

Prevention of Sexual Harassment Policy and Guidelines of Youth Global Network

(This policy and guidelines are part of the "Guidelines for the Prevention of Discrimination and Harassment of Youth Global Network" and the supporting implementation information related to sexual harassment)

1. Principle

The Prevention of Sexual Harassment Policy and Guidelines are developed to lay down the commitment and execution mechanism of Youth Global Network Limited (hereinafter referred to as "YGN") to the handling and prevention of sexual harassment under the Sex Discrimination Ordinance (Chapter 480 of the Laws of Hong Kong). The purpose is to enable all employees (including management personnel), freelancers, outsourced employees and volunteers (hereinafter referred to as "staff") of YGN, and all the participants and service users of activities organised by YGN, to work and use services in a protected, respectful and safe environment.

Principles of YGN for handling sexual harassment

- a. YGN is committed to eliminating and preventing sexual harassment. It will not tolerate any sexual harassment behavior and once an act of sexual harassment occurs, it will be dealt with promptly in accordance with relevant laws and internal guidelines. The rights of staff, activity participants and service users will be respected and equally treated, and no retaliation will be allowed.
- b. Under the Sex Discrimination Ordinance (hereinafter referred to as "SDO"), sexual harassment is discriminatory and unlawful. Sexual harassment may lead to disciplinary actions taken by YGN, entail civil liability and possible criminal consequences.
- c. Once an act of sexual harassment occurs, any YGN staff, activity participant or service user has a right to lodge a complaint. YGN will not tolerate those who commit sexual harassment.

2. Objectives and Responsibility of the organisation

YGN is a service community. We believe that everyone is created equal and unique by our Heavenly Father. We value living as a way of faith demonstration and believe in 'impacting life with a life well-lived'. As a youth serving organisation, we aim at providing a discrimination- and harassment-free environment for all our activities. As an employer, we take reasonable and practicable precautions to establish a work environment of

mutual respect and safety, where sexual harassment is warded off and prohibited.

The objectives of the sexual harassment policy and the responsibility of YGN are as follows:

- a. ensuring all YGN staff (including persons seeking to be employed by YGN), participants and service users of activities organised by YGN are able to work, participate in activities, or provide/have access to services in a safe and sexual harassment-free environment;
- b. communicating the relevant policy and channel for lodging complaints, as listed in the staff handbook and posted on the intranet and YGN website, to let all staff, activity participants and service users understand clearly. The responsible staff of Human Resources Department will also provide relevant information and training to new recruits to raise awareness.
- c. providing training for staff on a regular basis in order to raise their awareness on sexual harassment, to nurture character and value of respecting others;
- d. setting up channels for lodging complaints which are effective, sensitive to the feelings and needs of the complainants, for the complaint mechanism to be executed more effectively;
- e. handling complaints based on the principles of fairness, impartiality and confidentiality, and in a serious and discreet manner; at the same time, providing appropriate support and counseling according to the needs and wishes of the complainant and the alleged harasser (the two parties are collectively referred to as the “parties”).
- f. ensuring complainants will not be punished for lodging a complaint made in good faith.

3. Obligation and Responsibility of all staff of YGN

All YGN staff have the obligation and responsibility to prevent and eliminate sexual harassment, including respecting the will and feelings of others, refusing to tolerate any sexual harassment behavior, and supporting others to take reasonable steps to stop sexual harassment.

Any YGN staff can lodge a complaint with the person-in-charge of handling sexual harassment complaints if he/she has witnessed any acts of sexual harassment, including those committed by staff against activity participant or service user, or if he/she has been sexually harassed. Both the complainant and the witness(es) are protected under the SDO. If the staff witnesses/learns about sexual harassment, has communicated with the victim/the alleged harasser about the incident directly, relevant communications with significance should be properly recorded.

4. Definition of Sexual Harassment

Generic definition:

Sexual harassment means a person makes an unwelcome sexual contact with another person. The unwelcome harassment includes unwelcome sexual attention, unnecessary 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.

Legal definition:

Under the Sex Discrimination Ordinance (Chapter 480 of the Laws of Hong Kong), the legal definition of sexual harassment is:

(a) If any person

- (i) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, 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 that person 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.

