

6 Unlawful Acts under the RDO

6.1 Types of discrimination under the RDO

The RDO defines different types of discrimination. They are:-

6.1.1 Racial discrimination

Racial discrimination occurs in the following situations under the RDO⁷⁴:-

(1) Direct discrimination

Direct discrimination occurs when person A treats person B (belonging to one racial group) less favourably than person C (belonging to a different racial group) on the ground of person B's race, when person B and person C are in same or materially similar situation⁷⁵.

Illustration 7:-

A person of Pakistani origin who speaks fluent Cantonese and has adopted a Chinese name applies by telephone for the job of a sales person and is invited for an interview. But, because his appearance indicates that he is of Pakistani origin, when he turns up to the interview he is falsely told that someone else has already been hired and the interview is declined. This is less favourable treatment on the ground of race if another job seeker not of Pakistani origin would not have been declined.

Illustration 8:-

A manager of Chinese origin is treated less favourably on the ground of race (directly discriminated against), if a manager of English origin is paid a higher amount of salary than the manager of Chinese origin on the ground of their difference in origin, when they are both in the same or materially similar employment

⁷⁴ RDO section 4(1)

⁷⁵ RDO section 4(1)(a) and section 8(5)

situation (such as they both do the same job and have similar experience and their performance are both good).

The following points should be noted:-

- (a) RDO section 9 provides that if an act is done for more than one reason and one of the reasons is the race of a person (whether or not it is the dominant or substantial reason), then it is taken to be done for the reason of the race of the person;
- (b) RDO section 4(3) provides that segregation of a person on the ground of his or her race from other persons is direct discrimination; for example, segregation occurs if employees of non-Chinese origins are required to have their meals in a separate part of the staff canteen from employees of Chinese origin;
- (c) A person's command of a language, including the accent, can be related to his or her race⁷⁶, and employers should ensure that employees and workers are not treated less favourably because of their accent or language.

(2) Indirect discrimination

Indirect discrimination occurs when a person applies an apparently non-discriminatory requirement or condition to everyone of all racial groups⁷⁷, but:-

- (a) Only a considerably smaller proportion of people from a particular racial group can meet the requirement or condition than the proportion of people not from that racial group;
- (b) The person applying the requirement or condition cannot show the requirement or condition to be justified on non-racial grounds;
- (c) The requirement or condition is to the detriment of a person

⁷⁶ Policy and Guidelines on Racism and Racial Discrimination, paragraph 3.6, Ontario Human Rights Commission, Canada, 2005

⁷⁷ RDO section 4(1)(b)

of that particular racial group because he or she cannot meet it.

Illustration 9:-

A blanket ban on beards for health and safety reasons in a food packaging factory is a requirement or condition that indirectly discriminates ethnic groups such as the Sikhs (who by their custom have to keep a beard), when compared to other racial groups, if information shows that the blanket ban is not justifiable, for example, because face masks could be used satisfactorily to meet health and safety standards⁷⁸.

The following points should be noted:-

- (i) Preferences and factors to be taken into account (as opposed to an absolute requirement or condition for achieving an objective) are not within the meaning of requirement or condition under the RDO⁷⁹.
- (ii) A requirement or condition cannot be met if a person cannot meet it consistently with the customs and cultural conditions of his or her racial group⁸⁰.
- (iii) RDO section 4(2) provides that a requirement or condition is justifiable if it serves a legitimate objective and bears a rational and proportionate connection to the objective.
- (iv) Reference case law indicates that requirement or conditions in relation to work times and appearance can lead to claims of indirect discrimination. To determine whether a requirement or condition is justifiable, each case has to be examined on its own merits, considering any discriminatory effects against any significant degree of increased cost, decreased efficiency, or serious safety problem in accommodating individuals from particular racial groups⁸¹.

