Speak no evil, see no evil*  
<http://epaper.chinadailyasia.com/focus-hk/article-357.html>

5. The consequences of sexual harassment can be costly to both employers and employees. Employers will face low staff morale, tarnished reputation and possible legal costs. Affected employees will face emotional stress, anxiety and even depression. Preventing and stopping sexual harassment in the workplace is an obligation for the employer under the SDO, under which employers can be held vicariously liable for sexual harassment even if they are unaware of such conduct. Therefore the management of business organizations should take all practicable and reasonable steps to prevent sexual harassment before it occurs.

6. The current SDO does not offer protection to employees in incidents where customers sexually harassed service providers. In a review of the SDO carried out by the EOC in 1999, the EOC proposed to make an amendment to section 40(1) of the SDO to protect providers of goods, services and facilities against sexual harassment by customers.<sup>4</sup> The present survey will help company management personnel realize the serious nature of the problem, with a view to urging the Government to amend the ordinance to offer comprehensive protection from sexual harassment to the service providers as soon as possible.

## **Key Findings**

### **Quantitative Study**

7. A minority of 72 respondents (17%) indicated that they were aware of a policy statement on sexual harassment in the company, whereas 226 respondents (52%) did not think so and 133 respondents (31%) had no idea about it (*Chart 1*). Such results indicated that a great majority of companies in the service industries in Hong Kong do not have a sexual harassment policy.

8. Regarding the content of the policy statement perceived by 68 respondents, the following items are commonly included: “A clear statement that sexual harassment will not be tolerated” (71%), “The company provides information on channels of lodging a complaint (including contact details of designated staff for handling complaints)” (53%), “The company states clearly how to deal with sexual harassment complaints” (43%), and “An assurance that no one will be penalised for coming forward with a complaint in good faith” (38%) (*Table 1*). These results seem to imply that once the company has formulated a policy statement, in order to provide necessary assistance to sexually harassed employees, quite a number of the employers (53%) are robust enough to give details of the designated staff who will handle the complaints lodged by victims. This contrasts with a previous survey on business sector that two-third of the companies did not provide such vital information so that affected staff were probably discouraged to raise a complaint.

9. Almost one-fifth (19%, 72 respondents) indicated that they have been sexually harassed in the past year whereas 6% of them have witnessed/ heard about complaints of sexual harassment in their profession (*Chart 2*). The common alleged harassers were colleagues of same rank (39%) and customers (28%). Sexual harassment was in the forms of non-verbal sex cues (81 counts), oral/textual/electronic messages (63 counts), physical sexual behaviours (49 counts) and hostile environment (26 counts) as shown in *Table 2*. Other alleged harassers are seniors (23%) and juniors (9%).

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<sup>4</sup> Equal Opportunities Commission's legislative amendment proposal related to the scope of protection against sexual harassment under the Sex Discrimination Ordinance (Cap. 480), LegCo Paper No. CB(2)658/07-08(01). <http://www.legco.gov.hk/yr12-13/english/panels/ca/papers/ca0617cb2-1324-4-e.pdf>

10. When the sexually harassed victims were asked of actions taken, 30% of the 69 respondents did nothing, whereas 70% took action (*Chart 3*). Of the 48 respondents who took action, they mostly mentioned it to colleagues/relatives (45%) or made a formal complaint to the company (38%), but rarely reported it to the police (10%), made enquiries/reported it to the EOC (3%), or took legal action (3%)(*Table 4*). The main reasons for the inaction included: “Did not think it could help” (42%), “Not aware of the complaint channels” (16%), “Did not want to worsen the situation or ruin the relationship” (13%), and “No spare time or energy to take action” (10%) as revealed in *Table 5*. Respectively, 6% of the victims indicated other reasons such as “Took it as the norm of the job”, “Considered that the procedure of complaint was complicated” and “Afraid of revenge”. A general reluctance to seek help still prevails in the working culture given that staff are conventionally filled with a negative or pessimistic feeling of “Did not think it could help” or not aware that sexual harassment might involve criminal liability in some cases.

11. For the 49 respondents who witnessed or heard about cases of sexual harassment in the profession in the past year, 61% took action whereas 39% did not (*Chart 4*). When asked what action they took, most of them mentioned the incidents to colleagues/relatives (52%), encouraged the victim to take action and offered himself/herself as a witness (26%), and made a complaint to the related company on behalf of the victim and offered himself/herself as a witness (16%) (*Table 6*).

12. It is important to note that 90% of the respondents had not received any training courses on anti-sexual harassment, while only 10% were trained (*Chart 5*). When respondents were probed for experiences of encountering other types of discrimination and harassment in the past year, they mainly had experienced age discrimination (17%), discrimination against new immigrants (12%) and sex discrimination (11%). The other types constituted lower than 10%. (see *Table 7*)

13. Among the respondents, 74% were females while 26% were males (*Chart 6*). One-fifth of the male respondents have been sexually harassed in the past year, while 18% of the females have also been sexually harassed (*Chart 7*). As both males and females have encountered sexual harassment, all victims regardless of genders should be encouraged to voice out boldly against sexual harassers.

