1. Policy Statement

1.1. Hong Kong Golf Association (“HKGA”) is committed to prevent and eliminate any sexual harassment in office environment, golf tournaments and trainings, schools, and other golf related activities. Sexual harassment is discriminatory and unlawful, and HKGA has zero tolerance for the sexual harassment behaviors. Everyone has a right to be respected and be equally treated.

1.2. Once an act of sexual harassment occurred, any person (including employees, coaches, members, etc.) of the HKGA has a right to lodge a complaint. All sexual harassment complaints will be handled promptly and fairly in accordance with the prevailing policy and procedure for handling sexual harassment complaint.

1.3. This policy applies to all stakeholders of the HKGA, including Board of Directors, committee members, and members of the management, employees (full time or part time), coaches, players, referees and the persons who provide services to HKGA. Anyone who breaches the policy will be subject to disciplinary action or criminal consequences.

2. Objectives of sexual harassment policy

2.1. Ensuring all relevant persons of HKGA, including members of the management, employees and coaches, and other persons who provide service to HKGA (including voluntary helpers, contract workers/contract service providers) are able to work, participate in golf activities or provide/have access to services in a safe environment free of sexual harassment;

2.2. Communicating, through effective means, the sexual harassment policy and the channels to lodge complaints to all relevant persons of the HKGA;

2.3. Setting up effective channels for lodging complaints, which is sensitive to the feelings and needs of complainants, in order to make the complaint handling mechanism more user-friendly;

2.4. Handling complaints on the principles of fairness, impartiality and confidentiality, and in a serious and discreet manner; and

2.5. Ensuring that nobody will be punished because of lodging a complaint in good faith.
3. Definition of Sexual Harassment

3.1. Definition

3.1.1. Sexual harassment means a person makes an unwelcome conduct of a sexual nature to another person. The unwelcome conduct includes unwelcome sexual attention, physical contact, talking about issues of a sexual nature, or making a sexual advance. It also amounts to sexual harassment if that other person finds the environment sexually hostile or intimidating.

3.1.2. Section 2(5) of Sex Discrimination Ordinance (SDO) provides the definition of sexual harassment. In addition, sections 2(7), 2(8), 9, 23, 39 and 40 are relevant provisions in relation to sexual harassment. Under the SDO, the legal definition of sexual harassment is:

(a) If any person (i) makes an unwelcome sexual advance, or an unwelcome request for sexual favors, to another person; or (ii) 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 she would be offended, humiliated or intimidated; or

(b) The person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person.

3.2. Clarification of common myths

3.2.1. Regardless of gender: Sexual harassment may occur to any person, regardless of gender; all provisions in the SDO and HKGA policy related to sexual harassment are applicable to both sexual harassment between men and women as well as between persons of the same sex.

3.2.2. Intention is irrelevant: Even if the act of sexual harassment is not intentional, it amounts to sexual harassment once the act meets the definition of sexual harassment. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment.

3.2.3. Single incident: A single incident may also amount to sexual harassment.

3.2.4. Power relationship: Sexual harassment incidents are usually related to a power relationship, i.e., the powerful harasses the weak. It is also possible for a person weaker in power to harass a more powerful person, e.g., an athlete harasses a coach; or harassment between athletes and peers. Under such circumstances, the act also amounts to unlawful sexual harassment, which will be addressed and properly handled by HKGA.

3.3. Examples of Sexual Harassment

Acts of sexual harassment can be manifested in many forms, including acts targeting a particular individual or group of individual, and acts that create a sexually hostile environment without targeting any particular
individuals. Sexual harassment can involve physical, visual, verbal or non-verbal and online conduct of a sexual nature which is uninvited and unwelcome.

3.3.1 The following are some examples of sexual harassment acts:

(a) Repeated attempts to make a date, despite being told "NO" each time  
(b) Comments with sexual innuendoes and suggestive or insulting sounds  
(c) Relentless humour and jokes about sex or gender in general  
(d) Sexual propositions or other pressure for sex  
(e) Implied or overt threats for sex  
(f) Obscene gestures or inappropriate touching (e.g. patting, touching, kissing or pinching)  
(g) Persistent phone calls or letters asking for a personal sexual relationship  
(h) Displaying sexually obscene or suggestive photographs or literature  
(i) Sexual assault or forced sexual intercourse (rape)

4. Handling Sexual Harassment Complaints

A person who believes himself/herself to be a victim of sexual harassment should take action immediately. Every person has a right to lodge a complaint against sexual harassment. A party who witness sexual harassment should also report the incident.

4.1. Principles of handling sexual harassment complaints

4.1.1. Fairness: enquiries and complaints will be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated and both parties have chances to present their case.

4.1.2. Confidentiality: assurance will be given to persons concerned that all information and records related to a sexual harassment complaint will be kept confidential and only be disclosed to relevant persons on a need-to-know basis. Under the principle of natural justice, the alleged harasser will be informed about the details of the allegation.

4.1.3. Avoiding delay: complaints will be handled promptly because both the complainant and the alleged harasser are under pressure from the sexual harassment complaint case.