Clarification of common myths:

- a. Regardless of gender: sexual harassment may occur to any person, regardless of gender; all provisions in the SDO and the organisation policy related to sexual harassment are applicable to both men and women as well as sexual harassment between persons of the same sex.
- b. 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.
- c. Single incident: A single incident may also amount to sexual harassment.
- d. Power relationship: Although 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., a volunteer harasses a staff or among staff. Under such circumstances, the act also amounts to unlawful sexual harassment, which will be addressed and properly handled by the organisation.
- e. Sexual harassment cases occur outside Hong Kong: Sexual harassment is applicable to any two parties under an employment relationship, or the two parties

work for the same organisation in Hong Kong; for sexual harassment occurs outside Hong Kong, if both parties are overseas for work, it is still subject to the regulation of SDO. In addition, if the sexual harassment incident is between the service provider and the user, and the incident occurs on a plane or ship registered in Hong Kong, even if the aircraft or vessel is outside Hong Kong at that time, the regulation of SDO still applies.

5. Examples of Sexual Harassment

Any unwelcome sexual language, movement, or physical contact can constitute sexual harassment. A work and learning environment that is offensive, hostile or intimidating in sexual nature can also constitute sexual harassment. Sexual harassment can occur through words, emails, letters or telephone calls. Sexual harassment does not have to be intended or intended for any particular object, and may be expressed or implied.

The following are examples of sexual harassment:

- a. Unwelcome sexual requests: for example, repeated attempts to make a date, despite being told "NO" each time, an eye-catching act of provocative and obscene movements, touching, grasping, or deliberately rubbing the body of another person;
- b. Unwelcome requests (wrong use of power) for the purpose of obtaining sexual benefits: for example, it is expressed or implied that if the other party cooperates in sexual acts or tolerates sexual requests, his or her career development and/or the opportunity to participate in an activity will be benefited;
- c. Unwelcome verbal, nonverbal or physical sexual behaviour: for example, constantly asking someone about their marital status or sexual life, inappropriate physical contact and inappropriate gaze or staring at someone's physical sex characteristics.
- d. Involving sexual acts that make the environment hostile or intimidating: for example, talking or sending through electronic communications about sex-related subjects or obscene speech, showing sexually indecent pictures or posters at a workplace or event venue;
- e. Compulsive behaviour: for example, intention to kiss or touch each other, sexual assault, rape, etc. Some of the acts involving sexual violence, such as indecent assault, rape, etc., are also criminal offences.

6. Rights of the victim and various actions to be taken

Staff, activity participants and service users have the right to complain about sexual harassment. In the event of sexual harassment, the victim can take the following actions:

- a. Speak up at the time. Tell the harasser that his/her act is unwelcome and must be stopped immediately.

- b. Keep a written record of the incidents, including the dates, time, location, witnesses and nature (what the harasser has said or done), and his/her own response.
- c. Tell someone he/she trusts and ask for emotional support and advice.
- d. Seek assistance and make complaints in accordance with the relevant policy and guidelines of YGN. (For details, please refer to section 8 of this policy and guidelines)
- e. The victim may enquire or complain to the Equal Opportunities Commission (hereinafter referred to as "EOC") for investigation or mediation; if the mediation is unsuccessful, the complainant may seek legal assistance from the EOC. Victims should be aware that a complaint with the EOC must be filed within 12 months after the incident; otherwise, the EOC may not accept the complaint unless there are sufficient reasons for the complaint to be delayed.

EOC Telephone: 25118211.

For other ways to check with or complain to the EOC, please refer to the EOC website:

<http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx>

- f. Consult a lawyer, report to the police (if criminal element is involved) or file a civil lawsuit against the harasser in the District Court. A civil claim must be filed within 24 months after the incident.

The complaint handling procedure of YGN does not affect the complainant's lodging complaints with the EOC, reporting to the police or filing a lawsuit in the District Court. If the complainant handles his or her complaints through the EOC or the law enforcement/judicial authorities, YGN will fully cooperate with the investigation.

7. Principles of handling Sexual Harassment complaints

- a. 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 cases.
- b. 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.
- c. Avoiding delay: complaints will be handled promptly because the sexual harassment incident is a stressor to both the complainant and the alleged harasser. The complaint will be processed within three months after confirming the complaint handling approach as requested by the complainant.
- d. Transparent procedures: YGN will incorporate the handling procedures related to sexual harassment complaints in the relevant policy and guideline and make them

known to the staff, activity participants and service users. If a complaint involves a minor or a mentally incapacitated person, the relevant rules and disciplinary actions will also be made known to the person's parent(s)/caregiver(s)/guardian(s).