14. Most of the respondents fall within the age groups of 31-40 (18%), 41-50 (30%) and 51-60 (33%) (see *Chart 8*). Among these three age groups, the rates of encountering sexual harassment are in the range of 20%-23% (*Chart 9*). It seems that by being a senior does not exempt one from being sexually harassed by colleagues and customers. In addition, there is a misconception that telling unwelcome dirty jokes related to sex to peers is not regarded as sexual harassment.

15. A majority (68%) of the respondents have regular contact with customers in the workplace, whereas 32% did not (*Chart 10*). The more contact they have with customers, the more likely they are to encounter sexual harassment (21% vs 13%) (*Chart 11*).

16. Most respondents have served in the company for less than 6 years (36%) or in the range of 6-10 years (29%) (*Chart 12*). Apparently as shown in *Chart 13*, a U-shaped pattern was found that more proportions of employees experienced sexual harassment when they served less than 6 years (26%), 16-20 years (24%) or more than 20 years (22%), but relatively fewer proportions of employees of working experiences with service period between 6-10 years (13%) or 11-15 years (12%) had been sexually harassed. As for the entrant workers, they probably serve as juniors who are targets of sexual harassment in the service industries. On the other hand, the longer the

employees are in the service industries, the more they accept or adapt to the unique social setting of the industries.<sup>5</sup>

17. It showed significantly higher occurrence of sexual harassment in the industries of community/social/personal services (25%) and caring services (22%) (*Chart 15*). They are mostly front-line workers who have frequent contact with customers as well as those working closely with other colleagues. In this connection, it is most probably that they will encounter sexual harassment in the workplace.

18. There is no significant difference in the occurrence of sexual harassment among employees with respect to company size (19% vs 20%), which indicates that sexual harassment is prevalent in service industries regardless of the size of the company (*Chart 17*).

### **Qualitative Case Study**

19. Two women separately working in the bars were interviewed on 12 March 2014. They revealed that there was generally no sexual harassment policy and relevant training in the bar and club industry. Regardless of genders, bar workers encountered sexual harassment mainly from customers, in the forms of speaking teasing words related to sex (e.g., sexual comments or jokes about the victim's look, body, or private life which make him/her feel uncomfortable) as well as physical sexual behaviours such as patting, touching and holding around the waist. In response, the victims told the harassers to stop immediately, reported it to their senior colleagues, complained to the company and/or quitted the job. Their seniors were supportive that they transferred the victims to serve other customers so that they could avoid facing the harassers again. Unanimously, both bar workers anticipated that an amendment to the SDO would protect service providers (viz. workers in the bars and clubs, and beers promoting girls in restaurants) against sexual harassment by customers.

### **Limitations**

20. The present quantitative questionnaire survey has a fairly low response rate. Overseas studies on sexual harassment in the workplace also reported low response rate which might have been due to the sensitivity of the issue and the large pool base of target respondents. In this regard, caution has to be taken in interpreting the present survey data. It is worth noting that one should not interpret the results as representative nor generalize the findings to the entire population of workers in the service industries in Hong Kong.

### **Recommendations**

21. The findings indicated that 19% of workers of service industries were sexually harassed (2 cases per victim), while 6% witnessed or heard about colleagues having encountered sexual harassment in the past year. The most common harassers were colleagues of same rank and customers. Non-verbal sex cues were noted as the most common form of harassment. The other forms of harassment in descending order were oral/textual/electronic messages, physical sexual

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<sup>5</sup> Jennifer Siou Leng Leong (2000). The Mindset of Hong Kong Restaurant Employees on Sexual Harassment at Work. <http://www.hotel-online.com/Trends/ChiangMaiJun00/HKRestaurantHarassment.html>

behaviours and hostile environment. Apart from sexual harassment by colleagues, these results show that quite a number of employees in the service sector have been sexually harassed by customers in their work setting.

22. In particular, workers in the bar and club industry encountered sexual harassment mostly from the customers. Therefore, it is recommended that the HKSAR Government should table the amendment of the SDO to the Legislative Council in order to provide protection to service providers against sexual harassment by customers as soon as possible.

23. To redress sexual harassment effectively in the workplace, employers should develop and implement a policy statement on sexual harassment. It is somewhat disturbing to note that 83% of the respondents either did not perceive or were not aware of a policy statement in the company. This is also reflected by the fact that 90% of the employees have not received any training courses on anti-sexual harassment.

24. In the qualitative study, it showed that there was generally no sexual harassment policy and relevant training in the bar and club industry. Given the serious nature of sexual harassment, it makes sense for company management boards to embrace a sexual harassment policy and provide relevant training for all employees. Sufficient information on anti-sexual harassment should be provided to all staff at a regular interval and a policy of zero-tolerance has to be implemented.