⁷⁸ UK Code of Practice on Racial Equality in Employment, p.20, Example B; and *Mandla v Dowell Lee* [1983] ICR 385

⁷⁹ *Perera v Civil Service Commission* [1983] IRLR 166

⁸⁰ *Mandla v Dowell Lee* [1983] ICR 385

⁸¹ *Osborne v Inco Ltd* [1985] 15 DLR (4th) 723

Illustration 10:-

A blanket ban on beards in a food packaging factory in Illustration 10 above is justifiable if information shows that face masks could not satisfactorily meet health and safety standards⁸².

Illustration 11:-

An employer who decides not to accommodate Jewish employees (who have to observe Sabbath and cannot work on Saturdays) but requires them to work on Saturdays is able to justify this requirement with information showing that accommodation would lead to a significant degree of increased safety risk, increased cost and decreased efficiency⁸³.

Illustration 12:-

A requirement to wear protective headgear in a repair workshop, even if indirectly discriminatory for Sikhs (who by their custom have to wear a turban), is justifiable given information on the risk of injury, and the possibility of liability on the employers, and that the requirement would be more difficult to enforce if an exception is made for one person⁸⁴.

- (v) Reference case law also indicates that requirement or condition in relation to academic or language standard can lead to claims of indirect discrimination. Employers must be able to justify any such requirement or condition by showing that it is relevant to and not more demanding than what is required for doing the job.

Illustration 13:-

For a job as a clerical officer or clerical assistant in a government department in the UK, successful applicants would be required to deal with inquiries from the public in person and by telephone. An ability to understand and communicate in English was a prime requirement, and a requirement that candidates must possess an English Language "O" Level or

⁸² *Panesar v The Nestle Co Ltd* [1980] IRLR 60

⁸³ *Osborne v Inco Ltd* [1985] 15 DLR (4th) 723

⁸⁴ *Singh v British Rail Engineering Ltd* [1986] ICR 22

equivalent was overall fair and not arbitrary⁸⁵. Such a requirement is justified on grounds unconnected with race because it bears a rational and proportionate connection to the objective of communication in English which is legitimate and required for the job.

6.1.2 Discrimination on the ground of near relative's race

Discrimination on the ground of the race of a near relative happens when person A treats person B less favourably than other people on the ground of person B's near relative's race⁸⁶. A near relative means a person's spouse, parent or child (including born out of wedlock, adopted or step child), grandparent or grandchild, sibling and in-laws⁸⁷.

Illustration 14:-

A manager is discriminated against on the ground of his near relative's race when he applies for promotion to the post of director but is declined because the company considered he and his wife are not suitable for company social functions on the ground that his wife is of Indonesian origin, and another manager whose wife is not of Indonesian origin is appointed.

6.1.3 Discrimination by way of victimization

Discrimination by way of victimization happens if person A treats person B less favourably than other people by reason that person B or a third person has done or intends to do, or is suspected to have done or to intend to do, the following⁸⁸:-

- (1) Bring proceedings under the RDO;
- (2) Give information or evidence in connection with proceedings under the RDO;
- (3) Otherwise do anything under or by reference to the RDO;

⁸⁵ *Raval v Department of Health and Social Security* [1985] ICR 685

⁸⁶ RDO section 5

⁸⁷ RDO section 2

⁸⁸ RDO section 6

(4) Allege that someone has contravened the RDO.

Illustration 15:-

A manager of Nepalese origin is discriminated against by way of victimization if he complains that he was paid less annual bonus than another manager of Chinese origin on the ground of race, and the company dismisses him by reason that he makes this complaint.

6.2 When discrimination is unlawful in employment

6.2.1 Employers may not discriminate against job applicants in the ways described in paragraph 6.1.1 – 6.1.3 above of the Code (p.40 - 45)⁸⁹:-

- (1) In the arrangement for determining who should be offered employment (for example, an employer may not refuse to interview a job applicant on the ground that the name, appearance or accent of the job applicant indicates that he or she is of Pakistani origin);
- (2) In the terms on which the employment is offered (for example, an employer may not offer a lower starting salary for the same post to applicants of Chinese origin than applicants of Japanese origin, on the ground of the difference in origin);
- (3) By refusing, or deliberately omitting to offer employment (for example, an employer may not refuse to offer employment to a job applicant on the ground that he or she is of Indian origin).

