

Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020

What is the Ordinance about?

The Ordinance made amendments to the existing four anti-discrimination Ordinances, namely the Sex Discrimination Ordinance (SDO), Disability Discrimination Ordinance (DDO), Family Status Discrimination Ordinance (FSDO) and Race Discrimination Ordinance (RDO), to enhance protection from discrimination and harassment under the Ordinances.

When did the Ordinance come into effect?

The Ordinance came into effect on the day of gazettal on **19 June 2020**, with the exception of the provisions on breastfeeding, which will come into effect 12 months after gazettal, that is, 19 June 2021.

What are the amendments under the Ordinance?

The amendments improve the protection from sex, disability and racial discrimination, as well as sexual harassment, and harassment on the grounds of disability and race in various respects, as listed below.



Protecting breastfeeding women from direct and indirect discrimination, as well as victimisation in the sectors of employment; the provision of goods, facilities and services; education; management and disposal of premises; clubs; and the functions of Government under the SDO.

The provisions on breastfeeding discrimination cover situations where:

- A woman is engaging in an act of breastfeeding a child;
- A woman is engaging in an act of expressing breast milk; and
- A woman who feeds a child with her breast milk, but is not doing so at the time the relevant act of discrimination is committed.



Protecting workplace participants from sexual, disability and racial harassment in common workplace where there is no employment relationships, such as consignment workers, volunteers and interns, under the SDO, DDO and RDO.

A volunteer – a person who performs volunteer work other than in the capacity of an employer or employee.

An intern – a person who is engaged by another person for an internship but is not an employee of that other person.

An “internship” is defined as a period of work the completion of which is required for attaining a professional or academic qualification and includes a pupillage; or any other period of work that is usually described as an internship.



Protecting service providers from disability and racial harassment by customers, including where such acts occur on board Hong Kong-registered aircraft and ships, even when they are overseas, under the DDO and RDO.

(Note: This is an added protection on top of the original protection provided. Under the SDO, DDO and RDO, there has always been protection from sexual, disability and racial harassment of customers by providers of goods, facilities and services. In 2014, the SDO was further amended to provide protection for providers of goods, facilities and services from sexual harassment by customers, even when the acts occur on board Hong Kong-registered aircraft and ships overseas.)



Protecting the public from direct and indirect racial discrimination and racial harassment by imputation under the RDO, that is, a person being imputed to be of a particular race or a member of a particular racial group.



Protecting a person from direct racial discrimination or racial harassment under the RDO, where they are less favourably treated or racially harassed on grounds of the race of an associate.

Associate – includes a spouse of a person; another person who is living with the person on a genuine domestic basis; a relative of the person; a carer of the person; or another person who is in a business, sporting or recreational relationship with the person.

Carer – includes the Director of Social Welfare, any authorised officer of the Social Welfare Department; and any person specified in Schedule 6 of the RDO.



Protecting members and prospective members of clubs from sexual and disability harassment by clubs or management of the clubs under the SDO and DDO.



Repealing requirements of an intention to discriminate as a precondition to awarding damages in court proceedings for acts of indirect discrimination under the SDO, FSDO and RDO.

How can I find out more about the amendments under the Ordinance?

The full content of the Ordinance can be found at:

<https://www.gld.gov.hk/egazette/pdf/20202425/es1202024258.pdf>

The Equal Opportunities Commission (EOC) has also produced a series of Guidance on the amendments, which are available at the EOC website www.eoc.org.hk.

How can I lodge a complaint with the EOC?

Anyone who feels that he/she has been discriminated against, harassed or vilified as specified in the four anti-discrimination Ordinances may lodge a complaint **in writing** to the EOC and submit the complaint to the EOC through one of the following channels:



Letter by Mail



[Online form on the EOC website](#)



Fax



In person at the EOC office



Telephone (for enquiries only)



SMS service (For enquiries by people with hearing impairment/speech difficulties)

Enquiry related to anti-discrimination ordinances: [On-line Enquiry Form](#)

Complaint related to anti-discrimination ordinances: [On-line Complaint Form](#)

Enquiry and complaint related to EOC's services: [On-line Form](#)

Contact the EOC

Tel: (852) 2511 8211 (for general enquiries only)

Fax: (852) 2511 8142

Address: 16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong.

Email: eoc@eoc.org.hk (for general enquiries only)

SMS service: 6972566616538 (For enquiries by people with hearing impairment/speech difficulties)

(For enquiries and complaints about discrimination under the anti-discrimination Ordinances, please make use of the above online forms.)

Equal Opportunities Commission

July 2020

Note: This leaflet is for reference only and should not be taken as a substitute for legal advice.