- e. Protection for complainants, victims and witnesses: complainants, victims and witnesses will be protected against victimization, i.e. being treated less favourably, including being retaliated against (which in itself is an unlawful act of discrimination under section 9 of the SDO) because of the complaint case.
- f. Avoid conflict of interest: if the person who handles the enquiry / complaint case is closely related to the victim or the alleged harasser (for instance, relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, the case will be handled by another person.
- g. Anonymous complaint: YGN will make efforts to inspect anonymous complaints discreetly, especially those cases of suspected minors or mentally incapacitated persons being sexually harassed. (Please refer to the Attachment: Guidelines for Handling Sexual Harassment Complaint that Involve Minors and Mentally Incapacitated Adults.)
- h. Handling cases discreetly: showing empathy with the feelings of victims, for instance, avoiding asking the victim to repeat his/her painful story again and again, respecting the complainant's preference in asking to have investigators of designated gender conduct the interview, allowing victims to be accompanied by a YGN staff whom he/she trusts in compliance with the principle of confidentiality in order to ensure that the victim would not be unnecessarily further distressed or humiliated.

8. Mechanism for handling sexual harassment complaints

Complaint channel:

If someone thinks or suspects that he/she is sexually harassed or witnesses any sexual harassment, he/she should complain as soon as possible and make a "verbal" or "written" complaint to the responsible staff of Human Resources Department.

The channels for complaints are as follows:

Responsible Staff: Ms. Dawn Liew, Senior Human Resources Officer

Complaint hotline: 61152065

Contact Hours: Monday to Friday, 9 am to 6 pm (except public holidays)

Email: dh@ygn.org.hk

All complaint materials will be handled in confidence.

Sexual harassment may involve criminal offences at the same time, such as indecent

assault, distribution or display of indecent and obscene articles. As the police does not accept third-party reporting or filing, if necessary, the victim accompanied by a suitable family member or guardian(s) can report the incident to the nearest police station or go online to the electronic reporting center.

If necessary, YGN will also refer the case to the EOC at the victim's wishes.

Complaint Handling Mechanism:

When a complainant (who is the victim) lodges a complaint of being sexually harassed or suspected of being sexually harassed to YGN, the following procedures will be carried out:

- a. The responsible staff of Human Resources Department will contact the complainant as soon as possible (within three working days after receiving the complaint) to understand the case, record the complainant's "oral" or "written" complaint for filing, and explain the different handling approaches (mediation or investigation mechanism), provide support and relevant information. The complainant must sign the complaint record to confirm the content of the complaint (including the dates, time, location, what the alleged harasser has said and done and the complainant's response).
- b. If the complainant decides not to seek YGN's handling or does not want to pursue, YGN will not conduct mediation or investigation of the case, but will communicate with the responsible head of the relevant unit to enhance alertness and ensure that there is no sexual harassment. The complainant has to sign and confirm that YGN is not required to process his/her complaint. Within three months, if the complainant changes his/her mind and would like YGN to handle the complaint, YGN will handle at the complainant's wishes according to the complaint handling mechanism. The complainant will be responsible for the consequences in relation to delayed handling. If the complainant signs and confirms that YGN is not required to process his/ her complaint for more than three months before requesting YGN to handle the complaint again, YGN will not initiate any way of handling the case.

If the complainant is not the victim himself/herself, the responsible staff of Human Resources Department will contact the victim or communicate with the person in charge of the relevant unit within three working days after receiving the complaint according to the information provided by the complainant, and handle the complaint according to the wishes of the victim.

If a direct supervisor receives a complaint from a subordinate that believes or suspects of being sexually harassed, regardless of whether the victim needs YGN to handle, the

supervisor should contact the responsible staff of Human Resources Department within three working days to follow up. The responsible staff of Human Resources Department will contact the victim within three working days according to the information provided by the supervisor, and follow up in accordance with the complaint handling mechanism.

