



Sexual harassment in Hong Kong

Figure 1 – Sexual harassment complaints under SDO

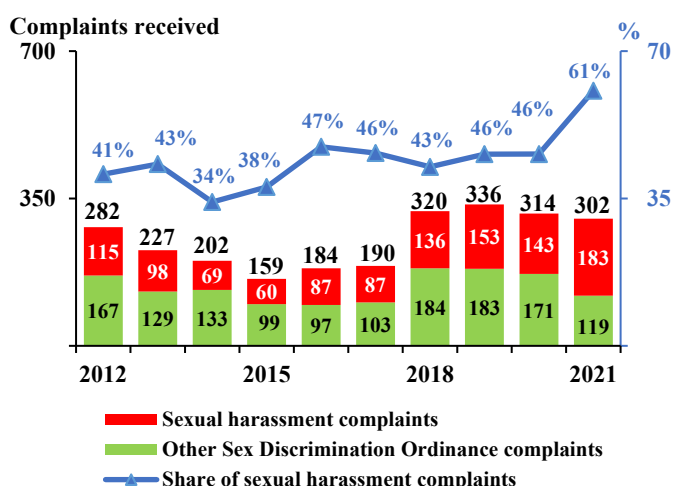


Figure 2 – Sexual harassment complaints by type

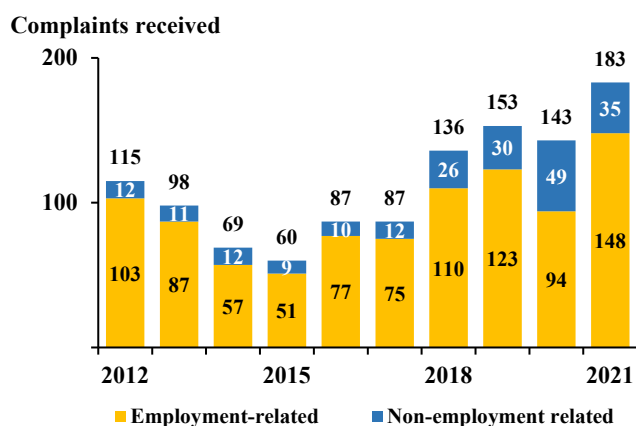
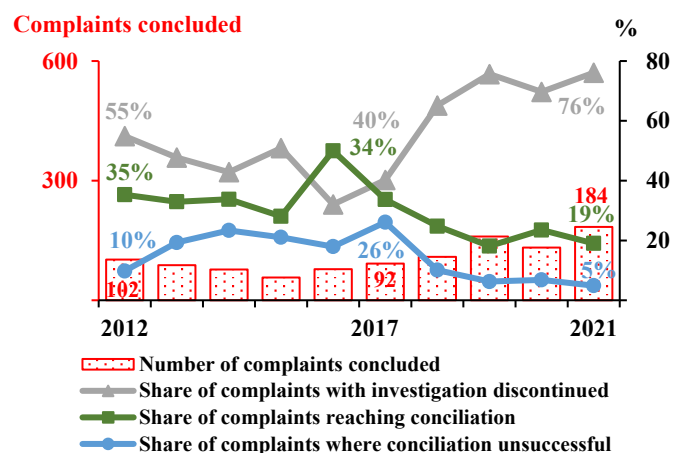


Figure 3 – Outcomes of sexual harassment complaints handled by EOC⁽¹⁾



Note: (1) Excluding complaints that were still under investigation and conciliation in each year.

Highlights

- Under the Sex Discrimination Ordinance (“SDO”) enacted in 1995, sexual harassment in the forms of (a) engaging in unwelcome sexual conduct or behavior towards a person where a reasonable person would find it offensive; or (b) creating a sexually hostile or intimidating environment for a person (e.g. display of pornographic material in a workplace) is unlawful, entailing civil liability.
- Sexual harassment complaints lodged to the Equal Opportunities Commission (“EOC”) surged 110% during 2017 to 2021 (**Figure 1**). To a certain extent, this upsurge can be attributable to enhanced local awareness towards sexual harassment after the spread of the #MeToo movement across the globe since October 2017. Also contributed was a change in case classification by EOC in 2018 (under which those general enquiry cases meeting certain conditions and with potential to become complaints were categorized as complaints right away), and, more recently, the launch of an EOC anti-sexual harassment hotline in 2021 to assist victims.
- At present, SDO covers sexual harassment in certain areas of public life only, namely (a) employment, (b) education, (c) provision of goods, services or facilities, (d) participation in clubs, and (e) disposal or management of premises. In the past decade, sexual harassment complaints were mostly (82%) related to employment (**Figure 2**).
- In handling sexual harassment complaints, EOC conducts investigation and, where appropriate, encourages conciliation between the parties concerned. However, successful conciliations accounted for only 28% of the complaints concluded over the past decade (**Figure 3**). Complainants can apply for legal assistance from EOC if conciliation is unsuccessful. Over the past decade, there were 70 such applications and 11 cases where legal action was taken with legal assistance. Nonetheless, the majority (60%) of complaints concluded in the same period ended up in discontinued investigation, with a higher ratio since 2018, due to factors such as lacking substance in complaints or withdrawal of complaint by complainants. There are criticisms that the existing handling process is lengthy and cumbersome, possibly resulting in eventual complaint withdrawal. Reportedly, EOC had identified gaps in sexual harassment protection under SDO and submitted its recommendations to the Government for consideration in 2021.

