



天主教教育事務處
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FROM : The Episcopal Delegate for Education for and on behalf of the
Catholic Diocese of Hong Kong (“**The Diocese**”)
TO : All staff of the Catholic Education Office (“**CEO**”)
DATE : 23 December 2024
SUBJECT : **Policy on the Prevention of Sexual Harassment**

1. The attached Policy on the Prevention of Sexual Harassment (“**The Policy**”)
was adopted by the CEO on 23 December 2024 and
 - 1.1. is issued and to be effective immediately;
 - 1.2. forms the basis on which the CEO will aspire and attempt to use
reasonable efforts to follow;
 - 1.3. forms the instruction to all Employees of the CEO;
 - 1.4. may form the basis for the appraisal of the performance of any Employee
and any other person over which the CEO may have the right to govern;
 - 1.5. does not form any representation or warranty that the CEO will be able to
carry it out effectively without the concerted efforts of all involved.
2. The Episcopal Delegate for Education, or with the help of the Assistants
concerned, should enforce The Policy and draw the attention of the Catholic
Education Office to the matters concerned.
3. All Employees (and any other person over which the CEO may have the right to
govern) should cooperate with the Episcopal Delegate for Education and the
Assistants in concerted efforts to achieve the matters stated in The Policy.
4. Apart from the CEO and its Employees, no person may rely on The Policy as
they are expressly excluded under the Contract (Rights of Third Parties)
Ordinance Cap. 623.
5. The Catholic Education Office will review the Policy regularly in response to
the changing times. It will also aspire and attempt to implement The Policy to
ensure a safe and comfortable work environment for all the Employees.

KUNG Kwong Pui, Joseph
Episcopal Delegate for Education

CATHOLIC EDUCATION OFFICE
POLICY ON THE PREVENTION OF SEXUAL HARASSMENT

(A) General

Pursuant to the Catholic education core values, namely Truth, Justice, Love, Life and Family, the CEO is committed to providing a work environment where all employees respect the will and feelings of others and can work together comfortably and productively, free from sexual harassment. Sexual harassment jeopardizes the working relationships and inflicts a devastating effect on the mental and physical health, confidence, morale and performance of those affected by it.

Sexual harassment in any form is an unacceptable behaviour for any staff of the CEO. The CEO reaffirms the principle that sexual harassment will not be tolerated and all staff are entitled to the right to be free from sexual harassment. Any employee can lodge a complaint if the employee witnessed any other employee committed any sexual harassment act or was sexually harassed. Sexual harassment can give rise to civil and criminal liability. Any behaviour resolved to be sexual harassment will result in appropriate disciplinary action.

(B) Objectives of the Policy

The objectives include but are not limited to the following:

- (1) to ensure all employees, partners and other persons who provide service to the CEO can work or offer services in a safe and sexually hostile-free environment;
- (2) to inform all employees of The Policy and measures for the prevention of sexual harassment;
- (3) to raise employees' awareness of the prevention of sexual harassment to nurture the right and proper value of respecting others;
- (4) to handle complaints on the principles of fairness, impartiality and confidentiality and in a serious and discreet manner; and
- (5) to ensure that nobody will be penalized for lodging a complaint in good faith.

(C) What Is Sexual Harassment?

According to Section 2(5) of the Sex Discrimination Ordinance (Chapter 480), the legal definition of "sexual harassment" includes the following situations:

- (1) the person
 - (a) makes unwelcome sexual advances or unwelcome requests for sexual favours to that person or
 - (b) 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
- (2) the person, alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for that person.

(D) Prohibited Behaviour

Prohibited behaviour includes unsolicited and unwelcome contact that has sexual overtones. This includes:

- (1) written contact, such as sexually suggestive or obscene letters, faxes, e-mail messages, instant messaging and voice-over-IP services such as WhatsApp messages, notes, and invitations;
- (2) verbal contact, such as sexually suggestive or obscene comments, questions, requests, threats, slurs, epithets, banter, jokes about gender-specific traits, sexual propositions, wolf-whistling;
- (3) physical contact, such as intentional touching, hugging, kissing, pinching, brushing against another's body, touching or fiddling with a person's clothing, impeding or blocking movement, assault, coercing sexual intercourse, and
- (4) visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines.

Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome – and using sexual behaviour to control, influence or affect the career, salary or work environment of any person or to interfere with the performance or affect the enjoyment of a staff member in his/her work environment.

A single incident can amount to harassment if sufficiently grave.

(E) Prevention of Sexual Harassment – Informal Complaint (Enquiries, Opinions, etc.)