Kick-start complaint handling:

- c. If the complainant confirms to kick-start the complaint handling procedure, YGN requires the complainant to sign in writing, confirming that the content of the complaint recorded in the human resources file is the final version, and the handling approach (mediation or investigation). After receiving the written confirmation, YGN will set up a Complaint Handling Team to conduct comprehensive, impartial and confidential mediation and/or investigation actions.
- d. If the alleged harasser's rank is below the director's level, the convener of the Complaint Handling Team is the Director of Operations or a person appointed by the President of YGN; if the alleged harasser's rank is a director or above, the convener of the Complaint Handling Team is the vice chairman of the YGN Board of Directors or a person appointed by the chairman of the YGN Board of Directors. Once the convener has received the complaint, he/she will follow up immediately and set up a Complaint Handling Team of no fewer than three people. Suitable employees, pastors, or outside professionals as needed can be enlisted as the members of the team, but the members must not have any conflict of interest with the parties involved in the complaint. The Complaint Handling Team should also consist of members of roughly the same number of different genders.

Mediation Approach:

- e. If the complainant agrees to deal with it through mediation, the Complaint Handling Team will refer to the complaint records signed and confirmed by the complainant (including the dates, time, location, what the alleged harasser has said and done and the complainant's response) and handle the complaint. The Complaint Handling Team will interview the complainant if necessary to learn more about the situation. The alleged harasser will be informed of the complaint and have the opportunity to respond to the allegation. If the alleged harasser acknowledges that the complaint is valid, the Complaint Handling Team will point out the issue to the alleged harasser, request that the action be stopped, and reaffirm the YGN's policy of zero tolerance for sexual harassment.
- f. The Complaint Handling Team will assist, with the consent of both parties to mediate and either party may terminate the mediation with the other party at any time. The mediation should be completed within three months after YGN confirms the complainant's request to handle the complaint through mediation, but the Complaint

Handling Team may extend the time limit for mediation on reasonable grounds and with mutual consent. After the case is over, the responsible staff of the Human Resources Department will fill out the record form for archival records. Both parties need to sign to confirm that the archived records are accurate.

- g. If the conflict cannot be resolved through mediation within the time limit, or if either party decides to terminate the mediation, the complainant may continue to pursue the case via investigation approach. In this case, the complainant must notify the Complaint Handling Team in writing within ten working days after the termination of the mediation his/her decision to convert the complaint handling to the investigation approach.

Investigation Approach:

- h. If the complainant requests an investigation into the complaint, or if the parties fail to reach a mediation agreement, the Complaint Handling Team will conduct a comprehensive, impartial and confidential investigation.
- i. If the complaint is not first handled through mediation, the responsible staff of the Human Resources Department will submit the complaint records signed and confirmed by the complainant (including the dates, time, location, what the alleged harasser has said and done and the complainant's response) to the Complaint Handling Team for investigation. The Complaint Handling Team will meet with the complainant if necessary. The alleged harasser will be informed of the complaint and have the opportunity to respond to the allegation. If there is a witness, he/she will also be interviewed.
- j. If the victim or the alleged harasser is a minor or mentally incapacitated person, he/she is entitled to be accompanied by his/her parent(s)/caregiver(s)/guardian(s) to attend the relevant interview so as to safeguard his/her rights. In other situations, with the consent of the Complaint Handling Team, any person present at the interview may be accompanied by their supporting companion. The person concerned must make an oral or written request in advance and provide reasons for the person to be accompanied, the name of the accompanying person and relevant information to the Complaint Handling Team for consideration. The Complaint Handling Team can make a final decision on this request. The consideration of the Complaint Handling Team is based on ensuring that the investigation of the complaint can be carried out in a comprehensive, impartial and confidential manner. Therefore, if the companion comes from the mass media or has a conflict of interest, the Complaint Handling Team will reject the relevant accompanying request. If the companion is closely related to the person responsible for handling the complaints, such as relatives or affiliations, YGN will replace the relevant person to handle the complaint, or request the person to attend the interview to choose another

companion to avoid conflicts of interest. (For other examples of persons with conflicts of interest, please refer to section 7-f of this policy and guidelines). The attendees should keep the complaints and interviews confidential so as not to affect the people involved in the incident and the investigation.