25. When the sexually harassed victims were asked of actions taken, 30% of them did nothing because they held negative perceptions such as “Did not think it could help”, “Not aware of the complaint channels”, “Did not want to worsen the situation or ruin the relationship” and “No spare time or energy to take action”.

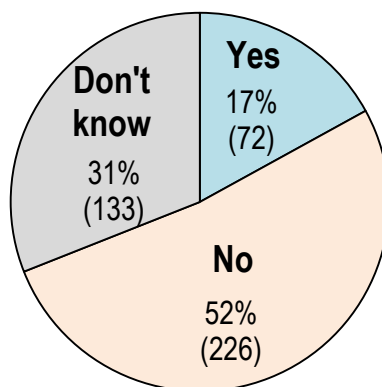
26. Of those who took action, nearly half (45%) mentioned it to colleagues/relatives. To combat the feelings of fear and helplessness, a strong corporate culture of protecting employees from sexual harassment should be promoted. All employees should be re-assured that sexual harassment is not tolerated and that employees should not feel embarrassed and intimidated for reporting being sexually harassed. The company must state openly that employees would definitely not be penalised after lodging a formal complaint of sexual harassment. All companies have the responsibility to ensure that the work place is healthy and safe.

27. Workers will be particularly vulnerable to sexual harassment at work in precarious employment arrangements such as part-time or non-permanent jobs which appear as a fairly common practice in the service sector. This vulnerability may occur as these casual workers possess less power and fewer protections in the workplace, and are less likely to report harassment given the instability of their jobs. To tackle with this problem, employers are encouraged to provide sufficient and appropriate training for these particular groups. The EOC intends to join hands with relevant stakeholders or trade unions to provide anti-sexual harassment training for workers in the service sector.

## Tables and Charts

### Chart 1

In the past 12 months, is there a policy statement on sexual harassment in your company? (N=431)



### Table 1

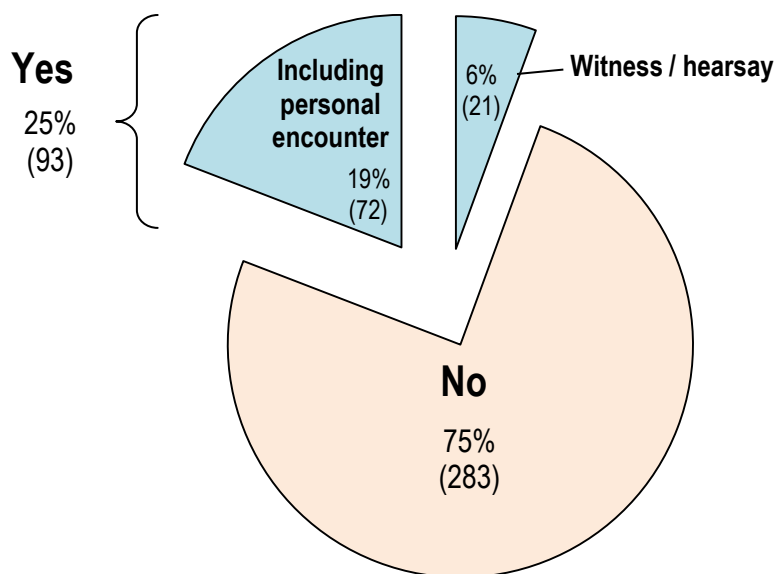
If yes, its content includes: [Can choose more than one answer] (N=68)

Item	n	%
A clear statement that sexual harassment will not be tolerated.	48	71
Your company provides information on channels of lodging a complaint (including contact details of designated staff for handling complaints).	36	53
Your company states clearly how to deal with sexual harassment complaints.	29	43
An assurance that no one will be penalised for coming forward with a complaint.	26	38

## Chart 2

Any complaints of sexual harassment in the workplace in the past 12 months? (N=376)

[Can choose more than one answer]



## Table 2

If you have personally encountered or heard about / witnessed cases of sexual harassment in your profession in the past 12 months, please indicate the categories of the harassers and the nature of sexual harassment.

[Can choose more than one answer]

Nature of sexual harassment	Subtotal (No. of counts)	Alleged harassers (No. of counts)			
		Colleagues of same rank	Customers	Seniors	Juniors
Non-verbal sex cues (e.g. looking someone up and down in a sexual way)	81	29	28	16	8
Oral / textual / electronic messages (e.g. unwelcome dirty jokes related to sex, electronic requests for sexual favours)	63	31	12	15	5
Physical (e.g. pulling someone's clothing or inappropriate touching [e.g. patting, touching, kissing or pinching])	49	18	13	14	4
Hostile environment (e.g. showing sexually obscene or suggestive photographs on mobile phones)	26	8	9	6	3
<b>Total</b>	<b>219 (99%)*</b>	<b>86 (39%)</b>	<b>62 (28%)</b>	<b>51 (23%)</b>	<b>20 (9%)</b>

\* Rounded percentages may not add up to exactly 100%.