6.2.2 Employers must not discriminate against employees and workers in the ways described above paragraph 6.1.1 – 6.1.3 above of the Code (p.40 - 45)⁹⁰:-

- (1) In the terms of employment (for example, for the same job doing the same work for the same pay, the employer may not on the ground of race require a employee of Nepalese origin to work longer hours than an employee of Chinese origin);
- (2) In the access to opportunities for promotion, transfer or training, or

⁸⁹ RDO section 10(1); and see paragraph 6.7 of the Code (p.49) for acts allowed under the RDO

⁹⁰ RDO section 10(2); and see paragraph 6.7 of the Code (p.49) for acts allowed under the RDO

- to any other benefits, facilities or services, or refusing or deliberately omitting to afford access to these things (for example, an employer may not give priority for promotion to employees of Chinese origin over employees of other origins on the ground of the difference in origin);
- (3) By dismissing the employee or subjecting him to any other detriment (for example, in a downsizing exercise, an employer may not use race as a factor and select employees of Chinese origin for redundancy first and employees of English origin last);
 - (4) In arrangements relating to death or retirement⁹¹;
 - (5) Reference case law indicates that an employee who is forced to resign because he or she is discriminated against on the ground of race by the employer is treated as having been dismissed on the ground of race by the employer⁹²;
 - (6) Reference case law also indicates that employers may not discriminate against former employees in the ways described in paragraph 6.1.1 – 6.1.3 of the Code (p.40 - 45) in relation to internal appeal process or reference letters after termination⁹³.

6.3 Unlawful racial harassment

6.3.1 The RDO makes it unlawful for:-

- (1) An employer to harass on the ground of race a job applicant or an employee⁹⁴;
- (2) An employee to harass on the ground of race a job applicant or another employee of his or her employer⁹⁵;
- (3) A principal to harass on the ground of race a contract worker⁹⁶;

⁹¹ RDO section 10(4) and (5)

⁹² *Chang Ying Kwan v Wyeth (HK) Ltd* [2001] HKC 129, a case of pregnancy discrimination resulting in resignation which has reference value to the application of the RDO

⁹³ *Rhys-Harper v Relaxion Group* [2003] IRLR 484

⁹⁴ RDO section 24(1) and (2)

⁹⁵ RDO section 24(3)

⁹⁶ RDO section 24(4)

- (4) A contract worker to harass on the ground of race another contract worker⁹⁷;
- (5) A partner of a partnership firm to harass on the ground of race another partner or a person applying to be a partner⁹⁸;
- (6) A principal to harass on the ground of race a commission agent⁹⁹;
- (7) A commission agent to harass on the ground of race a fellow commission agent¹⁰⁰;
- (8) A job applicant or an employee to harass on the ground of race his or her employer¹⁰¹;
- (9) Person A to harass person B on the ground of race, if person A lives in a place where person B is employed by a third person to work¹⁰², for example, a lodger harasses a domestic helper employed by the landlord to work in the place the lodger lives;
- (10) Providers of vocational training to harass on the ground of race people who want to be trained or are being trained¹⁰³;
- (11) Employment agencies or their staff to harass on the ground of race people who want to be provided with their services¹⁰⁴.

6.3.2 Harassment on the ground of race occurs in the following situations under the RDO:-

(1) Unwelcome conduct harassment

Person A engages in unwelcome conduct (which may include an oral or a written statement) towards person B on the ground of person

⁹⁷ RDO section 24(5)

⁹⁸ RDO section 24(6), (7) and (8)

⁹⁹ RDO section 24(9)

¹⁰⁰ RDO section 24(10)

¹⁰¹ RDO section 24(11)

¹⁰² RDO section 24(12)

¹⁰³ RDO section 25(3)

¹⁰⁴ RDO section 25(4)

B's race or person B's near relative's race, in circumstances where a reasonable person would have anticipated that person B would be offended, humiliated or intimidated¹⁰⁵. There is liability for harassment even if there is no intention or motive to offend, humiliate or intimidate.