- k. During the investigation, the interviews and the statements of the complainant, alleged harasser and witnesses will be documented.
- l. The Complaint Handling Team shall complete the investigation within three months after YGN confirms the complainant's request to handle the complaint through investigation. A written report will be prepared to give a written account of the investigation outcome, disciplinary actions (if any) and the considerations behind to both the complainant and the alleged harasser. The Complaint Handling Team may extend the time limit for investigations on reasonable grounds and with mutual consent.
- m. If one of the parties involved in the sexual harassment incident does not accept the investigation report, he/she may submit a response or comment to the convener of the Complaint Handling Team within ten working days. If the Complaint Handling Team receives a response or comment, the team will review the investigation report and notify their review result to the complainant and the alleged harasser in writing within ten working days.
- n. If one of the parties involved in the sexual harassment incident does not accept the review result made by the Complaint Handling Team, he/she may appeal to YGN Board of Directors within 10 working days via the Chairman of the YGN Board of Directors, providing detailed justification in writing. The YGN Board of Directors will generally decide whether to accept the appeal within ten working days for the following reasons:
 - i. appearance of new evidence not considered by the Complaint Handling Team;
and/or
 - ii. there are non-compliance issues in the handling of sexual harassment complaints.
- o. If YGN Board of Directors does not accept the appeal of the complainant or the alleged harasser, the board's decision is the final decision of YGN. If the Board of Directors decides to accept the appeal of the complainant or the alleged harasser, it will appoint an Appeal Panel (no fewer than three persons, without any conflict of interest with the parties in the incident and consisting of a roughly equal number of members of different genders) to complete the review within three months. Upon receipt of the report from the Appeal Panel, the YGN Board of Directors will report the results of the review to the complainant and the alleged harasser in writing within ten working days.

- p. YGN will act accordingly and/or discipline the persons concerned in accordance with the final recommendations of the Complaint Handling Team or the Appeal Panel.

9. Time bar for lodging a complaint

In the event of any sexual harassment, the victim should take action as soon as possible to allow the Complaint Handling Team to effectively conduct mediation or investigation. The victim is required to file a complaint within three months after the incident. If there is a reasonable cause for the late complaint, YGN will handle it as appropriate.

There are time limits for filing complaints with the EOC and filing civil lawsuits. If the sexual harassment victim intends to file a complaint with the EOC, it must be filed within 12 months after the incident; otherwise, the EOC may not accept the complaint unless there are sufficient reasons for the delay. If a civil lawsuit is to be filed in the District Court, it must be filed within 24 months after the incident; but for criminal cases, there is no time limit.

10. Disciplinary Actions

- a. After the investigation and handling by the Complaints Handling Team, if the complaint is substantiated, YGN will discipline the alleged harasser in different ways according to the scope of authority of the organisation and after evaluating the severity of the incident. In addition to apologizing to the victim, the disciplinary actions include verbal or written warning, counselling, transfer, request for separation or dismissal. The alleged harasser may be required to refrain from participating in YGN activities or taking the initiative to contact YGN staff, activity participants and service users even after leaving the company. If the alleged harasser is not an employee of YGN (volunteer or service user), he/she will be asked to stop participating in the work and activities of YGN.
- b. During the investigation, YGN will also consider suspending the alleged harasser. The complaint and its investigation outcome will be documented in the personnel file of the alleged harasser.
- c. If the incident involves a criminal offence, YGN will advise the victim to report the case to the police..
- d. If the complaint involves a minor or a mentally incapacitated person, YGN will make his/her parent(s)/caregiver(s)/guardian(s) aware of the rules and the disciplinary measures. If the alleged harasser is a minor or a mentally incapacitated person and the complaint is substantiated, YGN will let his/her parent(s)/caregiver(s)/guardian(s) be aware of the findings of the investigation, and YGN will ask the alleged harasser to stop participating in the work and activities of YGN.

- e. In the case of a malicious complaint or the provision of false information, YGN will take appropriate disciplinary action against the complainant after weighing the severity of the incident. The relevant complaint case will not be included in the alleged harasser's personnel file.

11. Measures to prevent sexual harassment

- a. Publication of policy: YGN will publicise its sexual harassment prevention policy and guidelines to all relevant persons in the organisation on a regular basis. The anti-sexual harassment policy will be distributed and explained to all new staff.
- b. Accessible information: The policy will be uploaded to the YGN's intranet and website so that all persons can have access to the policy at any time when necessary. Notices will also be prominently posted to inform all relevant persons of the policy, the way to get a copy of it, and the channels to lodge a complaint. All contract service providers and the groups or individuals we hire will also be informed that there is zero tolerance for any sexual harassment acts, and be provided with the relevant information.
- c. Regular review: YGN will review the relevant policies and measures on a yearly basis. On top of the regular reviews, YGN will review the policy and measures after the investigation of a complaint is completed to see if any revisions are needed to effectively prevent sexual harassment. Also after investigation, YGN will look at the workplace to understand if there are any unwritten ways in which the office operates which may breed a culture of sexually hostile workplace, and make changes to avoid potential problems.
- d. Regular training: YGN will send staff to participate in the training courses on prevention of sexual harassment by the EOC or third-party professional organisations. It will also invite the EOC to train and educate all employees about gender equality, respecting others and enhancing awareness on the prevention of sexual harassment. YGN will also arrange for relevant staff to receive training on how to handle sexual harassment complaints.
- e. Elimination of offensive articles or information: YGN will clear all articles that may possibly lead to sexual harassment and prevent any improper use of computer technology in the organisation, for example, via email, screen saver and internet, in order to prevent sexual harassment.
- f. Designated persons to implement the measures: To ensure proper implementation of the policy, employees of particular positions in the organisation are designated to implement specific measures for prevention of sexual harassment. The designated person will be arranged to participate in the training courses on prevention of sexual harassment by the EOC or third-party professional organisations to strengthen

