

# Hong Kong Equestrian Federation

## Policy and Guidelines on the Prevention of Sexual Harassment

### 1. Introduction

The Hong Kong Equestrian Federation (HKEF) is the sole governing body in Hong Kong for the equestrian sport. HKEF recognizes the rights of all stakeholders, including the right to enjoy a safe and supportive work/ sporting environment. Sexual harassment in any form will not be tolerated.

In publishing this policy and guidelines, the HKEF hopes to ensure that all members, officials (including the HKEF Executive Committee, HKEF staff members), and any members of any Hong Kong, China delegation that the HKEF may send to any international equestrian events (including team delegates, team managers, medical officials, and athletes) are able to work, conduct activities or deal with sports affairs in compliance with the intent and provisions of the Sex Discrimination Ordinance, Cap. 480 (the “**SDO**”)

In this policy and guidelines, the HKEF:

- provides a definition of sexual harassment,
- explains the HKEF’s mechanism for handling complaints of sexual harassment and the principles on which such complaints will be handled, and
- hopes to help increase stakeholders’ awareness of what sexual harassment is, so as to better prevent sexual harassment from occurring.

### 2. *What is sexual harassment?*

2.1 The starting point is that sexual harassment is discriminatory and unlawful pursuant to the SDO. Section 2(5) of SDO, Cap. 480 provides that a person sexually harasses another person if:

- 2.1.1 that person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or engages in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the second person would be offended, humiliated or intimidated; or
- 2.1.2 that person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person.

2.2 Sexual harassment covers a wide range of situations:

- 2.2.1 **Regardless of gender:** sexual harassment of any person may occur, regardless of gender; all provisions in the SDO related to sexual harassment and in this policy are applicable to both men and women as well as to sexual harassment of persons by persons of the same sex.

2.2.2 **Intention is irrelevant:** even if the act of sexual harassment is not intentional or there is no direct evidence of intent, an act amounts to sexual harassment once such act falls within the definition of sexual harassment. Hence, no matter whether an act is intentional or not, or even if the act is of a playful nature, such an act may amount to sexual harassment.

2.2.3 **Single incident:** a single incident may amount to sexual harassment.

2.2.4 **Power relationship:** Although incidents of sexual harassment are usually related to a power relationship, i.e., a more powerful person harassing a less powerful person, it is also possible for a person weaker in power to harass a more powerful person, e.g., an employee harassing the employer.

2.3 Some examples of sexual harassment are given below:

2.3.1 repeated attempts to make a date, despite being told “NO” each time;

2.3.2 comments with sexual innuendoes and suggestive or insulting sounds;

2.3.3 displaying sexually obscene or suggestive photographs or literature.

### **3. *How can sexual harassment be handled?***

3.1 A person who believes himself/herself to be a victim of sexual harassment should take action immediately. Do not ignore sexual harassment as the harasser may misinterpret a lack of action as approval of or condoning the behavior. Making a delayed complaint could also cause difficulties for the investigation and impede the collection of evidence. There is also a time bar for lodging a complaint with the Equal Opportunities Commission (EOC) or taking legal action. If the person who is sexually harassed intends to lodge a complaint with the EOC, he/she should take action within 12 months after the incident occurred. Otherwise, the EOC will not handle the case unless there are justifiable reasons for the delay. Any decision to take legal proceedings to the District Court should be made within 2 years from the date of the incident.

3.2 The HKEF shall ensure that no one will be punished because they have lodged a complaint in good faith.

3.3 Every person with a legitimate grievance has a right to lodge a complaint of sexual harassment. A third party who witnesses sexual harassment could also report the incident. When a person is sexually harassed, he/she may take following action including, but not limited to, the following:

3.3.1 To speak up. To tell the harasser that his/her act is unwelcome and that he or she should stop immediately.

3.3.2 To keep a written record of the incident, including the dates, time, location, identity of any witnesses and the nature of the incident (i.e. what the harasser has said or done) and the complainant’s own response.

3.3.3 To tell someone he/she trusts and ask for emotional support and advice.

- 3.3.4 To lodge a complaint with the Secretary General or the Executive Committee of the HKEF.
- 3.3.5 To lodge a complaint with the EOC and request an investigation or conciliation. In case conciliation fails, the complainant may request the EOC to provide legal assistance (telephone number: 2511 8211). For enquiries or complaints, please refer to the EOC website: <http://www.eoc.gov.hk/eoc/graphicsfolder/complainant.aspx>.
- 3.3.6 To consult a lawyer; report to the police or file a civil law suit against the harasser as the victim may deem fit.
- 3.3.7 HKEF's internal mechanism for handling sexual harassment complaints does not affect the lodging of complaints with EOC, the reporting of the incident to the police or the filing of a claim in the District Court.