(2) Hostile environment harassment

Person A engages, on the ground of person B's race or person B's near relative's race, in conduct alone or together with other persons that create a hostile environment for person B¹⁰⁶.

6.3.3 For types of behaviour which can be regarded as harassment on the ground of race, please see paragraph 5.3.14(3) of the Code (p.34).

6.4 Vilification and the offence of serious vilification

6.4.1 RDO section 45 makes it unlawful for a person by any public activity to incite hatred towards, serious contempt for, or severe ridicule of another person(s) on the ground of race. Such public activity is vilification on the ground of race.

6.4.2 An activity in public includes any form of communication to the public or conduct observable by the public, such as speaking, writing, gestures or wearing of clothing, displaying signs, flag, emblems and insignia¹⁰⁷.

6.4.3 An act of vilification done with intent and involves threats of physical harm to people of the targeted race or their property is a criminal offence punishable on conviction by fine at a maximum at \$100,000 or imprisonment for a maximum of 2 years¹⁰⁸. This offence is called serious vilification.

6.5 Discriminatory advertisements

RDO section 42 makes it unlawful to publish or cause to be published an advertisement which indicates, or might reasonably be understood as indicating,

¹⁰⁵ RDO section 7(1)

¹⁰⁶ RDO section 7(2)

¹⁰⁷ RDO section 45(4)

¹⁰⁸ RDO section 46

an intention by a person to do an unlawful act under Part 3 of the RDO. For example, it is unlawful to publish an advertisement indicating that only people of Chinese origin would be employed by a company.

6.6 Instructions and pressure to discriminate

RDO section 43 makes it unlawful, if person A has authority over person B, or if person B usually acts on the wishes of person A, for person A to make or try to make person B to do an unlawful act under the RDO (such as to racially discriminate or harass on the ground of race a third person). RDO section 44 makes it unlawful for person A to induce or try to induce person B, by offering some benefit to or by threatening person B, to do an unlawful act under the RDO.

Illustration 16:-

The personnel manager is required to carry out instructions from the managing director. The managing director may not tell the personnel manager to recruit only candidates who are Caucasian to be the general manager.

6.7 Acts allowed under the RDO

6.7.1 Genuine Occupational Qualification

Where GOQ applies as specified under RDO section 11, employment may be declined on the ground of race (see paragraph 5.3.3 above of the Code (p.24)). If an employer claims that GOQ applies to a job, it is for the employer to show that it is so and the court will examine the claim strictly.

6.7.2 Training for skills to be used outside Hong Kong

RDO section 12 provides that RDO section 10 (provisions making discrimination under the RDO in employment unlawful) does not apply to an act done by an employer for the benefit of a person employed in Hong Kong (but who is not ordinarily resident in Hong Kong) in order to train him or her in skills which are intended to be used wholly outside Hong Kong.

6.7.3 Special skills, knowledge or experience

- (1) RDO section 13 provides that RDO section 10 (provisions making discrimination under the RDO in employment unlawful) does not apply to an act done by an employer for the benefit of a person recruited or transferred from outside Hong Kong to work in Hong Kong where the work requires special skills, knowledge or experience not readily available in Hong Kong. Relevant considerations in determining whether skills, knowledge or experience are readily available in Hong Kong may include the response and time spent for recruitment in Hong Kong, the response and time spent for recruitment of other comparable jobs, information from recruitment agencies and other general information about the labour market.
- (2) The act done must be reasonable having regard to the prevailing terms of employment offered to people with the relevant skills, knowledge or experience in places outside Hong Kong. The act done would be reasonable if it is broadly comparable to such prevailing terms of employment.
- (3) RDO section 13 also applies when this person's employment is renewed, or he or she is promoted or transferred within the same group of companies, so long as the act is reasonable.
- (4) The person must actually possess the skills, knowledge or experience not readily available in Hong Kong.