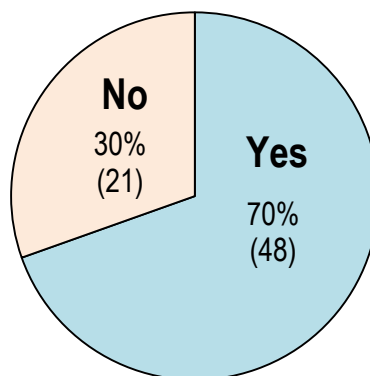
**Table 3**

If you have personally encountered or heard about / witnessed cases of sexual harassment in your profession in the past 12 months, please indicate the number of cases. [Can choose more than one answer]

Nature of sexual harassment	Averaged number of cases per victim
Hostile environment (e.g. showing sexually obscene or suggestive photographs on mobile phones)	5.5
Physical (e.g. pulling someone's clothing or inappropriate touching [e.g. patting, touching, kissing or pinching])	1.6
Non-verbal sex cues (e.g. looking someone up and down in a sexual way)	1.5
Oral / textual / electronic messages (e.g. unwelcome dirty jokes related to sex, electronic requests for sexual favours)	1.5
<b>Total</b>	<b>2.0</b>

**Chart 3 – Personal Encountered Sexual Harassment**

If you have encountered sexual harassment in your profession in the past 12 months, did you take any action? (N= 69)





### **Table 4 – Personal Encountered Sexual Harassment**

If you have encountered sexual harassment in your profession in the past 12 months, what action did you take?  
[Can choose more than one answer]

<b>Item</b>	<b>n</b>	<b>% (N=58)</b>
I mentioned it to my colleagues / relatives.	26	45
I made a complaint to the company.	22	38
I reported it to the police.	6	10
I made enquiries/reported it to the EOC.	2	3
I took legal action.	2	3
<b>Total</b>	<b>58</b>	<b>99*</b>

\* Rounded percentages may not add up to exactly 100%.

### **Table 5 – Personal Encountered Sexual Harassment**

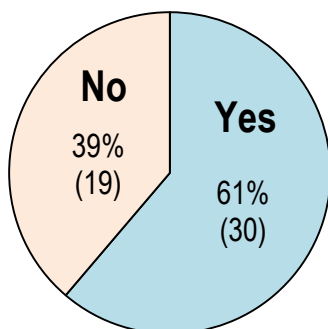
If you have encountered sexual harassment in your profession in the past 12 months but took no action, what was/were the underlying reason(s)? [Can choose more than one answer]

<b>Item</b>	<b>n</b>	<b>% (N=31)</b>
Did not think it could help	13	42
Not aware of the complaint channels	5	16
Did not want to worsen the situation or ruin the relationship	4	13
No spare time or energy to take action	3	10
Considered that the procedure of complaint was complicated	2	6
Took it as the norm of the job	2	6
Afraid of revenge	2	6
I resigned after the incident	0	0
<b>Total</b>	<b>31</b>	<b>99*</b>

\* Rounded percentages may not add up to exactly 100%.

### **Chart 4 – Witness / Hearsay about Sexual Harassment**

If you have witnessed / heard about cases of sexual harassment in your profession in the past 12 months, did you take any action? (N = 49)



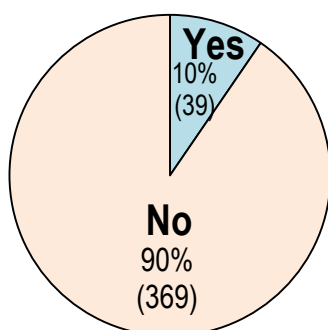
### **Table 6 – Witness / Hearsay about Sexual Harassment**

If you have witnessed / heard about cases of sexual harassment in your profession in the past 12 months, what action did you take? [Can choose more than one answer]

Item	n	% (N=31)
I mentioned the cases to my colleagues / relatives.	16	52
I encouraged the victim to take action and offered myself as a witness.	8	26
I made a complaint to the related company on behalf of the victim, and offered myself as a witness.	5	16
I reported it to the police on behalf of the victim, and offered myself as a witness.	1	3
I took legal action on behalf of the victim, and offered myself as a witness.	1	3
I made enquiries/reported it to the EOC on behalf of the victim, and offered myself as a witness.	0	0
<b>Total</b>	<b>31</b>	<b>100</b>

## Chart 5

Have you ever taken any training courses on anti-sexual harassment? (N=408)