- his/her relevant knowledge and skills.
- g. The Sexual Conviction Record Check mechanism: YGN will require all employees (including freelancers and outsourced employees), existing or newly recruited, regardless of gender, who will engage in work relating to minors and/or mentally incapacitated persons, to apply for a Sexual Conviction Record Check (SCRC) to show that they do not have any criminal conviction records in relation to the specified list of sexual offences. If volunteers are engaged in work relating to minors or mentally incapacitated persons, regardless of gender, YGN has the right to ask the volunteers to make an oath in the Home Affairs District Offices or via an authorized lawyer and submit the relevant oath to YGN for filing to confirm that they have no criminal conviction record in sexual offences.
 - h. Development of Code of Conduct: YGN also sets out an employee code of conduct, which also includes elements to prevent sexual harassment.

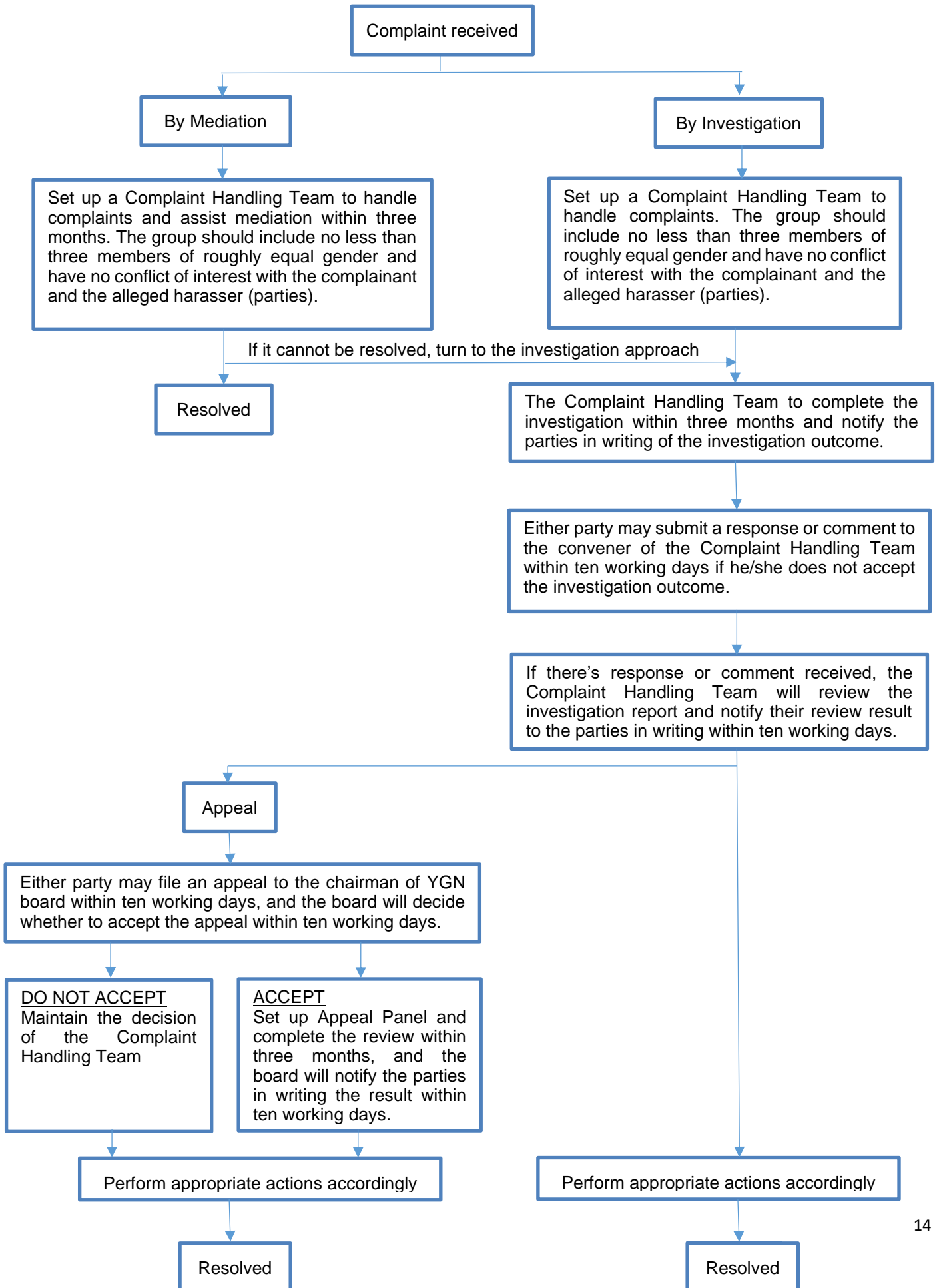
12. Related resources

- a. Guidelines for the Prevention of Discrimination and Harassment of Youth Global Network
- b. Chapter 480 of the Laws of Hong Kong - Sex Discrimination Ordinance, <https://www.elegislation.gov.hk/hk/cap480!zh-Hant-HK@2016-05-27T00:00:00>
- c. Equal Opportunities Commission www.eoc.org.hk.
 - i. Preventing sexual harassment
<http://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=preventing%20sexual%20harassment>
 - ii. Training courses offered by the EOC
<http://www.eoc.org.hk/eoc/graphicsfolder/training.aspx>

Effective date: June 29, 2020

Note: The Prevention of Sexual Harassment Policy and Guidelines has been translated into English. If there is any inconsistency or ambiguity between the Chinese version and the English version, the Chinese version shall prevail.

Sexual Harassment Complaint Handling Mechanism



Attachment: Guidelines for Handling Sexual Harassment Complaints that Involve Minors and Mentally Incapacitated Adults

1. Points to note in handling suspected sexual harassment incident
 - a. After the suspected sexual harassment incident is found, the relevant service unit/complaints handling staff must process and understand the situation, provide appropriate assistance and support to the suspected victim of sexual harassment (hereinafter referred to as “victim”) as soon as possible.
