

體育機構制定防止性騷擾政策注意事項

制定防止性騷擾政策十大元素

1. 表明管理層對消除性騷擾的決心，不會容忍性騷擾情況出現；
2. 說明性騷擾的法律定義和例子；
3. 說明政策適用於體育機構的管理人員、所有僱員、教練、合約工作者，和其他共同工作場所的使用者(如:義工和實習人員、共同工作但隸屬不同體育會的教練等)；
4. 說明政策適用於體育機構的會員、運動員及其他服務使用者；
5. 提供體育會內部有關處理性騷擾投訴的正式及非正式機制；
6. 提供關於機構內部申訴程序的資料，並向員工保證投訴資料絕對保密；
7. 保證任何人不會因真誠投訴而受到處分；
8. 提供專責處理性騷擾投訴的指定人員姓名和聯絡資料；
9. 說明紀律處分問題；
10. 說明投訴人可直接向平等機會委員會投訴或向地方法院提出訴訟。

有關制定政策的詳情，請參考平機會編制的
《體育機構防止性騷擾政策大綱》

2021年3月修訂版

落實防止性騷擾政策八件事

- 一、制訂一份書面的防止性騷擾政策，並定期檢討政策。
- 二、定期向所有相關人士發布及解釋機構的防止性騷擾政策，並向新會員及新職員發布及解釋防止性騷擾政策。
- 三、於機構內聯網及網頁上載防止性騷擾政策，方便有需要者隨時查閱。
- 四、培訓管理層人員、員工、教練及運動員/會員有關防止性騷擾的意識，以及安排相關人員接受處理性騷擾投訴的訓練。
- 五、收到投訴或知悉發生性騷擾事件後，立即處理。
- 六、應要求將從事與未成年人士或與精神上無行為能力人士有關工作的所有準員工和準教練，不論男女，申請進行「性罪行定罪紀錄查核」，以確認他/她們沒有指明列表中的性罪行刑事定罪紀錄。
- 七、制定機構員工和教練有關性騷擾的操守守則，如已制定守則，則確保當中已包括防止性騷擾的元素。
- 八、妥善保留制定政策、培訓、投訴及其他預防措施相關的書面紀錄，以便檢討或證明已採取合理地切實可行的步驟防止及消除性騷擾。

何謂性騷擾？

- 任何人向別人提出不受歡迎的性要求或獲取性方面好處的要求，或向別人作出其他不受歡迎並涉及性的行徑。
- 一個合理的第三者在顧及所有客觀因素後，也能預期作出這行為會使對方感到受冒犯、侮辱及威嚇，這種行為便構成性騷擾。
- 任何人作出涉及性的行徑，該行為不一定針對某一個人，只要對其他人造成一個具敵意或威嚇性的工作環境，亦構成性騷擾。

性騷擾的例子

- ◆ 不受歡迎的身體接觸，如故意摩擦他人身體。
- ◆ 盯著或色迷迷地看著別人或其身體部位。
- ◆ 高談色情笑話或不斷追問他人的性生活。
- ◆ 展示使人反感或色情的資料，如展示裸露照片於電腦屏幕。
- ◆ 使人反感的涉及性的通信資料（如短訊、電郵等）。

聲明：本單張的所有資料只作一般參考用途，並不代表法律意見。如有任何查詢或需進一步資料，歡迎與平等機會委員會聯絡。

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平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

Formulating an Anti-Sexual Harassment Policy in Sports Organisations

The Policy Should Include:

1. A clear statement that management is committed to eliminating and preventing sexual harassment (SH), and SH will not be tolerated under any circumstances;
2. Definition of SH and examples of SH;
3. The policy applies to the management, all employees, coaches, contract workers and other workplace participants, such as volunteers and interns, coaches affiliated with different sports clubs in a common workplace ;
4. The policy applies to all members, athletes, and other service users of the sports association ;
5. Options available for dealing with SH complaints, i.e. informal and formal;
6. Information about the organisation's internal complaint procedures, assuring employees that confidentiality will be observed;
7. An assurance that no one will be penalised for coming forward with a complaint in good faith;
8. The names and contacts of persons designated to handle SH complaints;
9. A note about disciplinary action;
10. A note that the complainant may lodge a complaint directly with the EOC or take action in the District Court.

For more details, please refer to EOC's Framework for Anti-Sexual Harassment Policy in Sports Organisations

Revised edition March 2021

Eight Steps to Implement Anti-Sexual Harassment Policy

1. Formulate an anti-sexual harassment policy in writing and review it on a regular basis.
2. Promulgate the policy to all relevant persons of the organisation on a regular basis. When new members and staff join the organization, the organisation should distribute and explain the policy to them.
3. Upload the policy to the organisation's intranet and website so that all persons can have access to it at any time.
4. Provide training on enhancing awareness of preventing SH for management, employees, coaches, athletes and members, and also arrange relevant persons to receive training on how to handle SH complaints.
5. Handle the matter promptly after receiving SH complaints or being informed of SH incidents.
6. Require all prospective employees and prospective coaches, regardless of men and women, who will engage in work relating to minors or mentally incapacitated persons to apply for the "Sexual Conviction Record Check", to make sure they do not have any criminal conviction records in the specified list of sexual offences.
7. Develop a Code of Ethics on SH for all employees and coaches. If a Code is already in place, the organisation should make sure it includes elements of SH prevention.
8. Keep written record of policy formulation, training, complaints and other prevention measures in relation to SH, for the purpose of review or serving as proof that all reasonably practicable steps have been taken to prevent and eliminate SH.

What is Sexual Harassment?

- Any person making unwelcome sexual advances, or unwelcome request for sexual favours, to another person; or engaging in other unwelcome conduct of a sexual nature in relation to that other person, in circumstances in which a reasonable third party, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- Any person engaging in unwelcome conduct of a sexual nature which does not aim at anybody in particular, but will create a hostile or intimidating work environment.

Examples of Sexual Harassment

- ◆ Unwelcome physical contact, e.g. deliberately brushing up against another person.
- ◆ Staring or leering at a person or at parts of his/her body.
- ◆ Telling sexual jokes or questioning about a person's sex life persistently.
- ◆ Displaying offensive or pornographic pictures, e.g. displaying nude photos on the computer screen.
- ◆ Offensive communications of a sexual nature (e.g. messages, e-mails, etc.).

Disclaimer: All information contained in this leaflet is for reference only, and it is no substitute for legal advice. If you have any enquiries or you need further information, please contact the Equal Opportunities Commission.

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