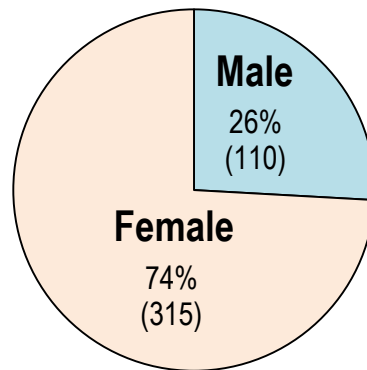
## Table 7

Have you encountered the following discrimination and harassment in your profession in the past 12 months?  
[Can choose more than one answer]

Item	n	% (N=437)
Age discrimination (i.e. treating people less favourably on the basis of their age)	74	17
Discrimination against new immigrants (i.e. treating people less favourably on the basis of their newly settling as Hong Kong residents)	53	12
Sex discrimination (e.g., only recruit / promote employees of a particular sex)	50	11
Marital status discrimination (e.g., prefer to employ singles / the married)	32	7
Family status discrimination (e.g. a woman is transferred to a less favourable job after childbirth because the employer thinks that a woman with an infant will not be able to travel)	31	7
Racial Discrimination (i.e. treating people less favourably on the basis of their race)	30	7
Racial harassment (e.g., engaging in name calling, which people of certain racial groups may find offensive or impolite)	29	7
Pregnancy discrimination (i.e. treating a woman less favourably because of her pregnancy)	27	6
Disability discrimination (e.g., treating a person with a disability less favourably than another person without that disability)	27	6
Disability harassment (e.g., name calling and mimicking gesture of people with a disability)	26	6
Racial vilification (e.g., an activity in public which incites hatred, serious contempt for, or severe ridicule of a person because of his/her race)	28	6
Disability vilification (e.g., an activity in public which incites hatred towards, serious contempt for, or severe ridicule of people with a disability)	15	4
Sexual orientation discrimination (i.e. treating people less favourably on the basis of their sexual orientation)	15	4
<b>Total</b>	<b>437</b>	<b>100</b>

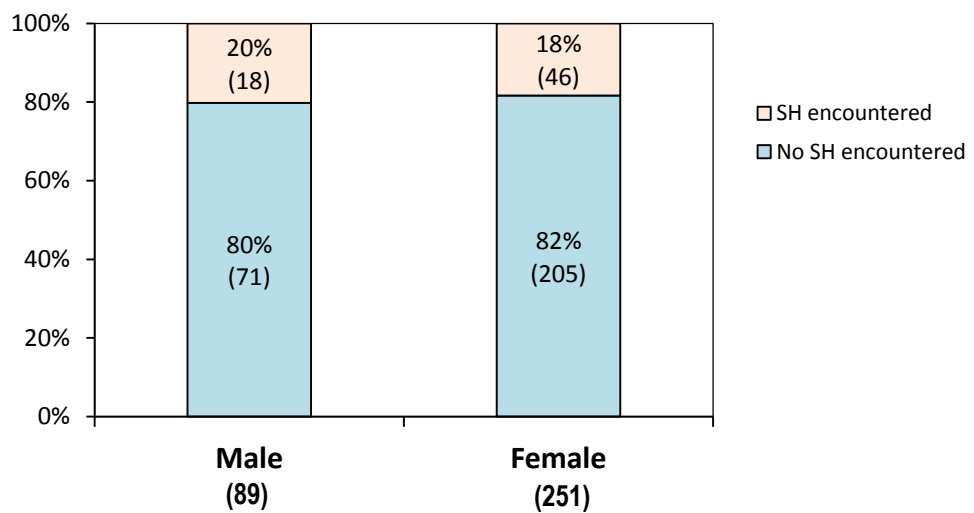
### Chart 6

Your gender (N=425)



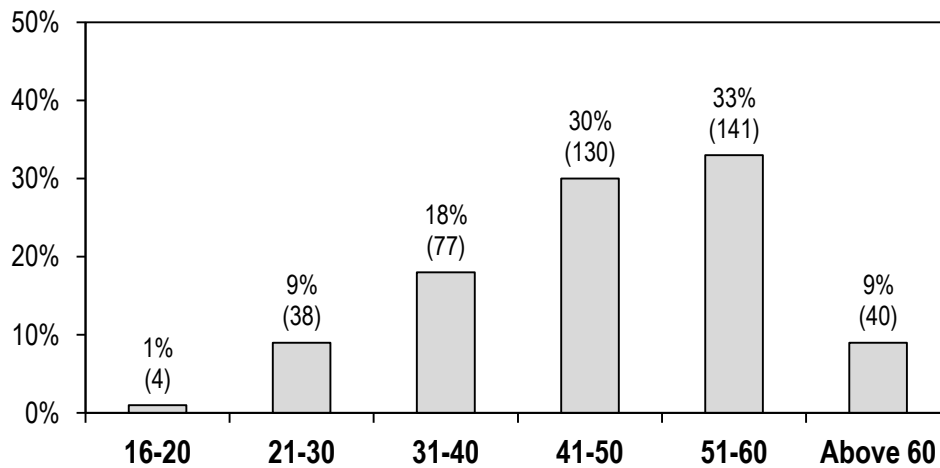
### Chart 7

Gender and sexual harassment personally encountered (N=340)