- (1) It is entirely for an affected party of unwanted conduct amounting to sexual harassment to try to resolve the problem, if he/she so prefers, by explaining to the individual concerned that the behaviour is not welcome, that it offends or makes the affected party uncomfortable and that it interferes with his/her work/performance.
- (2) Anyone who has been subjected to harassing or bullying behaviour may seek confidential assistance from the Episcopal Delegate for Education or the Assistants concerned. If an informal approach is directed to an Assistant, the Assistant must also inform the Episcopal Delegate for Education of the matter.
- (3) An informal approach to the Episcopal Delegate for Education/an Assistant of the CEO will be treated as entirely confidential. The Episcopal Delegate for Education/Assistant receiving inquiries, opinions, or informal complaints should settle the matter within **14 working days** after receiving them. A written report must be filed with the CEO.
- (4) If the affected party prefers, where he/she finds it too difficult or embarrassing to take up the matter himself/herself, the Episcopal Delegate for Education/Assistant of the CEO will arrange an informal meeting between the affected party and the individual concerned or will, at the request of the affected party, approach the individual on

his/her behalf.

- (5) The informal complaint will not result in any formal internal investigation or disciplinary action but is intended to enable the affected party to resolve the matter himself/herself without going any further in the CEO.
- (6) The affected party may seek emotional support and advice from someone he/she trusts, such as his/her co-worker.
- (7) The affected party shall keep a record of the harassment incidents, including the dates, time, location, witnesses and his/her own response in case the informal complaint is escalated to a formal complaint.

(F) Prevention of Sexual Harassment – Formal Complaint

- (1) Where informal resolution is not appropriate or not requested or where the outcome has been unsatisfactory, then the victim may bring a formal complaint to the Episcopal Delegate for Education or the top brass.
- (2) All complaints will be thoroughly and expeditiously investigated according to the **CEO's Procedures for Handling Complaints**. The investigation will be conducted independently and objectively by a team designated to investigate the allegations. Wherever possible, investigations will be completed within **14 days** after receiving a complaint, not counting weekends or holidays. If the complaint is received during the holiday or the start of a holiday, the designated staff should inform the complainant that the matter will be resolved when the office resumes.
- (3) Investigations will be carried out with sensitivity and due respect for the rights of both the complainant and the alleged harasser.
- (4) The importance of confidentiality will be stressed to all those interviewed, and everyone involved will be strictly required not to discuss the complaint with colleagues, friends or peers. Breach of confidentiality may give rise to disciplinary action.
- (5) The investigation will focus on the facts of the complaint. Notes will be kept on all stages of the investigation. Parties will not be required to repeat distressing or embarrassing details more than necessary.
- (6) Wherever possible, consideration will be given to ensure that the complainant and the alleged harasser are not required to work together while the harasser is under investigation.
- (7) The complainant will be informed of the general investigation process and whether the complaint is justified, resulting in disciplinary action against the harasser.
- (8) The CEO will ensure that the complainant and any person assisting in investigating such a complaint are not in any way penalized, whether directly or indirectly, for lodging the complaint, and the situation will be monitored to ensure that the harassment has stopped. Any complaint of retaliation will be promptly investigated and penalized if established.
- (9) Even where a complaint is not justified, for example, where the evidence is inconclusive, consideration will be given to effecting arrangements that will enable the parties not to continue to work together against the wishes of either party.
- (10) Any complaint that is unfounded and not made in good faith, for example, a malicious complaint, will be treated as an offence liable to

disciplinary action.

- (11) Cases of suspected sexual harassment shall be handled discreetly. Whether the complaints are anonymous or not, an investigation may need to be conducted.
- (12) A complainant or an alleged harasser may appeal to the Episcopal Delegate for Education in writing in case he/she is not satisfied with the findings of the complaint investigation within **14 days** from the date of its reply.

(G) Disciplinary Measures

Any employees found to have violated this Policy shall be subject to appropriate disciplinary action, including warnings, suspension or summary dismissal, according to the findings of the complaint investigation. If any investigation reveals that sexual harassment has occurred, the harasser may also be held legally liable for his or her actions under the anti-discrimination laws or in separate legal actions.

(H) Measures for the Prevention of Sexual Harassment

The Policy shall be uploaded to the CEO's webpage for stakeholders' reference. The CEO shall take all reasonable steps to promulgate The Policy to all the staff on a regular basis and ensure all employees follow it to prevent sexual harassment. Details of all formal sexual harassment complaints will be collated by the Episcopal Delegate for Education.

The Policy will be reviewed regularly with a view to ensuring that every practical step has been taken to prevent sexual harassment and to monitor the effectiveness of the procedures for handling complaints. The CEO also welcomes suggestions for improvements to The Policy.

Reference

1. Preventing Sexual Harassment in the Workplace – Formulating Corporate Policy on Sexual Harassment (Equal Opportunities Commission)