6.7.4 Existing local and overseas terms of employment

- (1) RDO section 14 provides that, for employees in existing employment as specified in RDO Schedule 2, RDO section 10 (provisions making employment discrimination on the ground of race unlawful) does not apply to different treatment:-
 - (a) Between an employee on local terms of employment and another employee on overseas terms of employment;
 - (b) Between an employee on overseas terms of employment who is a national or citizen of a country or place and another employee on overseas terms of employment who is a national or citizen of

another country or place.

(2) Employees in existing employment as specified in RDO Schedule 2 are employees who fall within RDO Schedule 2 section 1 to 6 (including judicial officers, ICAC officers, other public officers and specified English teachers). For details please refer to the RDO.

(3) RDO Schedule 2 section 11 provides that:-

(a) For judicial officers, ICAC officers and other public officers,

(i) Local terms of employment mean the local conditions or terms of service within the meaning of such regulations, administrative rules, circulars and circular memoranda as apply generally from time to time to the appointment or employment of these officers;

(ii) overseas terms of employment mean the overseas conditions or terms of service within the meaning of such regulations, administrative rules, circulars and circular memoranda as apply generally from time to time to the appointment or employment of these officers.

(b) For any employee other than a public officer,

(i) local terms of employment mean the conditions or terms of service as apply from time to time primarily to the employment of a person who is a Hong Kong permanent resident;

(ii) overseas terms of employment mean the conditions or terms of service as apply from time to time primarily to the employment of a person who is not a Hong Kong permanent resident.

(4) Employees in existing employment as specified in RDO Schedule 2 remain so specified upon their promotion, extension of employment, or renewal or re-engagement after termination.

6.7.5 Positive action

RDO sections 49, 51 and 52 allow for positive action to be taken to assist racial groups who have been disadvantaged in the past (see paragraph 5.3.18 of the Code (p.38)). Examples of positive action may include encouragement to apply for employment, transfer or promotion, language classes, mentorship schemes, and management skills training or other training courses.

7 When Discrimination and Harassment is Encountered

7.1 Legal protection under RDO

- 7.1.1 The right of employees or workers (including job applicants) to be free from discrimination and harassment on the ground of race under the RDO is protected by law. They may bring civil proceedings in the District Court to seek remedies to redress any loss or damage when they have been discriminated against or harassed on the ground of race¹⁰⁹. Legal proceedings should be brought within 24 months from the time when the discrimination or harassment is done¹¹⁰.
- 7.1.2 Employers and employees are encouraged to resolve discrimination and harassment issues internally informally or formally using their grievance procedures before taking legal proceedings. Employees are encouraged to seek legal advice or apply for legal aid from the Legal Aid Department before taking legal proceedings.
- 7.1.3 As an alternative to taking legal proceedings, employees or workers (including job applicants) may lodge a complaint with the EOC for investigation and conciliation¹¹¹. Complaints should be lodged within 12 months from the time when the discrimination or harassment is done.

7.2 Complaint handling by EOC

- 7.2.1 When a complaint is lodged with the EOC, the EOC will investigate into the complaint. The investigation is an exercise to help clarify the issues for the EOC and the parties, so as to facilitate settlement by conciliation.
- 7.2.2 All parties to the complaint (complainant, respondent and witnesses) should provide all relevant and appropriate information during the investigation.
- 7.2.3 RDO section 78(4) provides that, if the EOC takes the view that the complaint is frivolous, vexatious, misconceived or lacking in substance, the EOC may not conduct or may discontinue an investigation. Other

¹⁰⁹ RDO section 70

¹¹⁰ RDO section 80

¹¹¹ RDO section 78

situations when the EOC may not conduct or may discontinue an investigation include where the complaint is not unlawful under the RDO, or where more than 12 months have passed since the act was done, or where the person aggrieved does not desire the investigation to be conducted or continued.