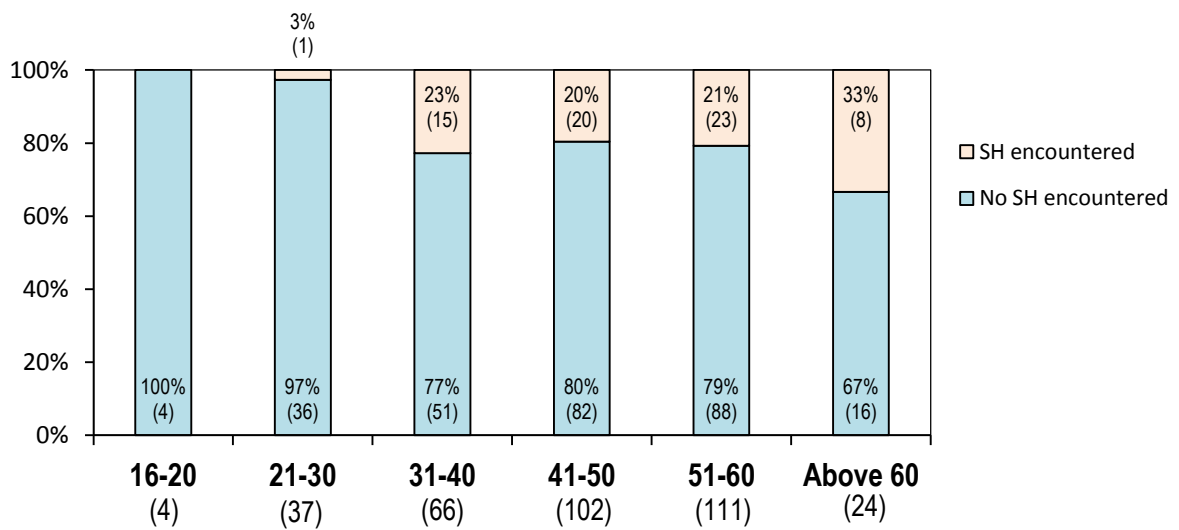
### Chart 8

Your age (N=430)



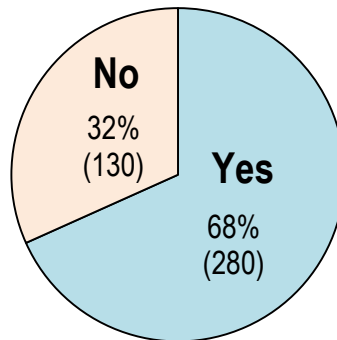
### Chart 9

Age and sexual harassment personally encountered (N=344)



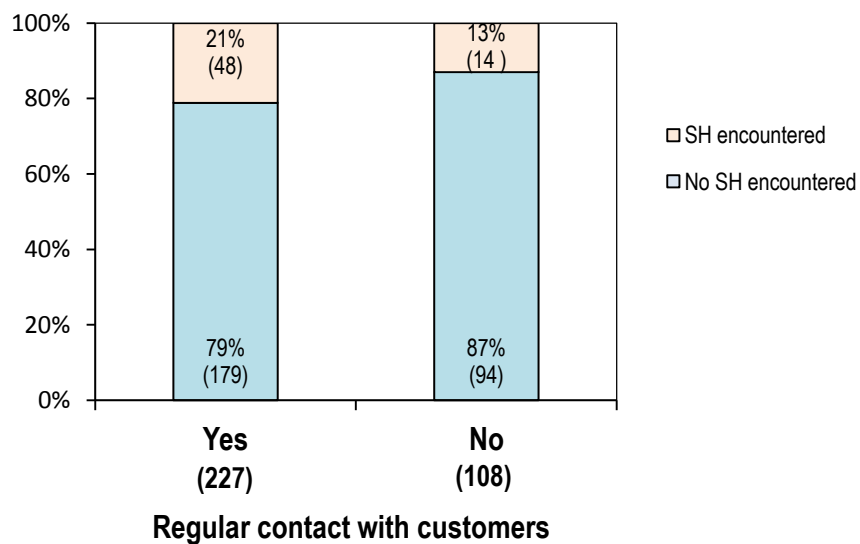
### **Chart 10**

Do you regularly contact customers in the company? (N=410)