Sexual harassment in Hong Kong (cont'd)

Figure 4 – Selected examples⁽¹⁾ of workplace sexual harassment, 2021

Share of sexually harassed respondents who:	
• Came across sexually suggestive comments or jokes made to others that felt discomforting	62%
• Experienced inappropriate physical contact such as forced kiss, touching, or brushing up against bottom	23%
• Received emails or electronic messages with indecent or obscene content that felt offensive	15%
• Were sexually assaulted or targets of attempted sexual assault	7%

Note: (1) Multiple answers could be selected. There were 12 forms of sexual harassment listed in the EOC survey.

Figure 5 – Proportion of employers with anti-sexual harassment measures in workplace

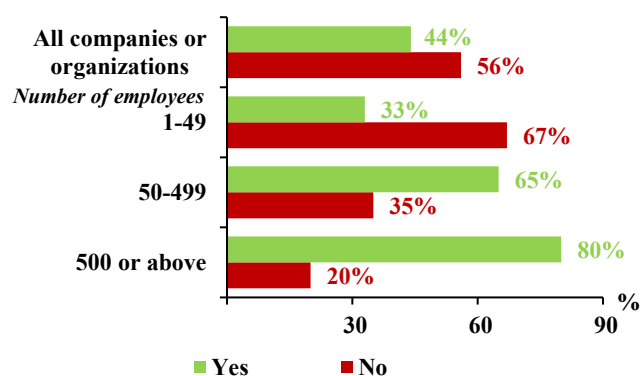
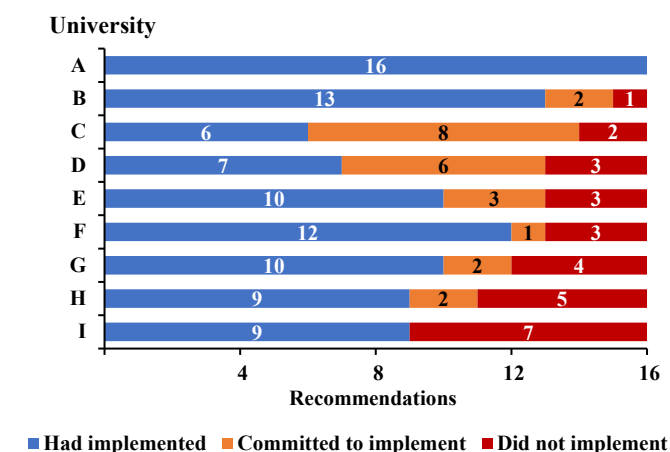


Figure 6 – Uptake of EOC recommendations by nine local universities⁽¹⁾ as of 2021



Note: (1) The identity of each university was kept anonymous by EOC.

Highlights

- More specifically on sexual harassment in the workplace and based on an EOC survey conducted in 2021, 12% of respondents indicated they had been sexually harassed at work over the past two years. While most (62%) of the victims cited harassment in the form of verbal commentary, 23% experienced inappropriate physical contact and 7% even faced assault or attempted assault (**Figure 4**). However, the majority (69%) of victims took no action or chose to avoid the harassers after such incidents. Only 15% of the victims reported the incidents to superiors or management at the workplace, or EOC or the police.
- The aforementioned EOC survey also shows that 56% of employers did not lay down anti-sexual harassment measures in the workplace, with a higher ratio for smaller establishments with less than 50 employees (**Figure 5**). In the wake of concerns from the community, EOC recommended to the Government in May 2022 to make it a mandatory duty for employers to prevent workplace sexual harassment, such as formulating an anti-sexual harassment policy in the company. It also recommended amending SDO to make employers legally liable for the harassment of their employees by third-parties (e.g. customers or clients).
- Turning to tertiary education institutes and based on another EOC survey conducted in 2018, up to 16% of university students indicated that they had experienced sexual harassment on campus, largely in the form of sexually suggestive comments/jokes either directed at others (38%) or to the respondents (35%), while 20% of victims experienced inappropriate physical contact. In response, EOC made 16 recommendations (e.g. providing brief compulsory training for incoming students and conducting university-wide anonymous surveys regularly) to nine universities in 2019 to strengthen anti-sexual harassment efforts. By 2021, these nine local universities had implemented or were planning to implement more than half of these recommendations (**Figure 6**).

Data sources: Latest figures from Equal Opportunities Commission.

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21 July 2022
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