 - b. Explain to the person who discovered or the victim’s parent(s)/caregiver(s)/guardian(s) or the victim him/herself that the issues will be handled seriously.
 - c. If the person who discloses the sexual harassment incident is the victim him/herself, the complaints handling staff should listen to his/her description of the sexual harassment, appease his/her emotions, and explain to him/her clearly the follow-up actions that the complaints handling staff is going to take, e.g. case referral, and let the victim express his/her intentions to follow up.
 - d. If the person who discloses the sexual harassment incident is the victim him/herself, and requests that the incident to be kept confidential, the service unit/responsible complaints handling staff should explain that the organisation will handle all complaint materials with confidentiality, and will only disclose to the person in charge of the complaint.
 - e. If the person who discloses the sexual harassment incident is not the victim him/herself, he/she may also request that the incident to be kept confidential. The service unit/responsible complaints handling staff should explain that the organisation will handle all complaint materials with confidentiality, and will only disclose to the person in charge of the complaint.
 - f. If the staff who receives the suspected sexual harassment case is not the complaints handling staff, the case needs to be referred once basic information is sufficiently collected. Collection of details in sexual harassment incident should be avoided from multiple handlers other than the complaints handling staff in order to protect the victim from possible psychological traumas during the recollection of unpleasant memories.
 - g. When gathering information, avoid asking leading questions. For example, one should not ask “Are you sexually molested?” Instead, use the question “You look a bit sad. Why?”
 - h. Clear documentation on the sexual harassment incident with dated dialogues is required, which might potentially serve as evidence when the case is brought to Court.