- 7.2.4 Information provided during the investigation may be admissible in evidence before the Court if legal proceedings are brought at a later stage.
- 7.2.5 The EOC maintains an independent and impartial role during the investigation. If investigation is conducted and is not discontinued, the EOC will help the parties to settle their dispute by conciliation.
- 7.2.6 The primary objective of the complaint-handling process is settlement by conciliation, the EOC may at any stage of the process explore the possibility of settlement between the parties. This may occur at an early stage soon after the complaint is lodged before any investigation into the details. If parties could not at an early stage reach settlement, then investigation into details will continue.
- 7.2.7 If the EOC does not discontinue the investigation, it will proceed formally to the conciliation process. In the conciliation process, it is for the parties to decide if and how they would agree to resolve their dispute. Everything said and done by a party in the course of conciliation is not admissible in subsequent legal proceedings relating to the dispute except with the consent of that party.
- 7.2.8 If parties are able to reach a settlement, a settlement agreement is usually signed and is legally binding between the parties. Subject to parties' agreement, terms of settlement may include monetary compensation, changes in policy and practices, reinstatement or apology.
- 7.2.9 The time spent by the EOC in the complaint handling process does not count towards the 24 months timeline for taking legal proceedings¹¹². In other words, that timeline is extended by the period of time spent by the EOC in the complaint handling process.
- 7.2.10 The complaint-handling process by the EOC provides an alternative to

¹¹² RDO section 80(3)

legal proceedings in resolving discrimination and harassment issues. Confidentiality is a feature of the process. This alternative can be a less formal, cheaper, faster way of resolving these issues when compared to legal proceedings, but it depends on the co-operation of the parties and will result in a settlement only if both parties agree. Information obtained during the investigation part of the process may be admissible in Court if legal proceedings are brought later and this information may help the parties to assess their positions. For further details on the EOC's complaint handling process, please consult specific publications by the EOC.

7.3 Legal Assistance by the EOC

- 7.3.1 When a complaint has been lodged with the EOC, but there has been no settlement of the complaint, the aggrieved person may apply for assistance from the EOC to take legal proceedings.
- 7.3.2 The EOC will consider all applications for legal assistance. In deciding whether to provide assistance in each application, the EOC will take into account a wide range of factors, in particular, whether the case raises a question of principle, the complexity of the case, and also the strength of the evidence, and whether the case reflects a widespread problem or the EOC's strategic concerns .
- 7.3.3 If legal assistance is provided by the EOC, it may include giving legal advice and representation on the case by the EOC's own legal officers or outside lawyers. For further details on legal assistance by the EOC, please consult specific publications by the EOC. If legal assistance is not provided by EOC, claimants may still take legal proceedings in the District Court and they may seek legal advice or apply for legal aid from the Legal Aid Department.

7.4 Other functions of the EOC

- 7.4.1 The EOC is a statutory body created by law. Other than the complaint handling and legal assistance functions described above, it has powers and functions under different anti-discrimination laws including the RDO. EOC's other powers and functions under the RDO include:-
 - (1) Working towards the elimination of all forms of racial discrimination, harassment and vilification;

- (2) Promoting equality of opportunities between persons of different racial or ethnic backgrounds;
- (3) Encouraging settlement by conciliation of alleged unlawful act under the RDO;
- (4) Initiating formal investigation in the public interest;
- (5) Issuing codes of practice for elimination of discrimination and promotion of racial harmony;
- (6) Enforcing the RDO by issuing enforcement notices and bringing proceedings in respect of discriminatory practices and certain other unlawful acts;
- (7) Reviewing the working of the RDO and making proposals for amendment.