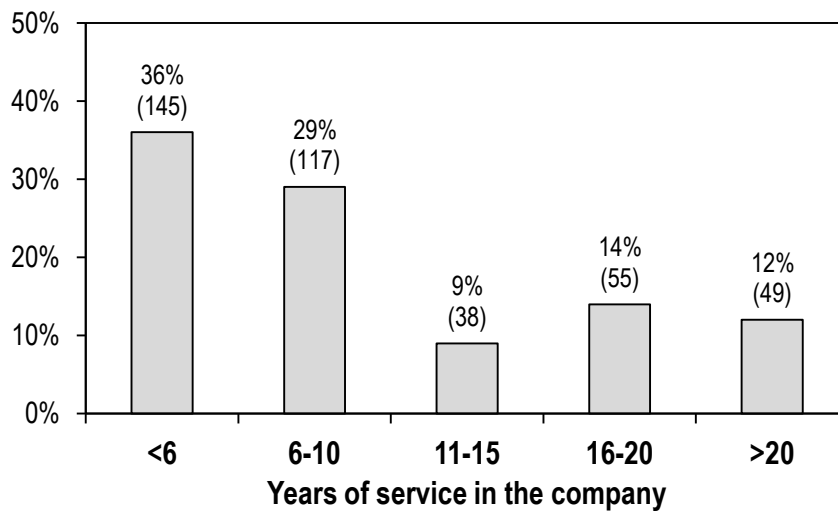
### **Chart 11**

Regular contact with customers and sexual harassment personally encountered (N=335)



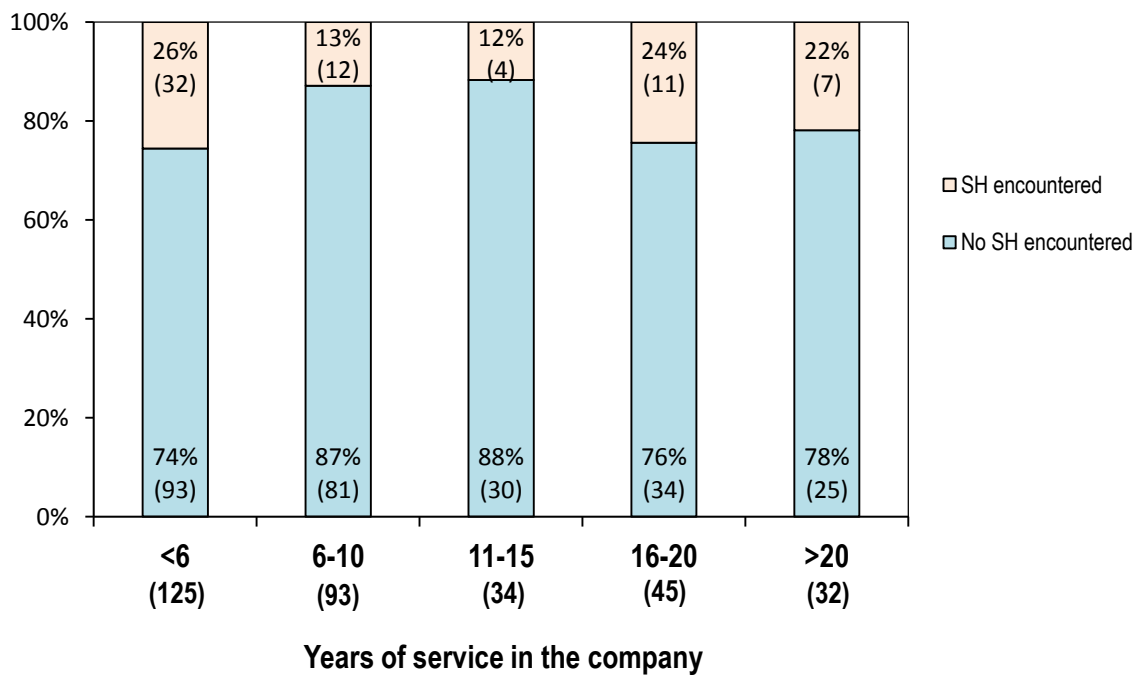
### **Chart 12**

Years of service in the company (N=404)