- i. If criminal offence is involved in the suspected sexual harassment case, complaints handling staff should encourage the victim/his or her parent(s)/caregiver(s)/guardian(s) to file a police report.
 - j. It might be more advisable for the victim to accept help from the neighborhood or service provider he/she is familiar with. Complaints handling staff may refer him/her to those correspondents.
 - k. For guidelines concerning exemptions in collecting and gathering information, please refer to 'The Personal Data (Privacy) Ordinance' (59A, Chapter 486).
2. Points to note when the victim has communication difficulties
 - a. The victim may have communication difficulties in related to underage/ disability, complaints handling staff may ask if he/she has any trusted and known persons to assist in communication, including his/her parent(s) or caregiver(s) or guardian(s) or neighbour(s) or service provider(s) (excluding the alleged harasser). Complaints handling staffs should explain the principle of confidentiality to those who assist in communication.
 - b. The victim might have hearing impairment, and complaints handling staff may try use wordings, pictures and body languages to facilitate and verify the content. If the victim can communicate in sign language, interpretations should be provided from someone who is fluent in signing.
3. Points to note when the victim refuses professional intervention
 - a. The victim might refuse professional intervention and follow up for such reasons as being unfamiliar with the professionals, fearing change, being financially or emotionally dependent on the alleged harasser for everyday living, and mistaking professional involvement as prosecution of the alleged harasser.
 - b. The victim might refuse professional intervention for his or her own benefits. If the situation is not urgent, the complaints handling staff can approach the victim with a caring attitude so as to build the trust between the victim and the responsible staff and collect more information in order to formulate intervention strategies, but should avoid asking the victim to repeatedly describe the course of sexual harassment during interviews or visits.
 - c. Complaints handling staff shall be empathetic and understand the victim's worries and feelings, helping him/her to express and ease his/her worries and questions.
 - d. Complaints handling staff shall explain to the victim that intervention and follow-up of the incident does not necessary result in removing the victim from the program in which he/she is involved, nor prosecuting the alleged harasser. There are many possible ways to handle and assist the situation, and the ultimate goal is to eliminate the potential hazards for the victim.

- e. If the victim needs immediate service, such as supporting services in the community, complaints handling staff may do the referral. This may build up the victim's confidence towards professionals and motivate him/her to be more open towards professional intervention.
 - f. Complaints handling staff shall leave his/her phone number, contacts of social services and emergency hotline with the victim/his or her parent(s)/caregiver(s)/guardian(s) in time of need.
4. Points to note when the victim has mental/ psychiatric disorders
- a. The victim, due to different reasons, may have various types of mental/ psychiatric disorders, such as being unable to stay focused, engaging in self-talk, forgetting or getting confused about what he or she has said, failing to respond to general questions and being emotionally unstable. Complaints handling staff can use questions such as: "What is your name?" "Where are you?" "What is the year?", to assess if he/she has lost touch with reality.
 - b. Complaints handling staff can contact the parent(s)/caregiver(s)/guardian(s) of the victim and the agencies that provide him/her with services, inquire about more effective ways to communicate with the victim, and discuss whether his/her existing disorders have occurred for a long time or have occurred recently. However, when the responsible staff get a preliminary understanding of the situation, he/she should do his/her best to avoid directing the questions to the victim.
 - c. Complaints handling staff shall enquire the victim/his or her parent(s)/caregiver(s)/guardian(s) if the victim has received medical services. If yes, the complaints handling staff should encourage the victim/his or her parent(s)/caregiver(s)/guardian(s) to seek advice from the doctor.
 - d. When the victim shows signs of mental problem, complaints handling staff should explain to the victim/victim's parent(s)/caregiver(s)/guardian(s) about the referral system to clinical psychologists and decide if the corresponding referral actions will be taken.
5. Multi-professional cooperation and intervention case
- a. The victim, his or her parent(s)/caregiver(s)/guardian(s) and related persons may encounter professionals from different disciplines. In order for the victim to benefit from the intervention, close communications among different parties are crucial for effective cooperation:
 - i. Differentiating cases of sexual harassment
Identify and differentiate the needs of the victim and provide relevant information according to the professional support that he/she might need or benefit from.

ii. Referral

If necessary, after obtaining the consent of the victim and/or his or her parent(s)/caregiver(s)/guardian(s), referral can be made to relevant service unit.

iii. Multi-disciplinary case meeting

Multi-disciplinary case meeting can be set up with relevant professionals (including: social workers, medical staff and clinical psychologists etc.) to work together a welfare plan for the victim.

Note: The Guidelines for Handling Sexual Harassment Complaints that Involve Minors and Mentally Incapacitated Adults have been translated into English. If there is any inconsistency or ambiguity between the Chinese version and the English version, the Chinese version shall prevail.