4.1.4. Transparent procedures: HKGA will incorporate the handling procedures related to sexual harassment complaints in their complaint policy/sexual harassment policy and make them known to the management, staff, coaches, members and other related persons in the organization. If a complaint involves minors, the relevant rules and disciplinary actions will also be made known to the person and his/her parents.
4.1.5. Protection for complainants and witnesses: complainants and witnesses will be protected against victimization, i.e. being treated less favourably, including being retaliated (which in itself is an unlawful act of discrimination under section 9 of the SDO) because of the complaint case.

4.1.6. Avoid conflict of interest: if the person who handles the enquiry / complaint case is closely related to the complainant or the alleged harasser (for instance, being relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, the case will be handled by another person.

4.1.7. Anonymous complaint: whether the complaints are anonymous or not, HKGA will make inquiries or to conduct investigation. If it is suspected that the victim of sexual harassment is a minor or a person with disability, the case will be handled more discreetly.

4.1.8. Handling cases discreetly: promise to show empathy to the feelings of complainants, for instance, avoiding asking the complainant to repeat his/her painful story again and again, respecting the complainant’s preference in appointing investigators of the same sex to conduct the interview, etc. in order to ensure that the complainant would not be unnecessarily further distressed or humiliated. Complaint cases will be handled discreetly so that the other related parties would not be unnecessarily distressed.

4.2. Mechanism for handling sexual harassment complaints

Once an act of sexual harassment occurred, any persons of the HKGA have the right to lodge a complaint. Both informal and formal complaint mechanisms for sexual harassment complaints are established as follows:

4.2.1. Informal Complaint Procedures

Informal complaint is suitable for handling minor or single incidents of sexual harassment, mainly focus on resolving the conflict and stopping the act of alleged sexual harassment as soon as possible. Investigation is not involved.

**Actions**
(1) The complainant reports the case to Chief Executive Officer (“CEO”).
(2) The designated person responds to the complainant with care and support.
(3) Discussed the situation with the alleged harasser.
(4) Provided advices to solve the problem.
(5) If problem solved, the designated person records the related case.

If the sexual harassment continues or the conflicts between complainants and alleged harasser cannot be resolved, a formal complaint will be lodged.
4.2.2 Formal Complaint Procedures

Formal complaint is for more serious or repetitive cases with investigation involvement. The CEO or his/her delegate can assist in the preparation of a written complaint (includes record of the incident with details). The interviews and the statements of both the complainant and the alleged harasser will be documented.

Actions
(1) Receipt of complaint.
(2) Formed an investigation committee.
(3) Interviewed and investigated both complaints and alleged harasser.
(4) Written report to Executive Committee (EC), decides whether further investigation is needed, and recommend appropriate actions.
(5) Informed the complainants and alleged harasser of the result.
(6) Disciplinary actions or/and other legal action to the harasser.

A flow chart on handling sexual harassment complaints is appended in the appendix 1 for reference.

4.3. Disciplinary Action

4.3.1 Sexual harassment will lead to disciplinary action and penalty, depending on the seriousness of the breach.

4.3.2 Disciplinary action could be included:

For minor case: (a) Written Warning

For serious case: (a) Made apologies statement;

(b) Removed from the HKGA;

(c) Reported to police or/and Equal Opportunity Commission, etc.

4.4. Measure to prevent sexual harassment

4.4.1 Promulgation of policy: The policy will be promulgated on website to all relevant persons of the organization, consisting of employees, coaches, athletes in order to enhance their awareness of sexual harassment, and ensure all persons can have access to the policy any time.

4.4.2 Regular Review: The sexual harassment policy shall be reviewed by the HKGA regularly with reference of the laws of Hong Kong and Equal Opportunities Commission every five years.

4.4.3 The sexual Conviction Record Check mechanism: The HKGA required all prospective employees and prospective coaches, regardless of men and women, who will engage in work relating to minors
and/or mentally incapacitated persons to apply for the Sexual Conviction Record Check (SCRC) to make sure they do not have any criminal conviction records in the specified list of sexual offences.

4.4.4. Development of Code of Ethics: The HKGA will develop Code of Ethics on Sexual harassment for all employees, referees, and coaches. The factors regarding prevention of sexual harassment will be included.

4.4.5. For enquiries or complaints regarding sexual harassment, please feel free to contact the CEO of HKGA at 2504-8659 or email to info@hkga.com.

Related Resources

- Equal Opportunities Commission: http://www.eoc.org.hk/
- Hong Kong Police Force: https://www.police.gov.hk/ppp_en/
- Sexual Conviction Record Check: https://www.police.gov.hk/ppp_en/11_useful_info/scrc.html
Flowchart on Handling Sexual Harassment Complaints (Formal Mechanism)

1. Investigation Committee (EC shall appoint Convenor and member, which may include Officers, external members or staff members and shall preferably consist of similar number if both genders)

2. Meetings will be arranged separately for the complainant and the complainee and an investigation report will be prepared to the Convenor

- Complainant / complainee may appeal to the Convenor

- Task Force appointed by the Convenor will handle the appeal (members may include Officers, external members or staff members and shall preferably consist of similar number if both genders)

- Task Force to report the Final decision to the Convenor

- The complaint does not constitute sexual harassment
  - Convenor to report the case to EC
  - Inform the complainant and the complainee of the result

- The complaint constitutes sexual harassment
  - Convenor to report the case to EC and to recommend appropriate actions
  - Inform the complainant and the complainee of the result
  - Disciplinary measures / other appropriate actions