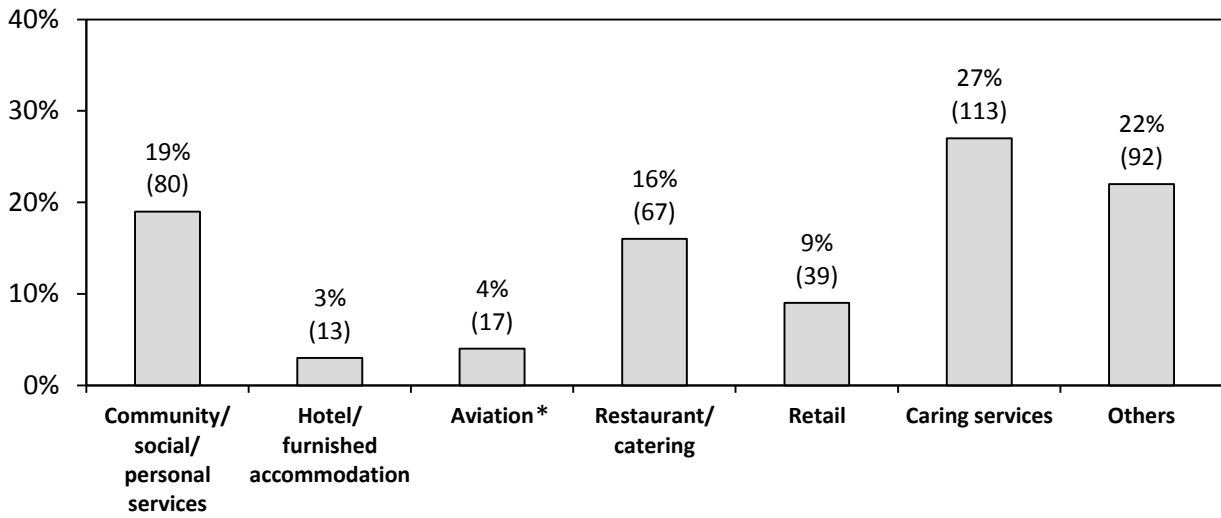
### **Chart 13**

Years of service in the company and sexual harassment personally encountered (N=329)



### Chart 14

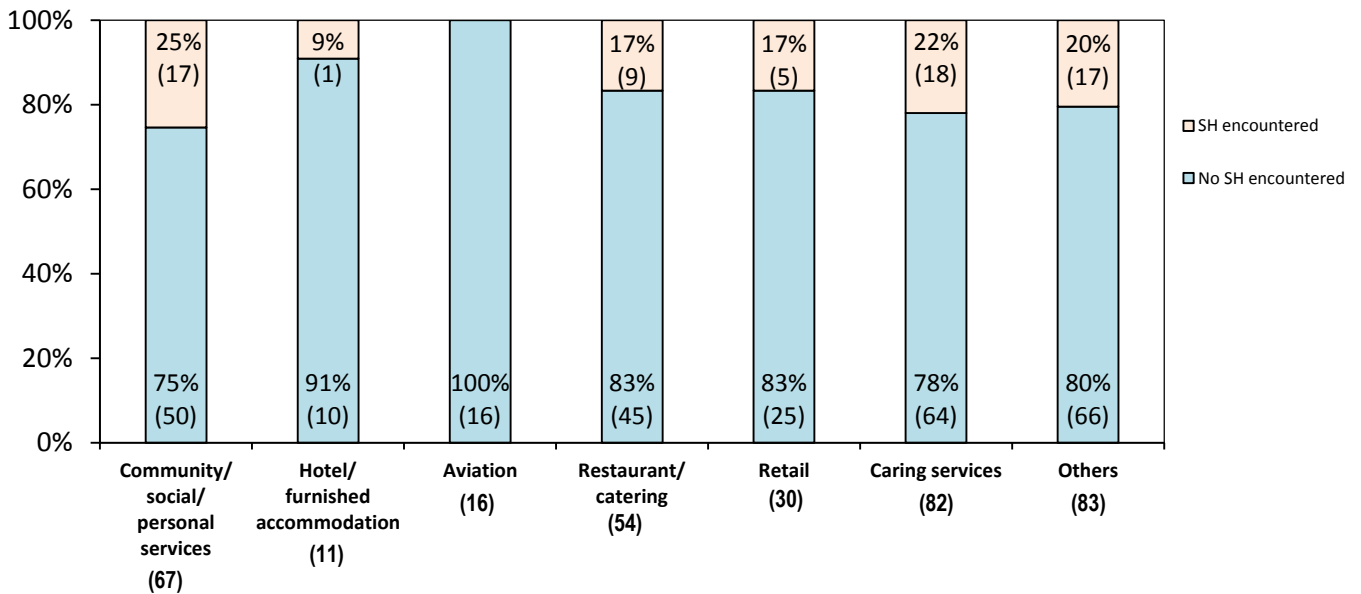
Company's main business activity (N=421)



Note: \* It does not mean that the employees are flight attendants.

### Chart 15

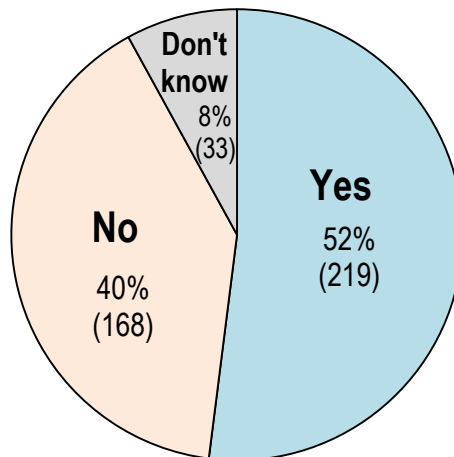
Company's main business activity and sexual harassment personally encountered (N=343)





### Chart 16

Does the company you are working with belong to a chain enterprise / employ more than 100 staff? (N=420)



### Chart 17

Company's size and sexual harassment personally encountered (N=317)