Sample policy on racial equality

1. Introduction

- 1.1 [Organisation's name] is committed to making full use of the talents, skills, experience, cultural perspectives of different people, and to making sure that it is an organization where they are respected and valued and can achieve their full potential, regardless of race, colour, descent, or national or ethnic origins;
- 1.2 [Organisation's name] will comply with the Race Discrimination Ordinance and will follow the recommendations in the Code of Practice issued by the Equal Opportunities Commission under the Ordinance.

2 Objectives

- 2.1 The objectives of this policy are to ensure that:-
 - (1) No one will be treated less favourably on the grounds of race, colour, descent, national or ethnic origins;
 - (2) No one from any racial group will suffer a detriment from any requirements or conditions which cannot be justified on non-racial grounds;
 - (3) Opportunities for employment, training and career development are equally open to all qualified people regardless of race, colour, descent, national or ethnic origins;
 - (4) Everyone is treated with respect and dignity and no one will be subjected to any unwelcome conduct, or to an environment that is hostile or intimidating, on the ground of race, colour, descent, national or ethnic origins;
 - (5) The grievance system is properly administered regardless of race, colour, descent, national or ethnic origins; and there will be no reprisal against anyone raising concerns or complaints or taking action on discrimination or harassment on the grounds of race, colour, descent, national or ethnic origins.

3 Implementation

- 3.1 This policy will be a priority for [Organisation's name];
- 3.2 [Position] will have overall responsibility for this policy; and [Position (if different)] will be responsible for the day-to-day operation of this policy;

- 3.3 The policy will be communicated to all workers and job applicants;
- 3.4 Workers will be consulted about the policy and its implementation;
- 3.5 Workers will be trained on the policy and their rights and responsibilities;
- 3.6 Opportunities for employment, promotion, transfer and training will be advertised widely, internally and externally, and all applicants will be welcomed, regardless of race, colour, descent, national or ethnic origins;
- 3.7 Selection criteria and performance appraisals will be entirely related to the job or training opportunity;
- 3.8 The effectiveness of this policy will be monitored regularly. Information on the ethnic and racial backgrounds of workers and applicants for employment, promotion and training will be collected and analysed, to monitor the implementation of this policy. Grievances, disciplinary action, performance assessment and termination of employment will also be monitored by racial group. The information will be held in strictest confidence and will only be used to promote equality and prevent discrimination;
- 3.9 Requirements and conditions will be reviewed in the light of monitoring results;
- 3.10 Harassment on the ground of race
- (1) Every worker will be treated with respect and dignity. All workers have a right to work in an environment that is free from abuse or insults, where individuals treat each other with respect and value politeness.
- (2) Harassment on the ground of race, colours, descent, national or ethnic origins is unacceptable. Workers must not take part in, or encourage, condone or gossip about cases of harassment or bullying. No one should be subjected to any unwelcome conduct, or to an environment that is hostile or intimidating, on the ground of race, colours, descent, national or ethnic origins. Workers should be supportive of fellow workers who are victims of harassment. Examples of unacceptable conduct include:-
- (a) Racially derogatory remarks or insults; for example, name calling which people of certain racial groups may find offensive or impolite should be avoided;

- (b) Display of graffiti or slogans or other objects offensive to certain racial groups;
- (c) Racist jokes, banter, ridicule or taunts;
- (d) Using a disparaging or offensive tone when communicating with people on the ground that they belonging to certain racial groups;
- (e) Ostracize people on the ground that they belong to certain racial groups;
- (f) Imposing excessive workloads or unrealistic performance targets on people on the ground of their race, colour, descent, national or ethnic origins;
- (g) Unnecessarily picking on individuals from particular racial groups.

3.11 Complaints about discrimination or harassment on the ground of race, colour, descent, national or ethnic origins will be taken seriously and dealt with effectively and promptly and may result in disciplinary sanctions including dismissal.



Raymond TANG
Chairperson
Equal Opportunities Commission

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