Chapter 13: Equal Opportunities

Equal Opportunities Commission

The Equal Opportunities Commission (EOC) is an independent statutory body established in 1996 to implement the anti-discrimination ordinances in Hong Kong, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO).

Anti-discrimination ordinances

Currently the four anti-discrimination ordinances of Hong Kong prohibit discrimination on the grounds of sex, pregnancy, breastfeeding, marital status, disability, family status and race. There are two kinds of discrimination - direct discrimination and indirect discrimination. Direct discrimination occurs when a person is treated less favourably than another person because of a protected characteristic, such as a person's sex, pregnancy, breastfeeding, marital status, disability, family status or race. Indirect discrimination occurs when a condition or requirement, which is not justifiable, is applied to everyone but in practice adversely affects persons who possess the aforementioned protected characteristic. The legislation also provides protection from harassment and vilification, including but not limited to sexual harassment and racial vilification.

The ordinances cover a range of activities in the public domain, including mainly:

- Employment
- Education
- Provision of goods, services and/or facilities
- Disposal and/or management of premises
- Eligibility to vote for and to be elected or appointed to advisory bodies
- Participation in clubs and sporting activities
- Activities of the Government (with the exception of the RDO)

It is unlawful under the SDO to discriminate against a person on the grounds of sex, marital status, pregnancy or breastfeeding. The SDO also protects a person from sexual harassment, harassment on the ground of breastfeeding and victimisation in the areas of employment, education, provision of goods, services and/or facilities and disposal and/or management of premises, eligibility to vote for and to be elected or appointed to advisory bodies and participating in clubs. Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favour, unwelcome conduct of a sexual nature towards another person and/or creating a sexually hostile or intimidating environment that is generally regarded as offensive, humiliating or intimidating by a reasonable person. This includes, but is not limited to acts such as touching a person, making sexual jokes, asking for sex, or displaying indecent pictures. Breastfeeding harassment occurs where a person harasses a woman on the ground that the woman is breastfeeding by unwelcome conduct towards her or creating a hostile or intimidating environment.

Under the DDO, it is unlawful to vilify a person with a disability in public, or discriminate or harass a person on the ground of disability. Disability harassment includes behaviour that would make a person with disability feel humiliated and offended such as rude comments, jokes, pictures and text messages etc. about a person's disability. Disability victimisation is unlawful as well. Protection is also provided in respect of discrimination on the ground of an imputed disability or the disability of an associate.

Under the FSDO, it is unlawful to discriminate a person on the ground of family status. Family status means the status of having a responsibility for the care of an immediate family member. A person's immediate family member means someone who is related to the person by blood, marriage, adoption or affinity. Victimisation is also unlawful under the FSDO.

Under the RDO, it is unlawful to discriminate, harass or vilify a person on the ground of race. Race means a person's race, colour, descent, national or ethnic origin. Racial harassment would include behaviour that would make a person of a certain race feel offended, humiliated or intimidated such as rude comments, jokes, pictures, text messages etc. about a person's race.

A person would also be protected by the law if he/she is discriminated or harassed on the ground of the race of an associate or by being imputed to be of a particular race or a member of a particular racial group. Victimisation is also unlawful under the RDO.

In addition, the legislation protects persons from sexual, breastfeeding, disability and racial harassment in common workplaces including contract workers, interns and volunteers, even when there is no employment or other similar work relationships.

What can the EOC do for you?

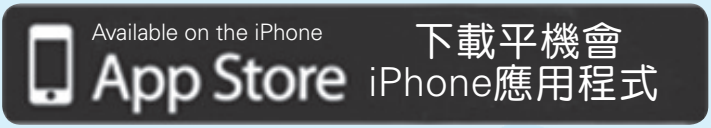
Anyone who believes that he/she has experienced discrimination, harassment or vilification specified in the ordinances may lodge a complaint, through the EOC's online complaint form, with the EOC in writing within 12 months of the incident. The EOC is committed to adopting a "victim-centric" approach, while adhering to the principles of fairness and impartiality in handling the complaint. If a complainant has difficulties in preparing a complaint in writing, he/she can contact the EOC office. The EOC will ascertain your difficulties and, on the basis of the information given, consider whether to provide any writing support.

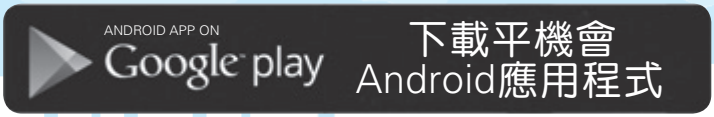
The EOC is not a court or a tribunal. It does not have the power to decide on claims of discrimination, harassment or vilification. Neither is it a legal aid agency. Nevertheless, the EOC may investigate into the complaints and help in resolving the disputes through conciliation. If a case is not conciliated, the complainant may apply to the EOC for other assistance, including legal assistance. Legal proceedings can also be initiated directly before the District Court by the complainant under the four ordinances.

For more information about the EOC and the four ordinances, please refer to the EOC website at www.eoc.org.hk, or contact the EOC office. Interpretation will be provided upon request subject to availability.

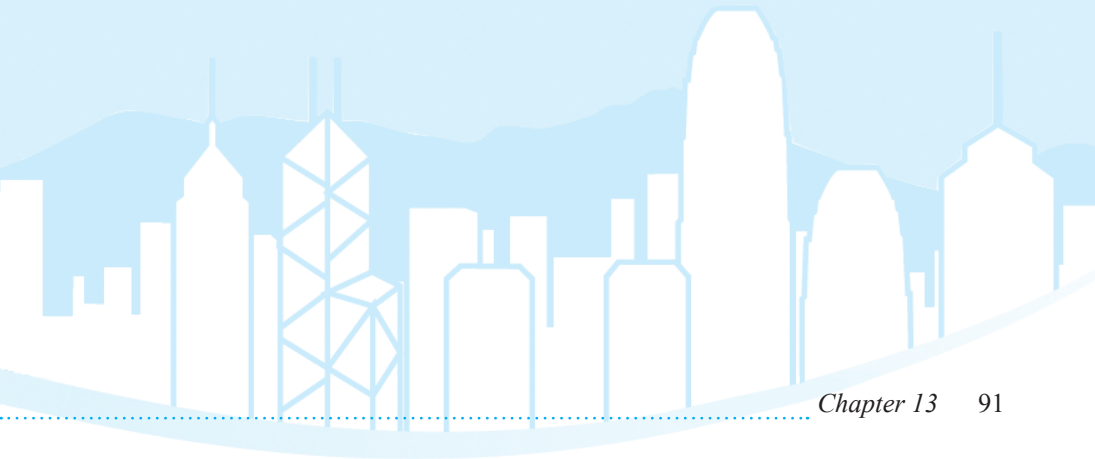
Address: 16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong

Information about the work of EOC can be accessed via EOC's mobile apps:





Tel:	**2511-8211 (For general enquiries)** **2106-2222 (Anti-Sexual Harassment Hotline)**
Email:	eoc@eoc.org.hk (For general enquiries only)
Website:	www.eoc.org.hk
SMS Enquiry Service:	61153037 (For people with hearing impairment/ speech difficulties during EOC's Office hours)

Discrimination Complaint:
https://www.eoc.org.hk/eoc/graphicsfolder/ComplaintPICS.aspx
Discrimination Enquiry: https://www.eoc.org.hk/eoc/graphicsfolder/enquirypics.aspx

Office hours: Monday to Friday 8:45am – 5:45pm