#### **4. What is the HKEF's mechanism for handling complaints of sexual harassment**

- 4.1 When a verbal or written complaint is received, the HKEF will, depending on the seriousness of the complaint and the complainant's wish, pass it to the Executive Committee. All proceedings will be recorded in written form.
- 4.2 If a case of sexual harassment is established, the relevant Committee(s) of the HKEF may take appropriate disciplinary measures against the harasser.
- 4.3 Where the HKEF reasonably believes that a criminal offence may have been committed, the HKEF may refer the cases to the EOC or police.

#### **5. What principles will be used to handle complaints of sexual harassment?**

The HKEF shall handle sexual harassment complaints based on the following principles:

- 5.1 **Fairness:** enquiries and complaints will be handled in a just and impartial manner to ensure the fair treatment of the complainant and the alleged harasser. Both parties are to have a chance to present their case.
- 5.2 **Confidentiality:** all information and records related to a sexual harassment complaint will be kept confidential and will only be disclosed to relevant staff members handling the case and the alleged harasser on a need-to-know basis.
- 5.3 **Promptness:** recognising that both the complainant and the alleged harasser are under pressure, the HKEF will aim to deal with complaint cases promptly.
- 5.4 **Protection for complainants and witnesses:** complainants and witnesses should be protected against victimization, including retaliation. According to section 9 of the SDO, victimization means being treated less favorably after filling a complaint or acting as witness. Victimization is in itself an unlawful act of discrimination.
- 5.5 **Avoiding conflicts of interest:** if the staff member who handles the enquiry / complaint case is closely related to the complainant or the alleged harasser (e.g. relatives), or the alleged harasser is the person-in-charge of handling complaints of sexual harassment, the case should be handled by another person.

- 5.6 **Anonymity:** in the case of an anonymous complaint, the HKEF shall consider the evidence and seriousness of the case before making inquiries or conducting investigations.
- 5.7 **Discretion:** empathy shall be shown to the feelings of complainants (e.g. avoiding asking the complainant to repeat his/her story, appointing investigators of the same sex to interview the complainant) to ensure that the complainant would not be unnecessarily distressed or humiliated. Complaint cases should be handled discreetly such that related parties would not be unnecessarily distressed.

## **6. Preventing sexual harassment**

- 6.1 The HKEF shall promulgate this policy and guidelines to all members and officials (including Executive Committee members and staff members), and any members of any Hong Kong, China delegation that the HKEF may send to international events (including team delegates, team managers, medical officials, and athletes) to increase their awareness of sexual harassment prevention. This policy and guidelines shall also be uploaded onto the HKEF's website for stakeholders' reference and shall undergo review once every five years.
- 6.2 Stakeholders may refer to the International Olympic Committee's website for the Consensus Statement on "Sexual Harassment and Abuse in Sport" at [https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/20070802-IOC-adopts-Consensus-Statement-on-sexual-harassment-and-abuse-in-sport/EN-Sexual-Harassment-Abuse-In-Sport-report-1125.pdf#\\_ga=2.9737916.867374697.1583377855-644543906.1582085531](https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/20070802-IOC-adopts-Consensus-Statement-on-sexual-harassment-and-abuse-in-sport/EN-Sexual-Harassment-Abuse-In-Sport-report-1125.pdf#_ga=2.9737916.867374697.1583377855-644543906.1582085531) and measures for prevention of sexual harassment.
- 6.3 If needed, the HKEF will collaborate with EOC or other relevant organizations to provide seminars or workshops on prevention of sexual harassment to stakeholders.
- 6.4 In the event that the HKEF recruits coaches, the HKEF will also ensure that such coaches are aware of this policy and guidelines and will require him/her to provide the results of the Sexual Conviction Record Check (SCRC) issued by the Hong Kong Police Force. Upon appointment, a coach shall be required to agree to this policy and guidelines. If coaches are from outside Hong Kong, they shall be required to provide the equivalent records issued by their previous country/region of residence.
- 6.5 For enquiries, please feel free to contact the HKEF Secretariat at telephone number 2966 5078 or by email to [info@hkef.org](mailto:info@hkef.org).